TRPA
APC
PACKETS

JUNE
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 June 13, 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.

June 4, 2001

Juan Palma

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

June 13, 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. Adoption of the Tahoe Keys Marina Master Plan and Certification of the Related Master Plan Environmental Impact Statement (EIS) — Pg. 1

B. Amendments to Chapters 2, Definition of Affordable Housing; 33, Conversion Rules; 35, Substitution of Bonus Units, and Related Code Chapters to Promote Affordable Housing — Pg. 7

C. Amendment of Chapter 81, and Water Quality Subelement of TRPA Goals & Policies, to Allow an Exception to No New Wastewater Discharge Standards for Emergency Fire Protection — Pg. 13

D. Amendments to Chapter 28 and Related Chapters to Further Define the 100-year Floodplain — Pg. 23

E. Allocation of Special Project Tourist Accommodation Units — Pg. 33

VI. PLANNING MATTERS

A. Notice of Preparation (NOP) for the Tahoe City Marina Master Plan Environmental Impact Statement (EIS) Pg. 51

VII. Reports

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT

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MEMORANDUM

May 31, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Adoption of the Tahoe Keys Marina Master Plan and Certification of the Related Master Plan EIS

Proposed Action: The applicant, Tahoe Keys Marina, requests that the Advisory Planning Commission (APC) review both the Tahoe Keys Marina Master Plan Final EIS and the Tahoe Keys Marina Master Plan and, in two separate actions, recommend certification of the Final EIS and adoption of the Marina Master Plan to the Governing Board. The two documents were mailed to both the APC and Governing Board members no later than May 23, 2001.

Plan Description: The Tahoe Keys Marina contracted with Parsons-HBA to develop and draft the Master Plan. Listed as Master Plan Improvements in the document are:

- 150 additional boat slips
- 120 additional parking spaces
- 2800 square feet of additional commercial floor area
- 3000 square feet of additional indoor boat storage space
- Boat racks to accommodate 130 additional boats

Staff Recommendation: Staff believes the final EIS is adequate for certification. Staff recommends the Marina Master Plan for adoption with the inclusion of the Mitigation and Monitoring Plan developed as part of the Final EIS.

A separate TRPA project application is required for each proposed project component identified in the master plan.

Master Plan Requirements: The adopted TRPA environmental thresholds for recreation are encompassed in the following policy statements:

"It shall be the policy of the TRPA Governing Body in the development of the Regional Plan to preserve and enhance the high quality recreational experience, including preservation of high-quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses.

It shall also be the policy of the TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public."

Marinas can make an important contribution toward meeting the recreation threshold in ensuring that high quality recreational opportunities are available to the general public. A marina that is poorly designed, operated or maintained can detract from the community and be a source of negative environmental impacts, not to mention a safety hazard.

The goal of all parties concerned with marina planning and operation is that marinas make a positive contribution to the Lake Tahoe environment and community.

Section 54.12 of the TRPA Code of Ordinances outlines the development standards for Marinas in the Tahoe Region. Subsection 54.12.A states that applications for new marinas and major expansions of existing marinas shall include an EIS pursuant to Chapter 5 and a master plan pursuant to Chapter 16. At a minimum, the EIS shall assess potential impacts on beach erosion, prime fish habitat, water quality and clarity, and determine the public need for the project.

In 1990 TRPA adopted Marina Master Plan Guidelines. These guidelines state that any marina expansion of more than 10 slips or 10 buoys requires a TRPA approved master plan. Chapter 16 identifies master plan as a project oriented plan. Adoption of a master plan is an amendment to the Regional Plan, which has some very specific procedural requirements. The master plan, once adopted, becomes a supplement to the applicable plan area statement (PAS) or community plan (CP).

Background: The Tahoe Keys Marina submitted their Marina Master Plan application in late 1995. The first master plan steering committee meeting was held in January of 1996. After several delays a master plan document was submitted to TRPA, the City of South Lake Tahoe and the Steering Committee in June of 1998.

A third-party contract was negotiated in January 1999 with Brady-LSA to facilitate the environmental analysis of the master plan and draft the environmental document. On January 21, 1999 a public scoping meeting was held to gather public input and comments on the scope of issues that should be analyzed in the environmental document. The Notice of Preparation was initiated in February 1999. The Public Comment Period for the Draft EIS began on April 10, 2000 and ended June 8, 2000. During the 60-day comment period TRPA held two public hearings, one at the APC and the other at a Governing Board meeting.

All of the comments received at the public hearings and the written comments received have been incorporated and addressed in the Final EIS.

Required Findings: The following findings must be made prior to certification of the EIS (Article VII. d findings) and adopting the proposed Tahoe Keys Marina Master Plan (Chapter 6 Findings):

ARTICLE VII(d) Findings: The following findings with respect to an Environmental Impact Statement must be made prior to the certification of the Tahoe Keys Marina Master Plan EIS

1. Finding: With respect to the possibly significant effects on EARTH AND SOILS identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

   Rationale: Compliance with the TRPA Regional Plan and Code requirements relating to land coverage and soils disturbance will provide mitigation for soils impacts.

2. Finding: With respect to the possibly significant effects on HYDROLOGY AND WATER QUALITY identified in the EIS, changes or alteration have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

   Rationale: Compliance with the TRPA Regional Plan and Code requirements, as well as the Lahontan Regional Water Quality Control Board requirements, relating to water quality will provide mitigation for water quality impacts. A final design of the water quality improvements that complies with the applicable water quality requirements will be developed when the construction documents are prepared. In the Final EIS/EIR the types of treatment, method of infiltration, and standards to be met were identified.

3. Finding: With respect to the significant and possibly significant effects on AIR QUALITY identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

   Rationale: The identified air quality impacts associated with the project are either not significant to begin with or are mitigated to a less than significant level as demonstrated in the Final EIS/EIR. The project itself is consistent with the 1992 Regional Transportation Plan and the 2000 Federal Transportation Plan for the Tahoe Region.

4. Finding: With respect to the significant and possibly significant effect on TRANSPORTATION identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The Final EIS/EIR includes mitigations that reduce the significant impacts to transportation to a less than significant level. The analysis in the Final EIS/EIR is for the peak hour and the mitigations address the peaking situations. It is consistent with the TRPA Compact to reduce dependency on the private automobile.

5. Finding: With respect to the possibly significant effects on VEGETATION, WILDLIFE, AND FISHERIES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: There are no significant impacts with respect to vegetation, wildlife, and fisheries once mitigation is applied as identified in the Final EIS/EIR.

6. Finding: With respect to the possibly significant effects on NOISE identified in the EIS, changes or alteration have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: Compliance with the TRPA Regional Plan and Code requirements relating to noise as well as the mitigations to potential noise impacts identified in the Final EIS/EIR will provide mitigation for noise impacts.

7. Finding: With respect to the possibly significant effects on RECREATION identified in the EIS, changes or alteration have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The impacts to recreation are mitigated to a less than significant level or are beneficial as presented in the Final EIS/EIR. There is a loss of open space as a result of project development; however, the loss is planned consistently with the recreational uses at the site. Greater public access to the waters of Lake Tahoe are provided through this master plan. The Tahoe Keys Marina Master Plan is a project that is include in the Environmental Improvement Program (#983).

8. Finding: With respect to the significant and possibly significant effects on SCENIC QUALITY identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The built elements of the master plan can neither be seen from the shoreline travel route nor any roadway travel route. There are no scenic resources or recreation/bike trails currently listed that would be affected by any element of the master plan. In Addition, mitigations have been listed, so that at such time the California Tahoe Conservancy Lower West Side property and /or the existing bike trail on Venice Ave. are added to the scenic recreation/bike trail list impacts are avoided or reduced to a less than significant level. There are no significant scenic impacts to the project once the mitigations identified in the Final EIS/EIR are applied. The project development includes landscaping as screening and will utilize earth-tone colors.

9. Finding: With respect to the significant and possibly significant effect on LIGHT AND GLARE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: No significant impacts to light and glare will occur after mitigation and the development requirements of the project are followed as identified in the Final EIS/EIR. All light fixtures will direct light downward as identified in the Final EIS/EIR.

10. Finding: With respect to the possibly significant effects on SAFETY AND RISK OF UPSET identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: There are no significant impacts with respect to safety and risk of upset identified in the Final EIS/EIR. The on land development requirements requiring a City of South Lake Tahoe Building permit will address any potential impacts and reduce them to a level that is less than significant. In addition, the Tahoe Keys Marina has an approved hazardous material spill contingency plan filed with the Lahontan Regional Water Quality Control Board.

Chapter 6 Findings: The following findings must be made prior to adopting a master plan that constitutes a Regional Plan Amendment.

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: The proposed master plan provides a long range planning tool for the orderly expansion of the Tahoe Keys Marin and provides a mitigation and monitoring plan to assure the accomplishment of environmental goals. All applications

received under this master plan must be reviewed for compliance with other Code provisions. All project applications received and approved must be within the scope of the master plan and meet all Regional Plan Standards.

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

   Rationale: All projects that are approved under this master Plan must make the finding that no threshold will be exceeded. Please refer to the VII.d findings above for the specific findings made within each threshold category.

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.

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

Staff and our EIS consultant will begin this item with a presentation and summary of the final document. If you should have any questions concerning this item, please call Coleen Shade at (775)588-4547 ext. 228 or by E-mail at coleens@trpa.org.

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MEMORANDUM

June 5, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to Chapters 2, Definition of Affordable Housing; 33, Conversion Rules; 35, Substitution of Bonus Units, and Related Code Chapters to Promote Affordable Housing

Proposed Action: TRPA Staff proposes to make amendments to the TRPA Code of Ordinances as follows:

1. Chapter 2, Definition of Affordable Housing;
2. Chapter 33, Sections 7.C, 7.D, and 7.E, Election of Conversion of Use
3. Chapter 35, Section 2.F, Bonus Unit Substitution

The propose modifications are described in the background section below.

Staff Recommendation: Staff recommends the Advisory Planning Commission hold a public hearing on these Code amendments and recommend adoption for the proposed amendments to the TRPA Governing Board.

The proposed amendments will be presented as three separate items with findings for one action. The following amendments (1 through 3) associated with the individual chapters to be amended, will be used to identify the individual amendments to the Code of Ordinances throughout this staff summary.

Background: These proposed Code amendments are being brought forward at the request of the TRPA Governing Board Local Government Committee. One of the tasks that this committee has undertaken since its formation last July is to look for opportunities to provide for more flexibility in TRPA's Code to promote the development of affordable housing, while at the same time not compromising TRPA's environmental goals.

To date this committee has brought forward an amendment to Chapter 14 to allow for the amendment of Community Plan boundaries for affordable housing; an amendment to Chapter 13 that differentiates between affordable and market rate when making Transit Oriented Design findings; an amendment of the Ski Run/ Stateline Community Plan boundary for affordable housing; and the addition of clarifying language to address impacts to housing within the Initial Environmental Checklist (IEC).

1. Chapter 2, Definition of Affordable Housing: TRPA's definition of affordable housing is set forth in Chapter 2 of the Code of Ordinances. This definition is important, as the term is referred to throughout the Code. For instance, affordable housing units may be developed with Bonus Units instead of allocations pursuant to TRPA Code Section 35 2.B(5).

At several of the committee meetings the GB Local Government Committee discussed the need to provide more clarity in the definition of affordable housing and make the definition specific to deed-restricted projects. There was a concern that non-deed-restricted residential units, currently renting at rates that people in low and very low income ranges can afford, are really market rate housing where rents can increase at any time. There was unanimous agreement among committee members that, if bonus units are to be allocated to an affordable project, those units should be deed-restricted.

The following is the proposed change to the existing affordable housing definition:

Affordable Housing: Residential housing **deed restricted to be used exclusively** for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). ~~which are designed and occupied in accordance with local, regional, state and federal standards for the assistance of households with such incomes~~. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published by the Department of Housing and Urban Development. **For multi-person dwellings, the affordable housing determination shall be made using each resident's income and not the collective income of the dwelling.**

2. Chapter 33, Sections 7.C, 7.D, and 7.E, Election of Conversion of Use: The purpose of these amendments is to provide additional flexibility to convert existing tourist accommodation units to multi-family or multi-persons residential units, provided the converted units are certified by the local jurisdiction as meeting the public health and safety standards for residential development.

Currently, the Code only allows the conversion of Tourist Accommodation Units (TAUs) to residential when the TAU's are transferred from sensitive lands (33.7.A) or if the conversion eliminates a non-conforming use (33.7.B). However, the Code does allow the conversion of TAUs to commercial when the project meets standards for new development (33.7.C) or is linked to an EIP project (33.7.D).

There had been an issue with creating an ability to convert to residential when the conversion rules were drafted in 1998. The thought was that there was no need for additional residential; specifically, there was no need for additional single family residential.

The available housing inventory for long-term rents in the Region has actually decreased due to increases in the second home and vacation rental markets. This, coupled with rising home costs in the Region, has created a lack of affordable housing. By providing flexibility within the conversion rules for multi-family or multi-persons residences we are attempting to provide incentives through the Code to provide housing for the who work in the Region.

The proposed new Code language is as follows:

33.7.C Uses Modified to Meet Development Standards for New Projects: Conversion of an existing residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use **or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences , not to include single**

family residential, may be permitted onsite or for transfer in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA standards applicable for a project proposed on an undeveloped project area, or;

33.7.D Uses Linked to an EIP Project: Conversion of residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use **or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences , not to include single family residential** may be permitted onsite or for transfer if the converted use is included as part of a project that has linked status pursuant to Chapter 31, Environmental Improvement Program.

New Section Draft Language

33.7.E Uses to Provide Deed Restricted Affordable Housing Projects: Conversion of exiting tourist accommodation units of use to residential may be permitted onsite if the converted units of use are used for deed restricted affordable housing, the converted units are certified by the local jurisdiction that they meet their public health and safety standards for residences, and the project area meets TRPA standards applicable for modifications on a developed project area.

3. Chapter 35, Section 2.F, Bonus Unit Substitution: At its April 2001 meeting, the Local Government Committee discussed the ability to substitute bonus units for existing development rights. The example that was used was an existing 20 unit apartment complex. The owner deed restricts the units as affordable, is assigned bonus units for each unit, and then transfers off the existing development rights to a multi-family project. Staff stated that they were of the opinion the Code would allow this activity today. However, the Code does not limit the transfer to just multi-family use.

The committee directed staff to bring back language that made it clear that substitution for bonus units is permissible for deed-restricted affordable units. Staff was also directed by the committee to draft language the would restrict the transfer of the exiting development rights to multi-family or multi-person projects and prohibit projects that received development rights in this manner from being subdivided. In addition, in order for the existing units to receive bonus units, a deed restriction would have to be recorded with TRPA that restricted the units to the affordable criteria and the units would have to be certified by the local jurisdiction as meeting the public health and safety standards for residences.

The following is the proposed language to add subsection 35.2.F to the Bonus Unit Incentive Program:

35.2.F Bonus Unit Substitution: Bonus units can be substituted for existing development rights on a unit for unit bases. Prior to the release of the bonus unit(s), the site must meet TRPA BMP standards, the local jurisdiction must inspect and certify that the unit meets their health and safety requirements for residences, a deed restriction must be recorded with TRPA and the local jurisdiction to the effect that the unit meets the affordable housing

definition and will be maintained as such, and the existing development rights are only transferable to multifamily or multi-person projects. Projects receiving existing development rights in this manner may not be subdivided at any time.

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

Chapter 6 Findings:

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

   Rationale: The proposed Code amendments provide clarity and some additional flexibility for affordable housing consistent with the Goals and Policies Housing Element and TRPA's residential bonus program. All applications received must be reviewed for compliance with other Code provisions. All projects approved under this new language must meet all Regional Plan standards.

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

   Rationale: All projects that are approved under this new Code language must make the finding that no threshold will be exceeded. In addition projects that take advantage of the new conversion rules or substitution rules must comply with BMP standards.

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.

Ordinance 87-8 Findings

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

Rationale: These amendments are limited to providing clarification to the definition of affordable housing, providing flexibility and incentives in the existing conversion rules to increase the residential housing stock in the areas of multi-family and multi-persons, and limit the transfers of existing development to non single-family residential projects when bonus units are substituted. When these Code amendments are applied to projects, all environmental standards must be met which includes mitigating any potential impacts to a less than significant level.

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: Staff proposes to make Finding d. Currently, the Code does not make the specific requirement that an affordable housing development has to be deed restricted to the affordability criteria if it is to receive bonus units. The amendment to Chapter 2 provides this requirement. In Chapter 33, the current rules allow the conversion of TAUs to commercial when you bring the site up to development standards for new construction or link it to an EIP project. Conversions from TAUs to residential is not allowed under these two situations currently. The new amendments would allow the conversion to residential uses except for single family. In addition, to provide an additional incentive for deed restricted affordable projects the conversion of TAUs on site to residential can take place if the project meets development standards for modification projects and the conversion only occurs on site. The third chapter to be amended is Chapter 35. The new subsection that is being added actually limits the opportunity to transfer off existing development rights to multi-family or multi-persons projects if bonus units are being used as the substitute for the existing units. In addition, the project that uses the existing development rights may never subdivide. The current code does not have these limitations and safeguards.

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 there are any questions regarding this agenda item, please contact Coleen Shade at (775) 588-4547.

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MEMORANDUM

June 5, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 81, and Water Quality Subelement of TRPA Goals & Policies, to Allow an Exception to No New Wastewater Discharge Standards for Emergency Fire Protection

Proposed Action: TRPA staff proposes to amend Section 81.2.C of the TRPA Code with the addition of the specific Porter-Cologne exception reference and addition of subparagraph 81.2.C(4) (see Attachment A); and amend the Goals and Policies, Goal #1, Policy 1 (see Attachment B) in order to allow for catastrophic wildfire protection of the STPUD Luther Pass pump station by the use of recycled waste water.

Staff Recommendation: Staff recommends the Advisory Planning Commission review the proposed changes and recommend adoption to the TRPA Governing Board.

Background: There has been a prohibition of wastewater (sewage effluent) discharge in the laws of California and Nevada, and the Regional Plan. In September 2000, California Senate Bill No. 1522 was passed and signed into law, thereby amending the California Water Code (Porter-Cologne Act) and adding a specific exception to the wastewater discharge rules for the use of recycled wastewater for catastrophic wildfire protection of the STPUD Luther Pass pump station (see Attachment C).

In order to have the possibility of such emergency use of recycled wastewater to prevent destruction of the Luther Pass pump station, STPUD has submitted an engineering report to agencies and a Qualified Exempt Declaration to TRPA for the installation of a wastewater line and six hydrants along Grass Lake Road off of State Route 89. Homes along Grass Lake Road are on private wells, and the nearest domestic fresh water system and hydrant is on Portal Drive on the other side of the Upper Truckee River. The new pipeline could be installed under the STPUD MOU with TRPA as a Qualified Exempt activity, but the use of such a line to provide recycled wastewater for catastrophic fire protection of the Luther Pass pump station is currently prohibited as a new discharge of wastewater under the TRPA Code of Ordinances and Goals and Policies sections proposed for amendment. The 208 Plan incorporates the Goals and Policies page and, thus, does not require specific amendment relative to a minor exception to the wastewater discharge prohibition.

The recycled water line in question would connect to the STPUD Effluent Export A Line across from the Grass Lake Road intersection and be controlled by a special valve, which would be opened only for required line tests and under the required conditions of catastrophic wildfire protection of the pump station. The hydrants would be located adjacent to manholes in order to allow any test discharges to be made only to the sewer intake line. The area for potential recycled wastewater use is included on the accompanying map (see Attachment D).

LFB/dmc

Discussion: There is a low probability of the recycled wastewater line ever being used for catastrophic wildfire protection of the pump station, but amending the TRPA Code and Goals & Policies as outlined above would allow for such a potential use. California state law requires special training of Fire District and U.S. Forest Service fire crews. Both entities have stated reluctance to use recycled wastewater except as a last resort. The destruction of the Luther Pass pump station could result in the concentrated discharge of up to 1.5 million gallons (the capacity of tanks at the pump station), and drastically curtail operations of the STPUD sewage treatment plant since the capacity of the Emergency Retention Basin off Black Bart is only 7.5 days.

Findings: Prior to amending the Goals and Policies, and Code Chapter 81, TRPA must make the following findings.

Code Chapter 6 Findings.

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

   Rationale: The amendments to the Goals and Policies, and the Code will help protect water quality by reducing the threat of destruction of the Luther Pass pump station by catastrophic wildfire and a potential concentrated wastewater discharge resulting from such destruction.

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

   Rationale: The proposed Goals and Policies, and Code amendments will reduce the chance of a larger concentrated discharge of wastewater from the Luther Pass pump station and disruption of sewage export from the Tahoe Region.

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

   Rationale: While such a discharge cannot meet existing water quality Standards, the law passed to amend Porter-Cologne supersedes both the strictest California standards, and the Lahontan Basin Plan in the exceptional use instance as a last resort for catastrophic wildfire protection of the STPUD Luther Pass pump station.

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 Finding 1 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: This amendment has limited application and will only apply under exception, catastrophic conditions of wildfire threat. The use of said water is to prevent a more catastrophic discharge, therefore is consistent with the Compact and maintenance of threshold standards.

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: Staff proposes to make Finding e (2). If recycled wastewater or an acceptable alternative can not be used as a last resort to prevent the destruction of the STPUD Luther Pass pump station, the potential exists for concentrated discharge of up to 1.5 million gallons of wastewater and impairment of sewage treatment and effluent wastewater export from the Tahoe Region; such a situation poses an unacceptable impact on public health and safety, and water quality.

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 regarding this item please contact Larry Benoit, Senior Planner, Water Quality Program Manager at (775) 588-4547.

Attachments: A. Proposed changes to Code Chapter 81
B. Proposed changes to Goals and Policies
C. California Senate Bill No. 1522
D. Map of Proposed Recycled Waste Water Use Area

New language is underlined.

Chapter 81
WATER QUALITY CONTROL

81.2.C Prohibition of Wastewater Discharge: The discharge of domestic, municipal or industrial wastewater to Lake Tahoe, its tributaries, the groundwaters of the Tahoe Region, or the Truckee River within the Tahoe Region, is prohibited, except for existing discharges under alternative plans for wastewater disposal authorized by state law and approved by the state agency of appropriate jurisdiction~~.~~; and for catastrophic fire protection of the STPUD Luther Pass Pump Station detailed in subparagraph (4) below. California and Nevada prohibit waste water discharge through the enactment of the Porter-Cologne Act, and an Executive Order by the Governor of Nevada dated January 27, 1971.

(1) Holding Tanks And Other No Discharge Systems: To avoid a discharge of wastewater that is prohibited, holding tanks or other no discharge systems may be approved in the following instances:

(a) As a temporary measure associated with a temporary use, including but not limited to, sporting events, community events, and construction.

(b) As a permanent measure associated with remote public or private recreation sites, including but not limited to, trailheads, and undeveloped walk-in campgrounds, and summer home tracts where connection to a sewer system is not feasible or would create excessive adverse environmental impacts.

(2) To help prevent accidental releases of sewage, sewage collection and treatment districts including, but not limited to, the South Tahoe Public Utility District, the Tahoe City Public Utility District, the North Tahoe Public Utility District, the Incline Village General Improvement District, the Douglas County Sewer Improvement District, and the Tahoe Truckee Sanitation Agency, shall prepare and submit a report to TRPA within 120 days of a determination by the district that any unit treatment process, or major component of its collection system serving the Tahoe Region, has reached 85 percent of its design capacity. Such report shall identify what measures, if any, will be needed to accommodate projected population increases consistent with the Regional Plan, including capital improvements, operational changes, changes in discharge permits, and changes in financial programs.

(3) In conjunction with TRPA project approvals for agencies which collect or transport sewage, including but not limited to the South Tahoe Public Utility District, the Tahoe City Public Utility District, the North Tahoe Public Utility District, the Incline Village General Improvement District, the Douglas County Sewer Improvement District, and the Tahoe Truckee Sanitation Agency, TRPA shall require that such agencies shall have in place and shall vigorously implement plans for detecting and correcting sewage exfiltration problems in their collection and transport facilities.

(4) Recycled Wastewater Use for Catastrophic Fire Protection of the STPUD Luther Pass Pump Station: This exception allows for the use of recycled STPUD export line wastewater, as a last resort to protect the Luther Pass Pump Station from destruction, under catastrophic wildfire and all other conditions specified under Section 13952.1 of the California Water Code (September 2000). Such condition of catastrophic wildfire and authorization for recycled wastewater use to prevent the imminent destruction of the STPUD Luther Pass Pump Station shall be made and certified by the fire incident commander and reported to the TRPA Emergency Response Coordinator.

New language is underlined.

WATER QUALITY

GOAL #1

REDUCE LOADS OF SEDIMENT AND ALGAL NUTRIENTS TO LAKE TAHOE; MEET SEDIMENT AND NUTRIENT OBJECTIVES FOR TRIBUTARY STREAMS, SURFACE RUNOFF, AND SUB-SURFACE RUNOFF, AND RESTORE 80 PERCENT OF THE DISTURBED LANDS.

The most important water quality trend in Lake Tahoe involves algal productivity and clarity of the pelagic (open water) zone. Over the fifteen-year period of record, algal productivity in this zone has increased 100 percent, and clarity has decreased 15 percent. Increased algal productivity, caused by an imbalance in Lake Tahoe's nutrient budget, is one of the primary reasons for the decrease in clarity.

Another important trend involves the quality of the Lake's littoral Goal #1, Policy 2 (nearshore) waters. The quality of the littoral zone is important because these waters are the most vulnerable to aesthetic degradation and most visible to those who enjoy the lake. Data show that water quality tends to be worse in areas adjacent to development and especially in relatively shallow bays and shelves. Tributary, surface runoff, and groundwater quality also display the negative impacts of development of the watershed.

POLICIES

1. **DISCHARGE OF MUNICIPAL OR INDUSTRIAL WASTEWATER TO LAKE TAHOE, ITS TRIBUTARIES, OR THE GROUNDWATERS OF THE TAHOE REGION IS PROHIBITED, EXCEPT FOR EXISTING DEVELOPMENT OPERATING UNDER APPROVED ALTERNATIVE PLANS FOR WASTEWATER DISPOSAL~~.~~, AND CATASTROPHIC WILDFIRE PROTECTION TO PREVENT THE IMMINENT DESTRUCTION OF THE STPUD LUTHER PASS PUMP STATION.**

   This policy states a fundamental premise of water quality protection at Lake Tahoe, that the lake cannot accept municipal or industrial waste waters and meet adopted thresholds and State water quality standards.

Senate Bill No. 1522

CHAPTER 391

An act to add Section 13952.1 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 8, 2000. Filed with Secretary of State September 11, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1522, Leslie. Recycled water: Lake Tahoe Basin.

The Porter-Cologne Water Quality Control Act contains special water quality provisions governing waste disposal in the Lake Tahoe Basin, including the requirement to transport prescribed sewage effluent outside that basin, except as specified.

This bill would authorize the South Tahoe Public Utility District to provide recycled water only to prevent the destruction of its Luther Pass recycled water pump station from a catastrophic fire, as defined, if certain requirements are met.

The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 13952.1 is added to the Water Code, to read:

13952.1. (a) Notwithstanding Section 13951, the South Tahoe Public Utility District may provide recycled water only to prevent the destruction of its Luther Pass recycled water pump station from a catastrophic fire if all of the following conditions are met:

(1) The district submits an engineering report to the Lahontan Regional Board and the State Department of Health Services, as required by that regional board and that department.

(2) The Lahontan Regional Board, the State Department of Health Services, and the Tahoe Regional Planning Agency authorize the use of recycled water, and the specified area or areas in the immediate vicinity of the pump station where that recycled water may be used, only to prevent the destruction of the district's Luther Pass recycled water pump station from a catastrophic fire.

(3) The fire incident commander authorizes the use of the recycled water to prevent the destruction of the district's Luther Pass recycled water pump station from a catastrophic fire, as authorized pursuant to this section.

(b) For purposes of this section, "catastrophic fire" means a condition exists that will result in severe harm to life, property, and the environment if the use of recycled water as authorized pursuant

to this section is not used, and all other methods to extinguish the fire have been exhausted.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the recycled water export requirements to which the South Tahoe Public Utility District is subject.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent the possible destruction of the Luther Pass recycled water pump facility from a catastrophic fire at the earliest possible time, it is necessary for this act to take effect immediately.

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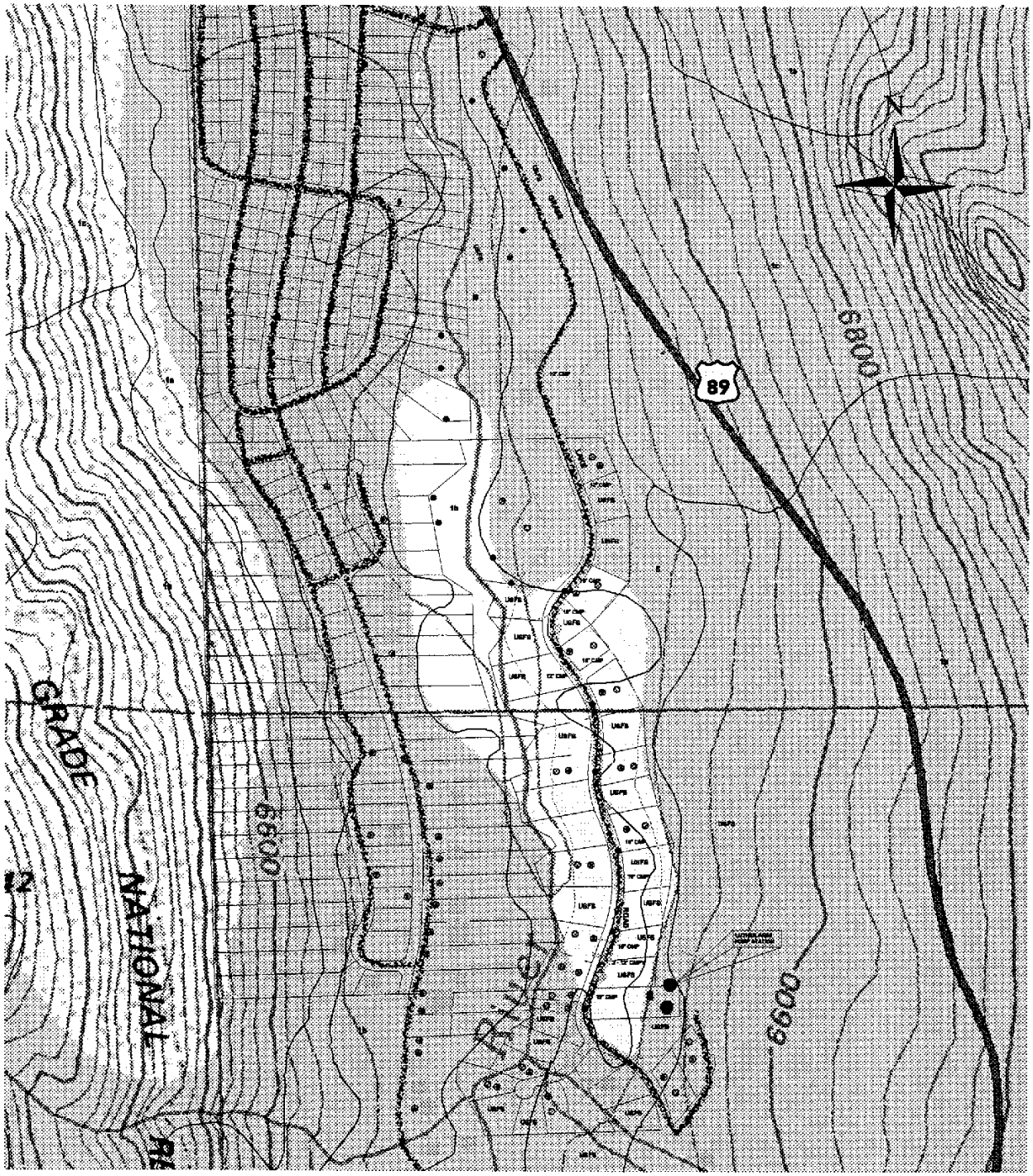

TRPA Land Capability *
1a : High Disturbance Hazard
1b : High Disturbance Hazard
1c : High Disturbance Hazard
2 : High Disturbance Hazard
3 : Moderate Disturbance Hazard
4 : Moderate Disturbance Hazard
5 : Low Disturbance Hazard
6 : Low Disturbance Hazard
7 : Low Disturbance Hazard

Grass Lake Road Hydrants
- Hydrants - Recycled Water
- Hydrants - Potable Water
- Sewer MH
- Sewer Pumps
- Private Wells
- Land Capability Type
- Recycled Water Use Area
- SWP

Sources of Information:
Development and Documentation of Spatial Data Bases for the Lake Tahoe Basin, California and Nevada 1994 *
South Tahoe Public Utility District Grid Maps 2000
El Dorado County Parcel Map Coverage
USGS Topo Map

Map Created by:
Wanda Stanley
Ivo Bergsohn
March 28, 2001

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MEMORANDUM

June 5, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to Chapter 28 and Related Chapters to Further Define the 100-year Floodplain

Proposed Action: At the direction of the TRPA Governing Board, staff proposes changes to Chapter 28, subsection 28.3.A, in an effort to permit more flexible and accurate methods of defining the 100-year Floodplain.

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

Background: TRPA has defined the Floodplain as the mapped limits of the intermediate regional flood as delineated by the Army Corp of Engineers (ACE), or the Federal Emergency Management Agency (FEMA) as depicted through their Federal Insurance Rate Maps (FIRM). TRPA has historically taken the position that when creek or river drainage has been mapped by both ACE and FEMA, the map that was employed during the planning process is the one considered to be the more inclusive. This definition potentially elevates inclusiveness over accuracy. In addition, if the map was an ACE map, limited opportunities exist for jurisdictions, project proponents, or property owners to initiate amendments to those maps based upon new information or more detailed methodology. Therefore, an effort was made to convene all affected parties and stakeholders in an effort to develop solutions to the problems associated with Floodplain mapping in the Tahoe Basin.

Because of these issues, in 1999, at the direction of the TRPA Governing Board, a resolution was passed establishing the Coordinated Interagency Floodplain Management Group (CIFMG). The fourth paragraph of the resolution directs TRPA staff to develop, through this group, "more efficient means of resolving the mapping conflicts", associated with the present published depictions of the floodplain that are in use and relied upon. Participants in the CIFMG process include FEMA, the Army Corp of Engineers, the USGS, the California Department of Water Resources (DWR), the California Tahoe Conservancy (CTC), Washoe and Placer Counties, as well as a host of interested private individuals. These meetings resulted in recommendations that require they be brought forward to the APC and GB.

ACE has the longest history of any federal agency in floodplain mapping and science. The Floodplain Management Services Program (FMSP) is the branch of ACE that is responsible for providing the services necessary for revising maps that are contested or warrant technical review. However, over time this program has demonstrated a limited

ability to respond to the quantity of requests generated from the Lake Tahoe Basin. In contrast, FEMA has an established program that is capable of responding to a variety of floodplain map revision/amendment requests.

Discussion: The focus of this discussion is an examination of the problems associated with using maps of variable age and accuracy, whether produced by FEMA or ACE.

One recommendation generated through the CIFMG process, is to craft a hierarchy of prescribed choices to help guide TRPA staff in determining which map to use when more than one source of information is available. When presented with the option of FEMA or ACE maps, staff recommends using the FEMA maps. When the choice is between a detailed floodplain study and an approximate floodplain study, the detailed study will be considered the better source of information. When two maps are available for a floodplain, representing the same level of detail, the most current and up-to-date one will be given the preference.

In stream drainages, where the only floodplain maps available are those provided by ACE, TRPA will continue to rely upon that source of information until further officially adopted delineations are submitted. However, the process outlined below will be available to all property owners regardless of the source, or status of the floodplain maps currently being relied upon in that locality.

In areas where no floodplain maps are available, and TRPA has reason to believe, by use of professional judgment, that a flood hazard exists, TRPA will require the limits of the100-year floodplain to be delineated by a study contractor (SC) who is a licensed professional engineer (PE). This floodplain delineation study can be done at the parcel scale, provided the SC follows the prescribed methods identified in FEMA's Code of Federal Regulations (CFR) 37. Once this study has been completed, both staff and another hydrologic PE, determined by TRPA, will review it for accuracy and methodical content. This method will create a product consistent with the requirements that FEMA has established in applying for a "Letter of Map Revision/Amendment" (LOMR/LOMA) or "Physical Map Revision" (PMR). In these circumstances, where there are no official delineations, FEMA is willing to receive and review the information with the potential for adopting it as the map of record. The FEMA process for map amendment/revision, depending upon complexity, can take time to resolve and complete. FEMA is obliged to respond to complete applications for single parcel LOMA/R's within 30 days. The response period for multi-parcel LOMA/R's is 90 days. The PMR amendment process is the most comprehensive course of action and, consequently, has no requirement regarding response time. TRPA will not assume the responsibility of delineating floodplains outside of the processes outlined above. Therefore, project applicants must plan for the time necessary to accommodate this potentially lengthy procedure.

A second problem discussed by the CIFMG, is the difficulty of overlaying floodplain maps onto Assessor Parcel Maps that are not geo-rectified. This is a particular problem in El Dorado County. However, there have been advanced discussions with Sierra Pacific who, along with TRPA, will work toward resolving this problem by 2003.

A final point of discussion was the scale of the maps produced, and the problems associated with using them for a purpose they were not necessarily designed to accommodate, (i.e., the project planning process). In the past, TRPA has more often relied on the ACE maps because they are produced at a scale of 1:400. However, an additional

reason to employ the FEMA maps is the flexibility of the scales in which they are produced. The 1:2000 scale FIRM panels are compatible to working map translations of 1:1000 and 1:500, which are also the preferred scales for digital map submittals. In addition, FEMA can photo enlarge 1:1000 maps into four 1:500 maps using the TEC 100 process. Lastly, if a community or jurisdiction has base topographical maps at a scale greater than the FEMA standards mentioned above, the SC could, with the approval of the regional FEMA office, choose to compile and produce maps at that scale.

Therefore, for all the reasons cited in this staff summary, TRPA advocates FEMA as the appropriate agency to rely upon as the primary source of information for floodplain mapping.

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 regarding the accurate depiction of the floodplain. 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.

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. Proposed Language Changes, Code Chapter 28.3.A Natural Hazard Standards, 100-year floodplain defined.

Chapter 28
NATURAL HAZARD STANDARDS

Chapter Contents

28.0 Purpose
28.1 Applicability
28.2 Avalanche and Mass Instability (Reserved)
28.3 Flood Plains
28.4 Wildfire (Reserved)

28.0 Purpose: This chapter sets forth regulations pertaining to recognition of natural hazards, prevention of damage to property, and protection of public health relating to such natural hazards. It implements provisions of the Goals and Policies and the Water It implements provisions of the Goals and Policies and the Water Quality Management Plan for the Lake Tahoe Region pertaining to avalanche and mass instability, flood plains, and wildfire.

28.1 Applicability: This chapter is applicable to: construction, reconstruction, or replacement of structures in identified avalanche or mass instability hazard areas; additional development in 100-year flood plains; maintenance of public utilities, transportation facilities, and other necessary public uses in 100-year flood plains; and, with respect to fire prevention techniques and measures, all lands within the Tahoe Region. The regulations regarding development within the 100-year flood plain shall not apply to the shorezone of Lake Tahoe, except where TRPA determines it is within the 100-year flood plain of a tributary stream. Development within the shorezone is regulated by the shorezone provisions of this Code.

28.2 Avalanche and Mass Instability [Reserved]

28.3 Flood Plains: To help prevent property damage and protect public health, TRPA shall review additional development in 100-year flood plains and regulate public utilities, transportation facilities, and other necessary public uses located in flood plains, according to the following standards and procedures:

~~28.3.A 100-Year Flood Plain Defined: The 100-year flood plain is defined as the limits of the intermediate Regional Flood where established for creeks by the U.S. Army Corps of Engineers; the limits of 100-year flood where established for creeks by the U.S. Army Corps of Engineers; the limits of the 100-year flood Insurance Program, Federal Emergency Management Agency; or, in areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not prepared 100-year flood plain maps and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year flood plain as determined by application of standard hydrologic data and methods (e.g., rational method, unit hydrograph, watershed cross-sections) applied by a competent professional and approved by TRPA.~~

28.3.A(1) The 100-year floodplain is defined as the limits of the 100-year Flood Insurance Program maps of the Federal Emergency Management Agency (FEMA) if such maps exist. If no qualifying maps exist, then the 100-year floodplain shall be defined by the limits of the intermediate Regional Flood or the 100-year floodplain maps as established by the Army Corp of Engineers (ACE) if such maps exist. If (1) no FEMA or ACE maps exist or (2) if existing maps are deemed to be inaccurate or (3) TRPA reasonably believes that an unmapped floodplain does exist, the limits of the 100-year floodplain will then be determined by a licensed professional engineer (PE) applying the standard hydrologic data and methods as outlined in "Flood Insurance Study, Guidelines and Specifications for Study Contractors" (FEMA 37). Upon submittal of the necessary 100-year floodplain delineation study, TRPA may at its discretion retain a licensed professional engineer (PE) to review and approve the content and methods of the study prior to adoption. The cost of this peer review will be the financial responsibility of the study applicant. The delineation study shall be submitted concurrently to FEMA for its evaluation and acceptance. TRPA will not accept any new delineation study until FEMA provides TRPA with a notification of acceptance.

28.3.A(2) Floodplain Definition: That portion of the river valley, adjacent to the channel, which is built of sediments deposited during the present geological / climatic regime. Based on statistically derived hydrologic recurrence intervals, a portion of the land adjacent to the watercourse experiences bank full overflow during flood stage episodes.

28.3.A(3) 100 year Flood-Recurrence Interval: The average time, expressed in years, between floods of particular volumes equal or greater than a specified magnitude derived and referenced to a specific location. A flood having a recurrence interval of 100 years has 1 chance in 100 or a 1% probability of happening in any given year.

28.3.B Prohibition of Additional Development, Grading, and Filling of Lands Within the 100-Year Flood Plain: Additional development, grading, and filling of lands within the 100-year flood plain is prohibited, except as follows:

(1) Public Outdoor Recreation Facilities: TRPA may permit additional public outdoor recreation facilities within the 100-year flood plain if TRPA finds that:

(a) The project is a necessary part of a public agency's long range plans for public outdoor recreation;

(b) The project is consistent with the Recreation Element of the Regional Plan;

(c) The project, by its very nature, must be sited in a flood plain and is in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and

Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988;

(d) There is no feasible alternative which would reduce the extent of encroachment in a flood plain; and

(e) The impacts on the flood plain are minimized.

(2) Public Service Facilities: TRPA may permit additional public service facilities within the 100-year flood plain if TRPA finds that:

(a) The project is necessary for public health, safety, or environmental protection;

(b) There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in a flood plain; and

(c) The impacts on the flood plain are minimized.

(3) Flood Plain Crossings: TRPA may permit projects to effect access across a 100-year flood plain to otherwise buildable sites if such projects comply with applicable development standards in Chapter 27 and if TRPA finds that:

(a) There is no reasonable alternative which avoids or reduces the extent of encroachment in the flood plain; and

(b) The impacts on the flood plain are minimized.

(4) Water Quality Control Facilities: TRPA may permit erosion control projects, habitat restoration project, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities within a 100 - year flood plain if TRPA finds that:

(a) The project, program, or facility is necessary for environmental protection;

(b) There is no reasonable alternative which reduces the extent of encroachment in the flood plain; and

(c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.

28.3.C Construction and Maintenance of Public Utilities, Transportation Facilities, and Other Necessary Public Uses Located in the 100-Year

Floor Plain: [Reserved]

28.4 Wildfire: [Reserved]

MEMORANDUM

May 29, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Staff Recommendation for Allocation of Tourist Accommodation Units for Special Projects

Proposed Action: Staff requests that the Advisory Planning Commission (APC) review the staff evaluation of one project applicant requesting an allocation of tourist accommodation units from the special projects pool and, if appropriate, recommend the allocation distribution as suggested by TRPA staff to the TRPA Governing Board.

Staff Recommendation: Staff recommends that 28 of the 100 tourist accommodations units set aside for special projects be distributed to the "Worldmark the Club @ Lake Tahoe (WCLT)."

Background: In March 1997 TRPA amended its Code of Ordinances to include provisions for the allocation of additional tourist accommodation units to special projects from the special projects allocation pool. The program goals promote major projects that result in the construction of threshold-related environmental improvements, promote transfer of development that results in substantial environmental benefits, and rehabilitate substandard development. The tourist accommodation unit pool for special projects consists of 100 units. Pursuant to subsection 33.4.A.3 transfers of existing units from sensitive lands that have been restored must match an allocation from the pool.

In December 2000, the Advisory Planning Commission reviewed, and the Governing Board adopted criteria for awarding the tourist accommodation units form the special projects pool. The adopted criteria were very similar to the criteria that was used to award commercial floor area allocations from the special projects pool on March of 1998. After adoption of the criteria by the Governing Board, a public notice of availability was published in two newspapers of general circulation in the Lake Tahoe Basin. As required by Chapter 33 of the TRPA Code of Ordinances, the public notice notified potential applicants that they had 90 days to submit to TRPA an application requesting an allocation from the special projects pool. In response to the public notification, only one application was received by TRPA. The application was submitted by the applicants of the WCLT and included a request to receive an allocation of 28 tourist accommodation units from the special project pool.

/pn
5/28/01

Projects that are constructed or have TRPA acknowledged permits may not submit their environmental improvements for credit. The WCLT project has been approved, however the permit has not been acknowledged.

Scoring: Based on the applicant's submittal addressing the criteria, TRPA staff scored the applicant's proposal. A minimum score of 75 (out of 100 possible) is required for a positive recommendation. Included as Exhibit A is a project description and scoring criteria evaluation prepared by the applicant. The scores discussed below represent staff's evaluation of the application materials and knowledge of the related projects. The scores were developed trough discussions among at least four TRPA staff members. The scoring criteria and respective scores are as follows:

1. Priority Groups: Maximum number of points available is 20.

All projects are required to implement an EIP project. Points will be given based on the importance of that project to TRPA and local government. Priority considers immediate needs and benefits, cost and magnitude of the project, relationship to community planning efforts, and project need for assistance. Priority A (20 points) would be the most sought after, Priority B (10 points) would be projects not scoring as well in the categories, or Priority C (5 points) would be EIP projects not relating to community planning efforts or being implemented through other processes.

The submitted project is a Priority A Environmental Improvement Project (EIP) and therefore a score of 20 is awarded for this category.

2. Cost and Contribution Considerations: Maximum number of points is 25.

A. Contribution of Applicant: Maximum number of points is 10. The amount of the applicant's contribution to the total EIP project will be considered. The higher the applicant's percentage, the higher the number of points assigned. One point will be assigned for each 10% increment.

Based on a total project cost of $5,993,000 and the applicant's contribution of $5,585,750, the applicant contributed 93% of the total EIP project cost. Therefore, a score of nine is awarded for this sub-category.

B. Total Cost of EIP Project: Maximum number of points available is 10. The total cost of the EIP project will be considered. The higher the project cost, the more points awarded. One point will be awarded for every one million dollars contributed.

The total cost for the EIP project is $5,993,000. Therefore, a score of five points is awarded for this sub-category.

C. EIP Cost as a Percent of Total Project Cost: Maximum number of points is 5. The total cost of the EIP project as a percent of the total project cost will be considered. One point will be assigned for each 20% increment.

The EIP project cost of $5,993,000 is 20% of the $28,693,000 total project cost and therefore one point is assigned for this subcategory.

The cumulative score for this category is 15 points.

3. Commitment Plan: Maximum number of points is 10.

The greater the assurances of EIP project completion, the higher the number of points assigned. This includes consideration of property acquisition, financing, grants, committed funding completed project applications and environmental documents.

Based on the completed permitting, land acquisition, initiation of demolition, and committed funding, ten points is awarded for this category.

4. Rehabilitation of Substandard Development: Maximum number of points is 10.

Rehabilitation of existing development, the use of disturbed sites or restoration of disturbed sites will score the highest.

All three of the sites associated with the proposed development, required affordable housing mitigation project, and the EIP project are existing disturbed sites. When considering the sites together, a majority of the area, but not all the site area is disturbed. Therefore, a score of seven is assigned to this category.

5. Public/Private Partnerships: Maximum number of points is 5.

Proposals that utilize a public/private partnership will be awarded points based on the amount of cooperation and the extent of the public benefit.

The Oliver Park General Improvement District, the Western Nevada HOME Consortium, Douglas County, the Nevada Division of State Lands, and the Nevada Department of Transportation are involved in the three associated projects. A public benefit will be realized through improved water quality, scenic quality and upgraded affordable housing units. Therefore, five points are awarded to this category.

6. Substantial Environmental Benefits: Maximum number of points is 15.
Substantial environmental benefits will be judged by the nine thresholds categories, the amount of threshold improvement, and the number of thresholds improved.

Threshold	Benefit			
	none	**minor** (1 pt.)	**significant** (2 – 5 pts.)	**major** (5 – 10 pts.)
Water Quality			5	
Soils/SEZ			5	
Air Quality	0*			

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5/28/01

Threshold	none	Benefit minor (1 pt.)	significant (2 – 5 pts.)	major (5 – 10 pts.)
Recreation	0**			
Scenic		1		
Fisheries	0			

Threshold	none	Benefit minor (1 pt.)	significant (2 – 5 pts.)	major (5 – 10 pts.)
Wildlife		1		
Noise			2	
Vegetation			5	

As indicated above, the EIP project will positively affect several of the thresholds. Although the table indicates the score for this category is 19, the maximum possible score is 15. Therefore, 15 points is awarded for this category.

* **No points were awarded for this category because the development that was removed is being banked for future use and not permanently retired. Therefore, it is assumed that the air quality impacts are being relocated and not eliminated.**

** **Staff does not agree with the applicants conclusion that there are benefits to the recreation threshold because none of the sites are considered a high quality undeveloped area which would be consistent with the Regional Plan goal.**

7. Other Substantial Environmental Benefits: Maximum number of points is 15. This is based on the evaluation of the environmental benefits of the proposed tourist accommodation project. Projects producing non-required benefits such as improved drainage treatment, improved public access, scenic improvements, affordable housing and restoration will score the highest.

	none	minor (1 pt.)	significant (2 – 5 pts.)	major (5 – 10 pts.)
Improved Drainage			5	
Public Access		1		
Scenic Improvements	0			
Affordable Housing		1		
Restoration	0			

The score for this category is seven.

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5/28/01

Conclusions: Staff recommends that based on a score of 79, the Round Hill Vacation Resorts project receive an allocation of 28 tourist accommodation units from the special projects pool.

Environmental Documentation: Environmental documentation is not required for this project. Environmental documentation was included with the establishment of the allocation system and was included with the original project approval for the Round Hill Vacation Resorts project.

If you should have any questions related to this matter, please contact Paul Nielsen at (775) 588-4547.

/pn
5/28/01

TAHOE REGIONAL PLANNING AGENCY

RESOLUTION ALLOCATING SPECIAL PROJECTS TOURIST ACCOMMODATION UNITS TO ELIGIBLE PROJECT PURSUANT TO CHAPTER 33 OF THE TRPA CODE OF ORDINANCES

RESOLUTION NO. 2001 - __

WHEREAS, Chapter 33 of the TRPA Code sets forth the methods and time schedules for assigning tourist accommodation unit allocations to special projects; and

WHEREAS, Chapter 33 also was enacted pursuant to Article V(g) of the Compact to codify and implement the requirement to insure attainment and maintenance of the thresholds; and

WHEREAS, Chapter 33 is designed to implement and coordinate the growth management provisions of the Regional Plan Package and provide guidance to the Governing Board during the ongoing implementation process; and

WHEREAS, Chapter 33 calls for completion and action on tourist accommodation projects that implement environmental improvement projects; and

WHEREAS, the Performance Review Committee completed the guidelines for the review of special project allocation requests; and

WHEREAS, the TRPA staff and Advisory Planning Commission have utilized the guidelines to review the applications and have made appropriate recommendations to the Governing Board; and

WHEREAS, if any of the tourist accommodation units are not utilized by the projects below, that the tourist accommodation units are returned to the allocation; and

WHEREAS, the project referenced below has received approval from TRPA on March 24, 1998; and

NOW, THEREFORE, BE IT RESOLVED THAT the Governing Board of the Tahoe Regional Planning Agency hereby assigns the following tourist accommodation unit allocation:

Project	Tourist Accommodation Units
World the Club @ Lake Tahoe	28

BE IT FUIRTHER RESOLVED THAT the Governing Board hereby declares that this assignment of initial allocation shall expire on March 24, 2002 pursuant to the project permit.

PASSES AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on June 27, 2001 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Dean Heller, Chairman
Tahoe Regional Planning Agency

EXHIBIT A

RECEIVED
MAY 16 2001
TAHOE REGIONAL
PLANNING AGENCY

ADDENDUM TO SPECIAL PROJECTS ALLOCATION APPLICATION
(TOURIST ACCOMMODATION UNITS)
Revised 5/13/01

EIP PROJECT

The Kahle Drive Storm Water Treatment/Stream Environment Zone Restoration is in part an Environmental Improvement Project (EIP) (APN 07-100-01/TRPA File No. 990217) which consists of removal of the dilapidated, 186 unit Lake Park Apartments located on Kahle Drive and restoration of the 4.27 acres to a functioning stream environment zone (SEZ). The project also includes construction of two urban storm water detention basins and a natural storm water treatment area. These storm water basins are consistent with the TRPA EIP program to treat urban storm water runoff from adjacent residential and commercial areas. The basins present the opportunity to capture and treat runoff from US Highway 50, the Douglas County Administration Center, a portion of the Oliver Park General Improvement District and other up-gradient areas for the section of the Highway that runs from Kingsbury Grade to Burke Creek.

The Kahle Drive site is located in the Burke Creek Watershed and was originally part of a much larger SEZ known as Rabe Meadow. Prior to construction of the apartments, the site was part of the "Sky Harbor" airstrip, which resulted in disturbance of the SEZ by the addition of fill material and relocation of Burke Creek. There is also an area of soil contaminated with elevator hydraulic fluid, which will be removed by the applicant under the guidance of State and County environmental authorities.

Restoration requires removing at least 5 to 8 feet of existing fill material (approx. 40,225 cubic yards) in order to return the site to its original topography. Stormwater runoff will be conveyed to the site through an existing and proposed underground storm drain system. Prior to entering the water quality basins, storm water will pass through a pretreatment vault removing grease, oil, and sediments. The water will then enter the site and be collected in two retention basins allowing additional sediments and contaminants to settle to the bottom. Treated surface water will then flow into the proposed SEZ area where biological activity will provide further treatment. This treated water will then be discharged into the Burke Creek System. Please see attached plans and detailed project description.

As a result of this project, 165,259 sq. ft. of land coverage and 186 units of use will be removed and transferred from this highly disturbed SEZ and the property will be restored resulting in substantial environmental benefits.

This project is both an Environmental Improvement Project (EIP) and considered mitigation for the conversion of 5 TAUs from the Lake Park Apartments, matched with

25 Round Hill Community Plan bonus units, and transferred to the Round Hill Vacation Resorts Project. This mitigation, pursuant to Chapter 35 of the TRPA Code, requires restoration of the site which includes the demolition of 2 apartment buildings, removal of the coverage, regrading, and reseeding. The EIP component of this project are those improvements proposed above and beyond this mitigation, and are elements associated with treating the upper watershed areas that will drain to the site and enhance the SEZ. Therefore, the EIP portion includes demolition of 3 additional apartment buildings, removal of the coverage, underground piping, two sediment basins, the water quality vault, and drop inlets with sediment capture. The proponent is also going beyond that which is required by sculpturing the ponds and as requested by Joe Pepi, TRPA, providing plants and trees which will serve as vertical wildlife habitat.

TOURIST ACCOMMODATION PROJECT

The Kahle Drive Storm Water Treatment/SEZ Restoration Project was approved by TRPA as a linked project with the Round Hill Vacation Resort Project (RHVR) on May 5, 1999 (TRPA File No. 990183). The RHVR project was approved by TRPA on March 29, 1999, as a 138-unit timeshare project (APN 05-230-11/TRPA File No. 980469). A revised application is pending to reduce the RHVR project to 110 units.

The RHVR project also incorporates additional environmental benefits as part of its project features. For example, aside from the required water quality Best Management Practices, the project is participating in the Round Hill Erosion Control Project by treating runoff from the Round Hill subdivision and will also construct drainage improvements on the Our Lady of Tahoe Catholic Church property. The applicant also proposes on-site facilities for the Coordinated Transit System (CTS) which will contribute to a reduction in the proposed vehicle trips, and finally, they will provide public access and parking spaces to the Round Hill Pines hiking trail.

AFFORDABLE HOUSING PROJECT

The Lake Vista Apartment Project is an affordable housing project, located at 129 Market Street, (APN 07-180-94/TRPA File No. 980865) and serves as mitigation for the loss of rental housing units arising from the removal of the Lake Park Apartments on Kahle Drive. This project will contribute to the recognized need of affordable housing in Douglas County, as set in the TRPA report entitled *Affordable Housing Needs Assessment-Final "Fair Share" Report.* Construction of this project will be accomplished through a combination of public and private funding, including use of the Western Nevada HOME Consortium funds. Phase 1 (24 units) is nearing completion and construction on Phase 2 is scheduled to commence this Spring.

Evaluation Criteria

1. Priority of EIP Project: Maximum number of points is 20.

The Kahle Drive Storm Water Treatment/Restoration Project is listed as project #10054 on the EIP Master List under the Water Quality Program and is therefore considered a priority A project.

2. Cost and Contribution Considerations: The maximum number of points for this section is 30.

A. Contribution by Applicant: Maximum number of points is 10.

The amount of the applicant's contribution toward the total EIP portion of the project is $5,585,750 which is 93%.

EIP project costs:

3/5 the purchase price of land and apartments	*$3,480,000**
Demolition of 3 buildings	*$570,000**
Excavation of fill	*$900,000*
Permitting and Design	*$250,000*
Restoration work (applicant contribution)	*$135,750*
Long term maintenance bond	*$250,000***
Subtotal (applicant's costs)	*$5,585,750*
Restoration work (State contribution)	*$407,250*
Total EIP project costs	*$5,993,000*

* *It is necessary to demolish only 2 out of the 5 Lake Park Apartments buildings to satisfy the mitigation requirements as per Chapter 35 of the TRPA Code of Ordinance. Therefore, the purchase price and demolition costs of these additional 3 buildings is above and beyond the required mitigation and would be included in the cost of the EIP portion of this project.*

** *Falcon Capital, LLC has established a maintenance agreement with the Oliver Park General Improvement District agreeing to pay the costs of maintenance of the improvements for 20 years. Falcon is required to establish a security account to guarantee this obligation.*

B. Total Cost of EIP Project: Maximum number of points is 10.

The total cost of the EIP Project is $5,993,000.

C. EIP Cost as a Percent of total project cost.

The EIP coasts are approximately 20% of the total project costs. The total proposal includes the following projects and costs:

Kahle Drive Storm Water Treatment/SEZ Restoration	*$8,693,000*
**Lake Vista Apartments*	*$5,000,000*
Round Hill Vacation Resorts	*$15,000,000*
Total project costs	*$28,693,000*

* *The proponent is required to build the Lake Vista Apartments as mitigation for the displacement of residents at the Lake Park Apartments on Kahle Drive.*

3. Commitment Plan: Maximum number of points is 10.

Kahle Drive EIP Project: A permit has been obtained and the applicant has removed three of the five apartment buildings from the site. Construction of the storm water treatment basins and restoration of the SEZ will begin after the remaining two buildings are demolished in Spring 2002 (after completion of the Lake Vista Apartments and issuance of the Certificate of Occupancy as per the TRPA permit #980865). The applicant has posted a bond with TRPA in the amount of approximately $250,000.00 to ensure completion of the project and has entered into a maintenance agreement with the Oliver Park General Improvement District for long-term maintenance of the storm water treatment facilities. The State of Nevada has approved the project for funding in the sum of $407,250.00. Fifty-one units of use and 76,432 square feet of land coverage have already been transferred off-site to the Round Hill Vacation Resorts Project and the appropriate deed restrictions have been recorded.

Round Hill Vacation Resorts Project: A permit has been obtained and the applicant is presently awaiting approval of a reduction of the project from 138 units to 110 units. Construction is scheduled to begin in Spring 2001 by Trendwest Resort, Inc.

Lake Vista Apartments: These apartments are mitigation for the displacement of residents at the Lake Park Apartments on Kahle Drive A permit for Phase 1 has been acknowledged and 70 % of the construction is complete. Phase 2 is scheduled to commence Spring of 2001. The property has been deed restricted to affordable housing use. The applicant has received Western Nevada Home Consortium funds and a Community Block Development Grant to assist in financing the project.

4. Rehabilitation of Substandard Development: Maximum number of points is 10.

The RHVR and Lake Vista projects will be developed on previously disturbed sites. The EIP portion of the project will remove 3 substandard buildings from a disturbed SEZ, which exceeds TRPA's coverage and density requirements, and will restore the site to its natural state with substantial water-quality improvements.

5. Public/Private Partnership: Maximum number of points is 5.

Public/private partnerships have been created between the applicant and the Oliver Park General Improvement District, the Western Nevada HOME Consortium, Douglas County, the Nevada Division of State Lands, and the Nevada Department of Transportation.

6. Substantial Environmental Beniefits. Maximum of 15 points.

Water Quality

This EIP project includes important features which will contribute substantially to the water quality thresholds by improving the management of storm water in the Burke Creek Watershed. These improvements will greatly enhance area wide water quality by demolishing the existing Lake Park Apartments, removing 5 to 8 feet of fill, restoring portions of the site to a functioning SEZ, and construction of storm water detention basins. The basins are designed to accept and improve urban storm water quality from the following sources (see TRPA file #990217):

- *An existing drainage pipe which runs parallel to Kahle Drive. This pipe carries storm water runoff primarily originating from Nevada State Route 207 (Kingsbury Grade) after it is conveyed through Kahle Park.*
- *The portion of Oliver Park General Improvement District located upslope of the project area, including, but not necessarily limited to Kahle Drive, Michele Dr., Faris Ct., Laura Dr., Irwin Dr., and Aynes Ct.*
- *U.S. Highway 50, generally from the intersection with Lake Village Drive to a point between the intersections of Kahle Drive and Kingsbury Grade.*

Soils/SEZ

Implementation of the Kahle Drive Storm Water Treatment/SEZ Restoration Project would result in a coverage reduction of 165,259 sq. ft., removal of 40,225 cubic ft. of fill material and restoration and soil stabilization of approximately 186,000 sq. ft. of SEZ soils.

Air Quality

Eliminating 3 buildings at the Lake Park Apartments on Kahle Drive for the EIP portion of this project, would result in a decrease in Vehicles Miles Traveled (VMTs) and therefore is a benefit to the Air Quality threshold. Using a trip generation rate of 6.47 for Apartment use provided in the TRPA Trip Table and an average trip length of 3.53 derived from the TRPA Regional Transportation Plan/Air Quality Plan. The VMT reduction calculations are as follows:

	Number of Units	*Daily Vehicle-Trips Per Unit*	*Average Trip Length (miles)*	*Daily VMT*
Eliminated units from 3 of the 5 buildings.	*111*	*6.47*	*3.53*	*2,535*

As indicated, elimination of 111 units from the Lake Park Apartments would create a peak-day decrease in VMT of 2,535. Compared with the basin-wide peak-day VMT figure of 1,735,079 the demolition of the Apartments would decrease basin-wide VMT by approximately 0.15 percent.

Recreation
This proposal will provide an increase in outdoor passive recreational space by providing opportunities for activities such as walking, and relaxing outdoors for residents from the adjacent residential areas.

Scenic
Along with the mitigation portion of the project, this project (the EIP portion includes the removal of 3 buildings) will enhance the visual quality of the area by removing the Lake Park Apartment and restoring the site to an open and natural state. Currently the Lake Park Apartments are visible when traveling southbound on Highway 50 and when looking westward. The redevelopment of this site as a series of detention basins and SEZ treatment area would embody many of the visual characteristics of the adjacent Rabe meadow. As discussed in the Round Hill Vacation Resorts/Lake Vista Apartments Environmental Assessment, this project will increase the Travel Route and Scenic Quality Ratings of Roadway Unit 30 by 4.5 percent.

Fisheries
N/A

Wildlife
This project area is currently developed with urban charactristics that offer no wildlife habitat. The elimination of the Lake Park Apartments, re-establishment of a functioning SEZ and the addition of aspens, cottonwood, and willows, will increase the quantity of riparian and vertical habitat available in the area, which provides habitat for the highest number and most diverse species of wildlife in the basin. This project implements Goal #1, Policy 2 of Habitats of Special Significance under the Wildlife Threshold. The management strategy of this threshold states:

A nondegradation standard shall apply to significant wildlife habitat consisting of deciduous trees, wetlands, and meadows while providing for opportunities to increase the acreage of such riparian associations.

Noise
The proponent should get credit for the removal of 3 out of 5 apartment buildings for the EIP portion of this project. Ambient noise levels on this parcel will be greatly reduced with removal of the Lake Park Apartments and restoration of the site to open space. Primary noise sources associated with this high density residential use are mechanical devices such as fans and heating systems, cars idling and parking, and people talking. Although existing noise levels have not been monitored, it is assumed

that removal of five apartments buildings from this site which exceeds present TRPA density requirements, will contribute to a reduction in this Plan Area's community noise equivalent levels (CNEL).

Vegetation
Existing vegetation at the Kahle site consists of a small amount of poorly maintained landscaping therefore, restoration of this site will provide an increase in plant diversity and wildlife habitat.

This project will result in the site changing from a situation of approximately 100% hard coverage, to 100 % vegetation, with the re-establishment of a functioning SEZ. In concert with the design, there will be three new vegetation zones across the project area. Within the water quality basin, vegetation species have been selected that are water tolerant. The area between the water quality basin and the SEZ will be an area of transition that will blend with the surrounding open space that will be established. The transition area will include elements of the Rabe Meadow habitat as well as the open forest habitat to the west.

7. Other Substantial Environmental Benefits: Maximum number of points is 15.

Tourist Accommodation Project
The Round Hill Vacation Resorts Tourist Accommodation project has incorporated the following features into its design which contribute substantial environmental benefits above and beyond those that are typically required.

- *Additional Drainage Treatment:*
  RHVR is cooperating with the Round Hill General Improvement District (RHGID) and Nevada State Lands on the RHGID Erosion Control Project to provide a longer treatment area for drainage originating in Round Hill subdivision. Drainage form the up-gradient subdivision passes through Round Hill Square to a culvert under US Hwy 50, drains onto an SEZ on the applicants property, then into a culvert underneath the adjacent church parking lot and a culvert under Elks Point Road, and finally empties onto Forest Service property. The applicant has agreed to modify and further enhance the on-site SEZ to accept this additional drainage and to upgrade the culverts on the church property and Elks Point Road.

  RHGID has completed the designs for this project and has been pre-approved for funds from the State of Nevada Tahoe Bond Act. Applications have not been submitted to TRPA at this time however, RHGID has been working closely with Larry Benoit on this project.

- *Public Access*
  The Round Hill Community Plan (CP) includes a hiking trail to Round Hill Pines as part of the CP conceptual trail system. The trail joins RHVR at the southwest corner of the parcel and continues onto the adjacent property of

Our Lady of Tahoe Catholic Church. The applicant has provided 5 on-site parking spaces for public use of this recreation resource.

- *Additional Air Quality Benefits*
  The applicant will participate in the South Shore Coordinated Transit Plan as an on call site. There is an area designated in the check-in building that will house the CTS computer for guest convenience. Participation in CTS will contribute to a reduction in proposed vehicle trips.

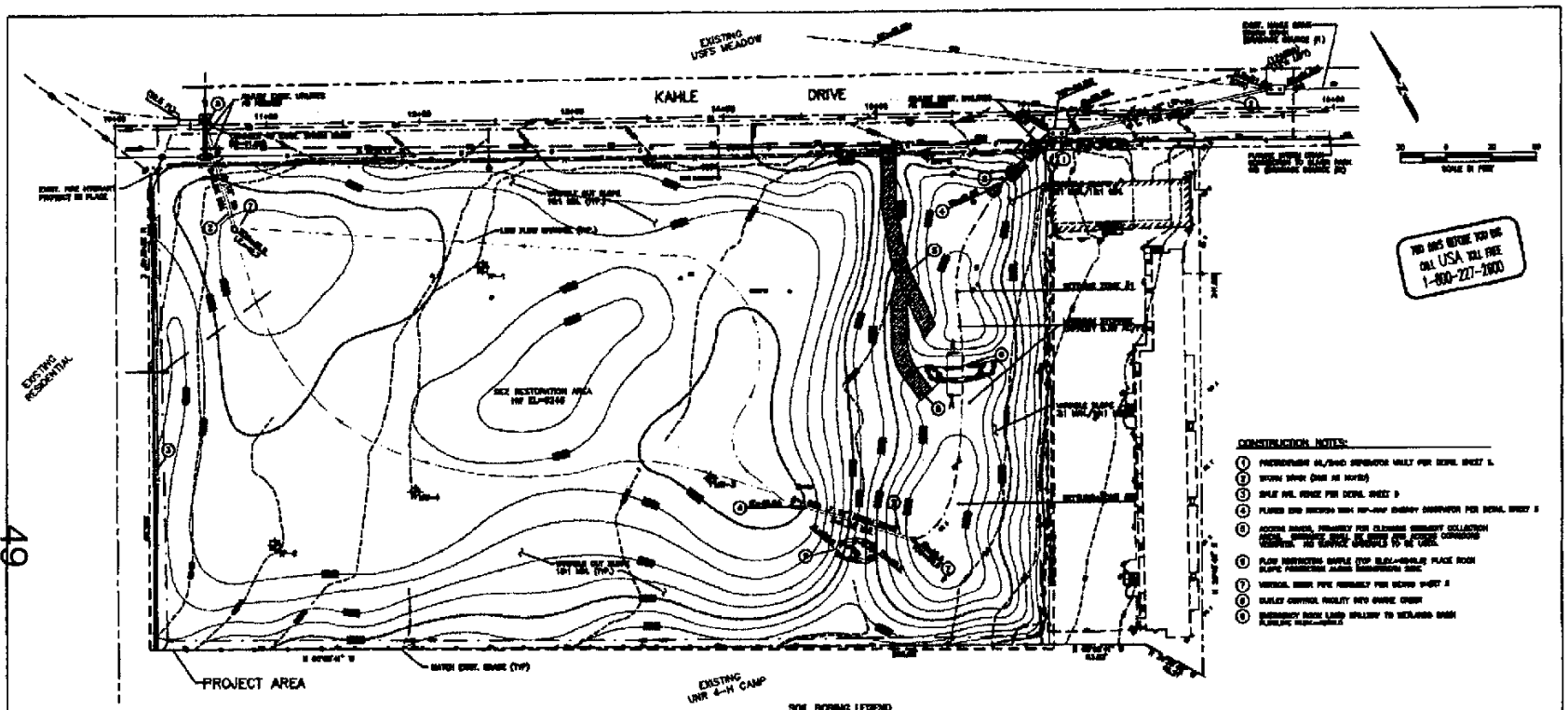
Affordable Housing Project

As mitigation for the displacement of residents on Kahle Drive, the applicant is building the Lake Vista Apartments, a 64 unit affordable housing complex, on a previously disturbed site on Market Street, off Kingsbury Grade. Twenty percent of these units will be available for rent at 50% of the prevailing median income in Douglas County. The other 80% will be available at 60% of the median income. The applicant has recorded a deed restriction against the property to restrict its use to affordable housing.

- *Additional Air Quality Benefits*
  The applicant will provide a CTS facility so that tenants will have convenient access to transit.

- *Additional Environmental Benefits*
  This project is being built on an existing highly disturbed, man modified site due to the addition of large boulders and fill material. Construction of this project includes removing those areas of fill and restoration back to original topography.

May-31-01 10:42A HLA Carson City 775 888 9994 P.02



CONSTRUCTION NOTES:

1. PRECIPITATOR MANHOLE VAULT PER DETAIL SHEET 5.
2. STORM DRAIN (SEE PLAN VIEWS)
3. SPLIT RAIL FENCE PER DETAIL SHEET 5
4. FLARED END SECTION WITH 90°-45° ENERGY DISSIPATOR PER DETAIL SHEET 5
5. ASPHALT BERMS, PRIMARILY FOR CLEANING EFFICIENT COLLECTION AND CONVEYANCE WITH ALL BERMS AND ASPHALT CONVEYING MATERIAL TO SURFACE GRADES TO BE USED.
6. FLOW RESTRICTOR BAFFLE (TOP ELEV.=6246.8) PLACE ROCK RIPRAP PROTECTION ALONG EMBANKMENT SIDE
7. VERTICAL RISER PIPE PRIMARILY PER DETAIL SHEET 5
8. OUTLET CONTROL FACILITY INTO CHANNEL CREEK
9. EMERGENCY SPLASH LAND SPILLWAY TO WETLANDS BASIN PLUNGE POOL=6246.8

SOIL BORING LEGEND

SB-1 SOIL BORING AND MONITORING WELLS (PER HYDRO-GEOLOGIC REPORT DATED MAY 23, 1995)

TP-1 TEST PIT LOCATIONS (PER HLA OCT. 30, 1996)

TEST PIT DATA

TEST PIT No.	DEPTH (FT)	SOIL DESCRIPTION
TP-1	0 TO 1.0	BLACK SILTY SAND (SM), LOOSE, MOIST TO WET (FILL) EMPTIED WATER FROM AT 3.0 FEET, GROUNDWATER SEEPING IN AT 5.0 FEET, DEPTH OF PIPE AT 5.5 FEET.
TP-1	1.0 TO 5.0	BLACK SILTY SAND (SM), LOOSE, WET
TP-1	0 TO 0.5	ASPHALT CONCRETE
TP-1	0.5 TO 2.5	BLACK POORLY GRADED SAND WITH SILT (SP) LOOSE TO MEDIUM DENSE, MOIST TO WET, (FILL)
TP-1	2.5 TO 5.5	BROWN SILTY SAND (SM), LOOSE, WET
TP-1	5.5 TO 6.5	BROWN POORLY GRADED SAND (SP), MEDIUM DENSE, WET, GROUNDWATER SEEPING IN AT 5.5 FEET

EXISTING LAND SURVEY PER (TURNER & ASSOCIATES)

LAND AREA:
169,078 SQ. FT. (4.27 ACRES)
NO NEW LAND COVERAGE PER CONSTRUCTION OF WATER QUALITY IMPROVEMENTS.

NOTES:

A. THE PROPERTY LINE DATA SHOWN HEREON IS FROM RECORD DATA AND DOES NOT REPRESENT A BOUNDARY SURVEY.

B. SITE RESTORATION SHALL BE PER THE SPECIFICATIONS.

C. ALL EXCAVATED MATERIAL FROM STORM WATER/SEZ RESTORATION SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH THE TRPA AND STATE REGULATIONS. ANY MATERIAL IDENTIFIED AS POSSIBLE HAZARDOUS WASTE SHALL BE DISPOSED OF PER STATE AND LOCAL REGULATIONS.

D. CONSTRUCTION STAGING SHALL BE LIMITED TO PREVIOUSLY DISTURBED AREAS AND SHALL NOT ENCROACH INTO ENVIRONMENTALLY SENSITIVE AREAS. ALL GRADING AREAS SHALL BE IN ACCORDANCE WITH THE TRPA REGULATIONS FOR BEST MANAGEMENT PRACTICES.

E. ALL EXISTING UTILITY LINES SERVICING THE PARCEL SHALL BE CAPPED AND/OR ABANDONED PER LOCAL AND STATE REGULATIONS PRIOR TO COMPLETION OF THE PROJECT.

F. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE DETERMINED AT THE TIME OF THE TRPA PRE-CONSTRUCTION MEETING AND SHALL BE IN ACCORDANCE WITH THE TRPA HANDBOOK OF BEST MANAGEMENT PRACTICES.

SECTION A-A

NO.	DATE	REVISIONS	BY	CHK

Harding Lawson Associates
Infrastructure, Inc.
Engineering, Planning & Construction Services

LAKE PARK APARTMENTS
APN 07-100-02
DOUGLAS COUNTY, NEVADA

KAHLE DRIVE
STORM WATER BASINS
SEZ RESTORATION PLAN

SHEET 2 OF 5

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

June 5, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Notice of Preparation (NOP) for the Tahoe City Marina Master Plan Environmental Impact Statement (EIS)

Proposed Action: No formal action is proposed for this item at this time. Staff is requesting comments on the scope and content (see attachment A) of the environmental document for the Tahoe City Marina – Marina Master Plan Environmental Impact Statement (EIS).

Background: Marinas provide a major means of public access to Lake Tahoe. Seeing the Tahoe Basin from the Lake gives the viewer a very different and revealing perspective and appreciation of the area than from any viewpoint on land. A marina that is poorly designed, operated or maintained can detract from the community and be a source of environmental impacts, not to mention a safety hazard.

The goal of all parties concerned with marina planning and operation is that marinas make a positive contribution to the Lake Tahoe environment and community. The environmental threshold for recreation is defined in the Recreation Element of the Goals and Policies and states, "*It shall be the policy of the TRPA Governing Body in the development of the Regional Plan to preserve and enhance the high quality recreational experience. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses*". In addition, the threshold also states that the "TRPA *Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public*".

Marinas can make an important contribution toward meeting the recreation threshold by ensuring that high quality recreational opportunities are available to the general public.

Section 54.12 of the TRPA Code of Ordinances outlines the development standards for Marinas in the Tahoe Region. Subsection 54.12.A states that applications for new marinas and major expansions of existing marinas shall include an EIS, pursuant to Chapter 5, and a Master Plan, pursuant to Chapter 16. At a minimum, the EIS shall assess potential impacts on beach erosion, prime fish habitat, water quality and clarity, and determine the public need for the project.

In 1990 TRPA adopted Marina Master Plan Guidelines. These guidelines state that any marina expansion of more than 10 slips or 10 buoys requires a TRPA-approved master

plan. Chapter 16 identifies the master plan as a project oriented plan. Adoption of a master plan is an amendment to the Regional Plan, which has some very specific procedural requirements. The master plan, once adopted, becomes a supplement to the applicable Plan Area Statement (PAS) or Community Plan (CP).

Proposed Tahoe City Marina Master Plan and Environmental Process
The Tahoe City Marina contracted with Design Workshop to develop and draft the Master Plan. Listed as Master Plan Improvements in the document are the following:

- 101 additional boat slips (removal of buoy field)
- Provide dock for public pedestrian access from land
- A new protected fueling facility
- Remodel and enlarge existing rental office to accommodate restrooms and information station
- 110 passenger tour boat operation
- Accommodate cross lake ferry
- Accommodate water-borne taxi service
- Additional Parking

The environmental document in which these improvements will be analyzed will be an Environmental Impact Statement (EIS)/Environmental Impact Report (EIR). TRPA will be the lead agency for the EIS and Placer County will be the lead agency for the EIR under CEQA.

A four party contract has been drafted between TRPA, Placer County, the Tahoe City Marina and the selected consultant, EDAW, to facilitate the environmental process and draft the EIS/EIR. On May 14, 2001 a public scoping meeting was held to gather public input and comments on the scope of issues that should be analyzed in the environmental document. As part of the environmental documentation process this Notice of Preparation (NOP) will begin on June 11, 2001 and close on July 11, 2001. The purpose of an NOP is to gather input from both public and private entities regarding issues and concerns that should be addressed in the environmental document.

If you have any questions or comments regarding this agenda item please call Coleen Shade at (775) 588-4547. If you wish to comment in writing, please send all comments to:

Coleen Shade
Long Range Planning Division
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove , NV 89448

or e-mail to:
coleens@trpa.org