

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m.** on **Wednesday, April 14, 2010** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

April 7, 2010

A handwritten signature in blue ink, appearing to read "Joanne S. Marchetta", with a long horizontal flourish extending to the right.

Joanne S. Marchetta  
Executive Director

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

TRPA  
128 Market Street  
Stateline, NV

April 14, 2010  
9:30 a.m.

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

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing items will be taken at the time those agenda items are heard.

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

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS
  - A. Recommendation of Amendments to TRPA Code Chapter 51 and Related Chapters, Prohibiting the Unauthorized Mooring of Vessels in Lake Tahoe [Page 1](#)
- VI. PLANNING MATTERS
  - A. Tahoe Science Program Briefing [Page 9](#)
  - B. Discussion on Regional Plan Update Transportation Milestone [Page 11](#)
- VII. REPORTS
  - A. Executive Director
  - B. General Counsel
  - C. APC Members
- VIII. ADJOURNMENT

**TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION**

TRPA  
Stateline, NV

March 10, 2010  
9:30 a.m.

**REGULAR MEETING MINUTES**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting called to order at 9:37 a.m.

Members present: Mr. Angelocci, Mr. Greene, Ms. Garcia, Mr. Plemel, Mr. Riley, Mr. Kuchnicki, Mr. McIntyre, Mr. Upton, Ms. Krause, Mr. Thompson, Mr. Tolhurst, Mr. LeFevre, Ms. Merchant, Mr. Jepsen, Ms. McMahan, Mr. Smith, Mr. Donohue

Members absent: Mr. Goldberg, Ms. Kemper, Mr. Loftis, Mr. Maurer

Mr. McIntyre left at 12:20 p.m.

Mr. Riley, Ms. Garcia, Mr. Donohue and Mr. Kuchnicki left at 3:00 p.m.

II. APPROVAL OF AGENDA

Agenda was approved unanimously.

III. PUBLIC INTEREST COMMENTS

None

IV. DISPOSITION OF MINUTES

Minutes were approved as amended.

V. PUBLIC HEARINGS

A. Presentation on 2010 Annual Shorezone Program Report

Jerry Wells provided an overview of the Shorezone agenda items V.A., B & C.

Staff member Gabby Barrett presented the Shorezone Program Report.

Commission Comments & Questions:

Mr. Tolhurst commented that boating trips have decreased and that trips appear to have been counted at the boat launch facilities. He asked if boating trips at the Keys and the Marina were counted.

Ken Kasman stated the estimated 2,100 boating trips were based on launch information from ramps and assumptions from a 1997 EIS of motorized watercraft on Lake Tahoe from buoys, slips, and other moorings.

Mr. Tolhurst commented that there was one location in the Keys where every boat goes through. He suggested using a few samples on peak days from that area when determining a more accurate account. He stated he was asking about the decrease because it seems it may have been caused by the hassle of launching boats through the Blue Boating Program.

Mr. Kasman reported a survey of boaters in terms of their usage from moorings and ramps would be included in the Blue Boating Program this season to provide a more accurate account.

Mr. Riley asked if there was an average mile per hour for the no-wake zone.

Dennis Zabaglo stated, typically, what is recommended by boating enforcement agencies is five miles per hour.

Mr. Riley asked when the two-stroke ban was implemented.

Mr. Zabaglo stated the ban was put in place, initially, in 1999 with some phase-in regulation. The full regulation was implemented in 2001.

Mr. Tolhurst commented that 7 miles per hour is allowed in Emerald Bay and 15 miles per hour in El Dorado County. He asked how the difference between El Dorado County and the five mile per hour no-wake zone can be justified.

Mr. Barrett explained the five mile per hour in the no-wake zone is more of a judgment call because current code requires seven miles per hour, but seven miles per hour cannot be enforced in El Dorado County.

Mr. Tolhurst asked if it was more of a judgment of the wake rather than speed.

Mr. Barrett replied yes.

Mr. Upton asked if there was a definition of a "wake" because the level of water that actually exists to furl up to constitute a wake should be defined.

Mr. Barrett stated they would look into that.

Ms. Rinke stated there were no wake standards that were universally accepted, but there are accepted measures for what constitutes a wake.

Mr. Upton stated his point is to have an agreement on wake standards.

Ms. Merchant commented that the bacterial exceedances do not seem to be related to boating. She asked if an analysis was conducted to determine if it was human-caused or due to geese in certain areas.

Shane Romsos reported data regarding the potential sources of contamination was collected, but a specific analysis to discriminate the actual source of bacteria was not conducted.

Ms. Merchant commented that there were approximately 300 pending buoy applications and that some applications were related to the issue of the underlying ownership of the land. She asked if applicants have received any communication regarding the status of this issue.

Mr. Barrett stated there were approximately 150 applications that were still pending. A letter was distributed about a month after the October 15<sup>th</sup> deadline for property owners to submit more information about properties to help determine why parcels are non-littoral. The vast majority of pending applications are in Placer County so they were working with Placer County and State Lands to review the 15 areas, but information has only been received regarding 5 areas. A status on this issue has not been distributed to property owners. If no further information is forthcoming, information already received would be used to determine the best call on this issue.

Ms. Merchant asked how or when noise exceedances are measured.

Mr. Romsos reported noise was continuously monitored on ten different sites from the beginning of July through October 2009. There was approximately 9,000 hours of noise information that was tracked and, from this information, it was learned there were 47 exceedances of the single event standard, which is 75 decibels that could be attributed to water craft.

Ms. Merchant asked which ten sites were monitored.

Mr. Romsos noted a map with this information was included in the report.

Mr. Tolhurst asked about the time average that determined 75 decibels for a single event.

Mr. Romsos stated it was two seconds.

Charles Emmett stated current TRPA code requires an instantaneous event. Monitoring did not count the occurrence unless it was over two seconds, so monitoring went over what is the current standard.

Mr. Tolhurst asked if the continuous monitoring shows a graph of the duration and the volume.

Mr. Emmett stated current monitors' record millisecond by millisecond and that monitors begin to produce sound once decibels exceed 75.

Mr. Angelocci asked if a cluster of noise exceedances during a particular event was noticed versus noise exceedances from everyday activity.

Mr. Romsos stated there was a noticeable amount of exceedances during the boating season.

Mr. Angelocci commented that, in his opinion, exceedances are fairly low given the number of boating hours. He also noted the majority of exceedances are around Rubicon Point and Meek's Bay. He asked if these exceedances were due to landscape configurations.

Mr. Romsos stated that was suspected and adjustments to the monitoring system would be put in place this summer. The noise meter is triggered at a certain decibel level so a camera system with a range finder would be installed to take a picture of what is generating that exceedance.

Mr. Kuchnicki asked if BMP retrofits were being tracked.

Mr. Barrett stated the APC had an amendment to allow for single-use buoys to have a one-year extension and, for those that requested the one-year extension they will be flagged before the time expires. For buoy fields, BMPs already need to be in place.

Mr. Donohue asked if the computer system tracking BMPs would also flag and issue notices that site plans are required to be submitted to TRPA.

Mr. Barrett stated that was the other major element in the one-year program. He commented that the buoy line setback approved last December would help in telling people of the standard. He noted the majority of the one-year extensions would end in August.

Mr. Donohue asked if buoy relocation was anticipated with the adoption of the 600-foot buoy line and to meet setback requirements.

Mr. Barrett stated some adjustments would be needed, but he was not sure how many.

Mr. Donohue commented that he would encourage working with the state entities that need to be involved in the BMP retrofits.

Mr. Angelocci commended staff for their efforts regarding this issue.

Mr. Tolhurst stated he was impressed with the scientific information provided.

B. Recommendation on the Approval of the Phase II Blue Boating Program and Adoption of Related Chapter 54 & 81, Clean Up Code Amendments

Staff member Ken Kasman presented the Phase II Blue Boating Program and adoption of related Chapter 54 & 81, Clean-Up Code Amendments.

Commission Comments & Questions:

Mr. Angelocci suggested defining the "rising trend" in air quality. He asked if a warning ticket could be provided for those individuals who do not comply with state and federal law to disable their sewage system.

Mr. Kasman stated inspectors will have seals to temporarily disable those systems at inspection locations.

Mr. Upton asked if it was known the percentage of boats with after-market exhausts that are deliberately noisy.

Mr. Kasman stated it was estimated at 20-30%. However, some systems could be disabled with a seal similar to a sewage device if the exhaust is not below water level where the noise could be muffled.

Mr. Upton asked if they could get more accurate data because there may be more boats that do not use noisy exhausts until away from shore. He also asked if they would get more accurate data on the number of boats that can disable this feature.

Mr. Kasman stated, as part of the Inspection Program this year, they would be documenting the percentage of boats that have modified exhaust systems and also registering the manufacturers in order to work with them in determining which systems can be disabled.

Mr. Kuchnicki asked how the water quality mitigation funds would work at the county level.

Mr. Kasman stated they were still working out the percentages and how that would be calculated and allocated on the air quality mitigation side. The use of funds would be available for general projects that would address and mitigate the same pollutants produced from watercraft.

Mr. Kuchnicki asked if inspections were being conducted by the Tahoe Resource Conservation District (TRCD) staff.

Mr. Kasman reported public marinas were staffed by the TRCD, but staff approved by the TRPA and the TRCD provide inspections at some of the private marinas.

Ted Thayer added the TRCD was chartered to work on both the California and Nevada sides of the Lake.

Mr. Kuchnicki asked if there have been delays caused by the inspection process.

Mr. Thayer stated it has not been that much of an issue. Average inspections for aquatic invasive species were not taking that long. Some things that have been helpful in making the inspection process go a lot smoother has been sealing boats with inspection seals, ramps adjusting their traffic flow to put boats off to the side that need to be inspected, and people getting the message about clean, drain, and dry.

Mr. Kasman reported 14,000 boats were catalogued this season so this data information will assist with a speedier inspection process next season.

Mr. Upton asked if the locations for TRCD off-ramp inspections have been established.

Mr. Kasman stated there are four sites selected, currently, and will begin this season and augment the inspection program at the ramps.

Mr. Thayer added they were currently working on agreements for four different locations. He noted inspections and collection of fees would still be conducted at the ramps, but not decontamination.

Mr. Riley suggested advertising the program at Chambers, Visitors' Authorities, and Service Clubs because information regarding the program would be generated through their organizations.

Mr. Greene asked how boaters will know of inspection locations.

Mr. Thayer stated they would advertise the Inspection Program through the normal media and having billboards on Highway 50 and Highway 80. There will also be exit signage on the highway for individuals that plan on boating in Lake Tahoe.

Mr. Greene asked if stickers would also be placed on kayaks and other non-motorized water craft.

Mr. Thayer stated the Blue Boating stickers do not apply to non-motorized water craft, but an inspection plan for non-motorized watercraft was being developed.

Public Comment:

Nicole Gergans, League to Save Lake Tahoe, stated the League was in support of the implementation of a mitigation program that would reduce boat pollution to levels consistent with threshold attainment and maintenance, but that the Blue Boating Program falls short of achieving these goals. The TRPA is currently out of compliance with 15 of the 18 standards for air quality, noise, and water quality. Human health standards are also being exceeded and needs to be addressed immediately. The TRPA must attain all environmental standards related to shore-zone development and boat use before allowing additional pollutants to be added to the Lake. The Blue Boating Program is not making a substantial effort to reduce boat pollution. Cleaning bilges is already occurring as a part of the AIS Inspection process. To reduce boat pollution, boats in Lake Tahoe should be required to be equipped with catalytic converters. The Blue Boating Program does require some engine restrictions, but only if the data shows a decrease in environmental standards, but environmental standards are currently not being met. It is inappropriate for the TRPA to take mitigation credits for future improvements in boating emissions of the fleet mix as a result of changes in industry standards because the fleet mix may become cleaner, but more pollution would be distributed if the boating numbers increase. Ms. Gergans stated additional critique of the program would be made available in written form prior to the March TRPA Governing Board meeting.

Jennifer Quashnick, Sierra Club, stated she wanted to recognize staff's work with regards to this program, reiterate concerns expressed by the League, and that the Sierra Club would also be providing additional written comments prior to the March TRPA meeting. She stated the Sierra Club was also concerned about allowing impacts to occur first and then implementing additional mitigation measures that have not been tested or proven to work.

Commission Comments & Questions:



Mr. Greene asked if the Blue Boating Phase II was a report or a plan.

Mr. Tolhurst clarified that was the ordinance and the findings are Appendix A and Appendix B.

Ms. Rinke clarified it was the plan.

Mr. Angelocci moved to approve the required findings and a finding of no significant effect.

Motion passed unanimously.

Mr. Angelocci moved to recommend adoption of Attachment B.

Motion passed unanimously.

Mr. Angelocci moved to recommend adoption of Attachment C.

Motion passed unanimously.

Ms. Rinke acknowledged and thanked Ken Kasman for his presentation. She thanked staff for their work with regards to this issue.

#### C. Discussion of Proposed 2010 Watercraft Inspection Fees

Staff member Ted Thayer presented the proposed 2010 Watercraft Inspection Fees.

##### Commission Comments & Questions:

Mr. Thompson asked how the seal will work.

Mr. Thayer stated, last year, a seal went from the bough to the boat to the trailer and, if broken, it meant the boat was launched somewhere other than Lake Tahoe. This year, the seal will be upgraded to a thin cable wire with a tamper-proof fastener.

Mr. Thompson asked if the three-day pass would be three consecutive days or three days throughout the year.

Mr. Thayer stated three consecutive days.

Mr. Donohue commented that, in his opinion, the three-day pass was a good idea. He asked about the overall cost of the program because there was a shortfall in revenue from the program last year. He asked if grant funding would be used, and, if so, what the plan would be to get off grant funding.

Mr. Thayer stated, for the current year's operation, federal funding will be used in addition to revenue collected last year to pay for the inspection program. Funding from the total AIS fees proposed to be collected this year as well as from the Blue Boating Program will be used to pay for the program in the future. The total program cost for motorized water craft is approximately \$950,000 per year. In addition, another \$450,000 a year cost will be collected from the non-motorized inspection program. He noted average fees would need to be raised from \$65 to \$125-\$130 in order for the boating community to pay for the program at approximately \$950,000 a year, but there was no short-term goal to get off federal funding.

Mr. Donohue suggested funding information be provided in the spreadsheet since there was discussion about having users pay for the program in the long-term and for funding information to be reviewed annually in order to determine fee increases that could also be used as a savings for the program in the long-term. He expressed concern about the life of the program in the long-term if dependent on federal funding.

Mr. Thayer stated he could provide funding information in terms of how it fits into the total inspection program. He also pointed out funds from the AIS component were being saved for next year.

Mr. Donohue asked if there would be funding collected for two or three boating seasons.

Mr. Thayer stated there would be funding enough for one boating season because funding collected last year would be spent this year. The idea is to have enough funding collected from one season to begin the program in the next season.

Public comment:

Nicole Gergans, League to Save Lake Tahoe, stated the League commended the agencies and organizations that helped develop a first-class AIS Inspection program. The League supports the staff recommendation regarding the 2010 AIS Fee Schedule, but the League would like to see the TRPA working towards a self-sufficient fee schedule that allows the program to remain viable in the future without dependence on outside funding because there was concern that the program may pull needed funding away from other AIS programs in the future.

V. PLANNING MATTERS

A. Discussion on Regional Plan Update Land Use Milestone

Staff member John Hitchcock presented the Regional Plan Update Land Use Milestone.

Commission Comments & Questions:

Mr. Greene suggested another name for Alternative 3 other than "Status Quo" because changes are being proposed for the alternative. He asked about the boundaries for the centers and who determined them.

Mr. Hitchcock stated staff developed the boundary lines, which are a sub-set of the Community Plans.

Mr. Greene asked if the APC could review the boundary lines.

Mr. Hitchcock stated a link to the FTFC site was provided which has maps of the Basin. The files were too large to send via e-mail.

Mr. Upton stated he did not understand the on-the-ground difference with plan area statements.

Mr. Hitchcock explained there were special areas in the current plan area statement system that have different land use patterns. They were proposing to replace those special areas with Transect districts. Mr. Hitchcock provided an example.

Ms. Merchant asked which air quality standards were currently not in attainment and what would be the measure for the new threshold standards being proposed.

Mr. Emmett reported there were eight different indicators for air quality. We are out of attainment in carbon monoxide, ozone, particulate matter, and vehicle miles traveled. We are in attainment with visibility and traffic volume and unknown in wood smoke and atmospheric deposition.

Ms. Merchant asked if those indicators were out of attainment Basin-wide in every jurisdiction.

Mr. Emmett stated no. Monitoring stations were placed in the Basin primarily between the air quality districts and meet siting criteria by State and Federal Governments as being appropriate for an Air Basin and to represent the Basin as a whole.

Ms. Merchant asked if there was a monitoring station in Placer County.

Mr. Emmett replied no because the last ozone detection in Placer County was in 2004 when the El Tads deposition for water quality was completed. He explained air quality drifts from one end of the Lake to the other. There were some air pollutants called "hot spots" of which carbon monoxide is one that stays locally. It's a winter time pollutant. Nevada and California agencies decided to place monitors in the worst case locations to conclude that air quality was fine everywhere else if individuals were not affected by air pollutants in those worse case locations.

Ms. Merchant asked if documentation could be provided regarding this information.

Mr. Emmett stated he was not sure any piece of documentation could be found, but that the CO maintenance and attainment status was the key indicator that they all agreed to it. Regarding changes, the TRPA Compact requires adoption of the most stringent standard for the area and that, since the last standard was adopted and changed, the State of California has adopted new ozone standards. In August 2010, EPA will also be adopting new ozone standards. There are no TRPA staff recommended standards.

Ms. Merchant stated she was confused because she thought new standards were being proposed.

Mr. Emmett stated they may have been referred to as new, but the ozone standard being proposed is an update to the current California 8-hour, ozone standard.

Mr. Tolhurst asked for clarification that ozone stays in one location.

Mr. Emmett replied the Basin is in an area that gets what is called transport, whereby pollutants are received from outside the Basin. Four of the five studies

that address transport state that the majority of the emissions are generated in the Basin during the winter time.

Mr. Tolhurst stated he wanted to make sure this could be monitored because he did not want to see an effort being made for something that cannot be solved.

Mr. Angelocci asked how mobile ozone is.

Mr. Emmett stated ozone is extremely mobile, but is not considered a primary pollutant in this case because hydro-carbons and oxides of nitrogen pollutants need to be produced, mix in the air, and cook from the sunlight, which produces ozone.

Mr. Angelocci asked if the information coming from the monitoring station from ARB at the airport was correct because last year, ARB stated information coming from that station was incorrect.

Mr. Emmett stated he was unaware of that, but the Air Resources Board has just officially designated the area as non-attainment.

Mr. Angelocci suggested an expansion of the use of air quality mitigation funding for operations as well as capital purchases.

Mr. Emmett concurred maintenance is going to be a bigger issue in the future.

Ms. Rinke stated they were looking into how much mitigation funding can be used for operations and administrative purposes, from a legal perspective.

Mr. Hitchcock noted this issue has also come up with water quality mitigation fees, therefore was under consideration.

Mr. Tolhurst noted Fallen Leaf Lake needed to be addressed for scenic.

Ms. Merchant stated she was concerned how implementation measures listed would be accomplished with an air quality budget. She asked what the plan is to accomplish this.

Mr. Emmett stated he would need twenty minutes to provide an explanation due to the complexity of the air quality issue.

Mr. Hitchcock stated the fundamental problem is the lack of a carrying capacity.

Mr. Emmett stated the carrying capacity is akin to the TMDL, but cannot be established for air quality because of the expense. In its absence, strategies were modeled after other jurisdictions who handled similar issues and that were proven to be cost effective.

Ms. Merchant expressed concern about the cost for what is being proposed.

Mr. Emmett stated we are relying on local jurisdictions to provide cost-effective assistance.

Mr. Angelocci stated he would agree, but cautioned about maintenance problems with hybrid electrics.

Mr. Emmett stated they had been reviewing transportation measures for future reductions, but not specifically hybrid use.

Mr. Hitchcock stated the policy encourages zero emission mass transit projects as an option towards air quality improvements.

Mr. Angelocci stated he wanted to make sure policies set forth are realistic in implementation.

Mr. Upton stated incentives for Alternative 2 are stronger than current incentives, but it was questionable whether or not the incentives are strong enough to have an impact.

Mr. Hitchcock clarified work still needs to be done on incentives, especially reviewing the incentive package with other agencies.

Mr. Zuckerman added the review with the CTC is an implementation policy, but the stakeholder process will still be involved in quantifying transfer ratios.

Mr. Upton commented that leaving out Tahoe City, Kings Beach, Incline Village, and Myers in Alternative 4 was not a good idea and increasing coverage transfer ratios that are not working is a way to feel good about having something in writing that will not happen. Finally, the CFA for transfer of development only is, in his opinion, too narrow of a use because there may be a rehabilitation of existing properties. Regarding the TMDL milestones, he asked how that fits into the equation because the TRPA will ultimately have to make a bi-state application work.

Mr. Hitchcock stated it was both, Lahontan and NDEP, that establishes milestone targets over a 20-year time period. The agency was proposing to use those targets as a benchmark for allocating CFA. He noted milestones would also be based on input from local jurisdictions.

Mr. Smith stated that was correct. They were proposing a modified allocation scheme to the urban jurisdictions whereby every jurisdiction would be receiving the same, required percent reduction.

Mr. Greene asked how 200 allocations to be used for the development of deed-restricted, owner-occupied residential units was determined and if it was known what the needs were for these units in the whole Tahoe Basin community.

Mr. Hitchcock stated there was needs assessment information available for the entire Basin. The 200 allocations was an estimate to match the 200 allocations being proposed for the moderate program, which, to-date has been used once. The RO Program is a voluntary program that is set up to see how workforce housing works.

Mr. Greene stated he applauded staff for their efforts, but he was concerned that 200 allocations would not be sufficient for the 20-year plan.

Mr. Hitchcock explained allocations could be amended in the future, as needed, but it was not known if it would be implemented because of the deed restriction.

Mr. Greene asked how the program could be incentivized to ensure implementation.

Mr. Hitchcock stated this program relies on local jurisdictions to do the policing.

Mr. Zuckerman added all programs and ideas would be run through adaptive management over time and unused allocations would go back into a pool and made available to those programs. He commented that staff was not here to defend their position, but to have APC members direct staff to areas of issue and provide comments.

Mr. Tolhurst asked for clarification regarding the four overlays in the land use planning.

Mr. Hitchcock stated we maintained the land use classification system because urban boundaries are defined by those classes in the Regional Plan and goals and policies. The Transect was built as a sub-set two that classification, Regarding specific transects, they tried to create discreet land use patterns to differentiate between different land uses. Mr. Hitchcock provided some examples.

Mr. Tolhurst asked if there would be an adoption of new Community Plans with the proposed overlays.

Mr. Hitchcock stated the new overlay will be put on top of existing Community Plans, but the Community Plans would have to be updated to be consistent with the new Transect zoning system.

Mr. Thompson requested examples of how this would be implemented at the next meeting.

Mr. Tolhurst stated his other issue was proposing land uses after the plan area statements were completed.

Mr. Hitchcock stated we needed input from the stakeholders to review the updated plan area statements to further refine each statement to the character of the community.

Mr. Zuckerman stated, overall, the transect would just lay out the maximum minimum parameters and the list of permissible uses.

Mr. Tolhurst stated his concern was the interface with the local jurisdictions to provide input.

Mr. Zuckerman stated there were complaints from stakeholders about not tailoring communities to their needs.

Mr. Thompson asked if that would be established during Community Plan updates.

Mr. Hitchcock stated a lot of that work can begin to move the transects in that direction with the blanks filled in through the Community Plan process.

Mr. Thompson asked if the TRPA and the local jurisdictions will jointly update the Community Plan.

Mr. Hitchcock replied yes, they are joint documents.

Mr. Greene asked if the community could shift the transect boundaries.

Mr. Hitchcock stated they can be shifted through the Community Plan update process.

Mr. Greene stated he was worried about Incline Village because it is very different from other jurisdictions.

Mr. Hitchcock stated everything was condensed into one-town center in Incline Village. The next step is to work with Washoe County to make sure the boundaries make sense.

Mr. Greene asked if North Stateline refers to Crystal Bay.

Mr. Hitchcock stated yes, that is its official name.

Ms. Merchant noted map information did not provide detailed information. She asked how to make that information available and more user-friendly.

Mr. Hitchcock stated the easiest way to review maps is at 400 scale, which is 24x36 size sheets.

Ms. Merchant stated she would like to see some alternative or analysis for a subdivision that does not conflict with the TRPA Compact, but that allows for the kind of subdivision that is being incentivized throughout the document.

Mr. Hitchcock stated they were moving in that direction.

Ms. Merchant asked if we were proposing to begin the Community Plan process.

Mr. Hitchcock stated we are considering updating them concurrently with the Regional Plan Update. We are also looking to amend Chapter 14 to streamline the Community Plan process as a part of the Regional Plan Update.

Mr. Thompson asked if grant funding would include the Environmental Review process.

Mr. Hitchcock stated he would have to look into that.

Mr. LeFevre commented that there was a duplication of discussion regarding Persons at One Time (PAOTs).

Mr. Hitchcock stated the way the goals and policies document is structured, the PAOTs fall into the Land Use section because it's a commodity, but it was duplicative language.

Mr. LeFevre commented that there may be a conflict with reduced pile burning and the goals and objectives with reducing fuels. He suggested this issue be reviewed carefully.

Mr. Upton suggested looking at this issue in a more balanced way to determine how wood would be cleared because of the possible conflicts.

Ms. Merchant noted there were conflicts throughout the implementation measures.

Mr. Upton commented that the verbiage: "where possible" under the Hydrocarbon section is unnecessary because traffic lights and green left arrows are put in as traffic warrants it.

Mr. Tolhurst asked if the issue of woodstove use was no longer up for discussion.

Mr. Hitchcock stated the APC was not the first group to state that prohibiting wood stoves was infeasible, but some other strategies were needed to reduce particulate matter.

Mr. Tolhurst suggested having "no burn" days as another alternative.

Ms. Krause suggested eliminating left-turn on arrow only signage.

Ms. Merchant stated putting in smart traffic signals would be more appropriate.

Mr. Hitchcock stated the ITS policy is included in the transportation milestone in Alternative 2.

Ms. Merchant commented that transportation and air quality could be better integrated than in the current format.

Mr. Greene asked what "soft coverage" is.

Mr. Wells stated hard coverage includes hard surfaces such as buildings, concrete, asphalt and soft coverage includes areas that are heavily compacted.

Mr. Tolhurst stated the key difference is that hard coverage is transferable on commercial projects and soft coverage is not.

Mr. Angelocci stated the TRPA used to give credit to transfer soft coverage.

Mr. Greene asked what a "unit" is.

Mr. Hitchcock stated it was a residential, single-family home, a condo, or an apartment.

Mr. Tolhurst commented that "unit" should be better defined.



Mr. Hitchcock stated they were not so concerned with the specific interior use, but the look of the exterior.

Ms. Krause stated there was an equity issue that people do not want to address. Ms. Rinke stated it was a policy issue that was still of interest to the TRPA, but there has been no discussion of the issue because of the Sandy Beach litigation matter which is still pending.

Public Comment:

None

Commission Comments & Questions:

Mr. Upton suggested changing “add GHG reduction criteria to annual performance review system to “consider adding” under the Climate Change section because it is not known what it will look like in the future. He stated he reviewed reports regarding greenhouse gas emissions from the rotting forest from the Angora Fire and strongly suggested removing dead debris out of the forest that would have a positive impact on climate change.

Mr. Tolhurst agreed that the rotting forest should be removed because it still releases greenhouse gas emissions only at a slower rate. He asked if there was progress being made on making buildings LEED certified.

Mr. Hitchcock stated, in the Air Quality section, they were trying to create incentives for projects that obtain LEED certification.

Mr. Tolhurst noted there was a special branch of that in the California Green Bill with different incentives. He expressed concern about cutting down the permit time as an incentive and suggested considering other alternative incentives.

Mr. Hitchcock stated there was discussion to reduce mitigation fees as an incentive, but the nexus would need to be shown, which is closest to air quality than water quality, currently.

Mr. Tolhurst suggested incentivizing more coverage when infiltrating more water.

Mr. Angelocci commented on not limiting to LEED certification because there are other green programs available.

Mr. Hitchcock stated LEED certification was used because it is the certification that is most familiar.

Mr. Greene asked about the principle behind re-using the CFA system and the Tahoe System.

Mr. Hitchcock stated commodities were used as incentives and a lot of the commodities from the previous plan were already distributed.

Mr. Angelocci stated, from the local jurisdiction perspective current incentives do not drive the need to use commodities in the current plan. It is hoped the incentive package will increase, which will drive the need for the additional commodities.

Mr. Greene asked if there was something else that could be used to drive the need for using commodities rather than what appears to have already been done in the past.

Mr. Hitchcock stated they were not just repeating, but trying to create a more robust package that will have more incentives.

Mr. Upton commented that there needs to be the opportunity to “re-load” in the hope that incentives work better this time.

Ms. Krause commented on the need for more allocations.

Mr. Tolhurst asked where to get the most recent information.

Mr. Hitchcock stated the Regional Plan website is where to get the most recent copy of this information.

Mr. Zuckerman stated the original version from the CD listed all existing policies, but the uploaded version to the TRPA site did not include that information.

Mr. Smith explained how staff is working with TRPA staff to ensure all TMDL elements are properly captured in plans.

## VII. REPORTS

### A. Executive Director

Jerry Wells provided the Executive Director’s Report.

### B. General Counsel - None

### C. APC Members - None

## VIII. ADJOURNMENT

Chair Mr. Tolhurst adjourned the meeting at 3:36 p.m.

Respectfully submitted,





**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
Stateline, NV 89449

**Contact**

Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

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MEMORANDUM

Date: April 7, 2010  
To: TRPA Advisory Planning Commission (APC)  
From: TRPA Staff  
Subject: Recommendation of Amendments to TRPA Code Chapter 51 and Related Chapters, Prohibiting the Unauthorized Mooring of Vessels in Lake Tahoe

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**Requested Action:** APC recommendation to the Governing Board on the proposed Code amendments to Chapter 51 prohibiting the unauthorized mooring of vessels in Lake Tahoe and to Chapter 2, Definitions, defining the term "Mooring."

**Staff Recommendation:** Staff recommends that the APC recommend Governing Board adoption of Attachment B amending Chapter 51 and Chapter 2 of the TRPA Code.

**Required Motions:** In order to recommend Governing Board approval of the proposed Code amendments, the APC must make the following motions, based on this staff summary and the complete administrative record:

1. A motion to recommend Governing Board approval of the required findings (Attachment A), including a finding of no significant effect; and
2. A motion to recommend Governing Board approval of the proposed ordinance (Attachment B).

**Project Description/Background:** TRPA staff is proposing a Code amendment to prohibit the unauthorized mooring of vessels in Lake Tahoe. The Code amendment would require that a vessel be moored to a TRPA registered mooring such as a buoy, boatlift or berth in a boathouse. Anchoring for the purposes of storage would continue to be prohibited; however it is staff's intention to make the regulation easier to understand. Currently, citing an actual regulation for purposes of enforcement is difficult since the prohibition is inferred, as storage in the Lakezone is not an allowed use.

Anchoring for the purposes of overnight camping would be allowed as long as the vessel owner is sleeping on their vessel or on the shore in the immediate vicinity, provided that such activities are allowed in that area, not to exceed three days. Anchoring for the purposes of recreating along the shore in the immediate vicinity would also be allowed.

This amendment will aid staff's efforts to eliminate the recurring problem of people placing unauthorized moorings in the Lake, and the proliferation of anchored vessels off shore in an attempt to circumvent acquiring legal means of storage. This issue has impacts on scenic quality and may impact water quality if additional vessels are moored in the Lake.

Contact Information: If you have any questions please contact Dennis Zabaglo at (775) 589-5255 or via email at [dzabaglo@trpa.org](mailto:dzabaglo@trpa.org).

Attachments:

- Required Findings (Attachment A)
- Amending Ordinance 2010-\*\* (Attachment B)
- Code Amendments (Attachment B, Exhibit 1)

## Required Findings for Chapter 51 and Chapter 2 Ordinance Amendments

### Program Amendment Findings

Chapter 6 Findings: The following findings must be made prior to amending the Code of Ordinances which 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 purpose of the proposed Code amendments are to ensure that the enforcement of unauthorized mooring is conducted consistently and effectively throughout the Lake.

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

Rationale: The proposed amendments are intended to aid in the protection of environmental thresholds.

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

Rationale: The proposed amendments are intended to aid in the protection of air and water quality.

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: Section 2.40 of Ordinance 87-8 requires the following findings be made prior to adopting the proposed Code amendments.

1. Finding: The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

Rationale: The proposed Code amendments are designed to aid in the protection of environmental standards and assist in attainment of thresholds by prohibiting unauthorized mooring.

2. Finding: That the amendment provides for an equal or better means of attainment or maintenance of the thresholds.

Rationale: See 1 above.

3. One of the following findings:

- a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or
- b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or
- c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or
- d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or
- e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or
- f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:
  - (1) The cost of implementation outweighs the environmental gain to be achieved;
  - (2) Implementation will result in unacceptable impacts on public health and safety; or
  - (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

Finding 'd' is the most applicable.

Rationale: These amendments are clarifications of existing regulations regarding mooring on Lake Tahoe.

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2009 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE CODE OF ORDINANCES, CHAPTERS 51, PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE, TO INCLUDE SUBSECTION 51.2.I., MOORING AND CHAPTER 2, DEFINITIONS, TO INCLUDE THE DEFINITION OF MOORING AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00

Findings

- 1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Chapter 51 and 2 of The Code of Ordinances, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The proposed amendments are amendments to the Shorezone Program which was the subject of an Environmental Impact Statement (EIS), which was processed, reviewed and certified by TRPA in accordance with the substantive and procedural provisions of Article VII of the Compact, Chapter 5 of the Code and Article VI of the Rules of Procedures.
- 1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.
- 1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact,
- 1.50 The Governing Board finds that the amendments will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00

Amendment of the Code of Ordinances, Chapters 51, and 2, to add Subsection 51.2.I., Mooring and Chapter 2, Definitions, of the TRPA Code of Ordinances.

- 2.10 Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated April 28, 2010, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The provisions of this ordinance amending the Code of Ordinances shall be effective immediately after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 28, 2010 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

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Allen Biaggi, Chairman  
Tahoe Regional Planning Agency  
Governing Board



For this exhibit, language to be deleted is ~~struck-out~~ in red. New proposed language is underlined in blue .

## Mooring Amendments

### Amendments to establish mooring requirements and define the term “Mooring”.

1. Establish mooring requirements.

51.2.I Mooring: The mooring of a vessel in Lake Tahoe by any means other than the use of a TRPA permitted or registered buoy, boatlift or berth in a boathouse shall be prohibited. Anchoring for the purposes of storage is expressly prohibited. Exceptions to this rule shall include the use of a United States Coast Guard approved onboard anchor and anchor line for the following:

(1) Camping on ones vessel, in which case the person(s) camping must remain on the boat, or along the shoreline in the immediate vicinity. Camping, as described in this Subsection, shall not exceed three (3) days.

(2) Day use recreation along the shoreline in the immediate vicinity.

2. Define “mooring” in Chapter 2 Definitions

Mooring: Any means by which a vessel may moor, or otherwise be attached to the Lake bottom, or structure, for the intent of remaining stationary or secure. Such means shall include, but not be limited to, buoys, boatlifts, berths in boathouses, anchoring, or tied to a physical structure or object.

~~Mooring Buoy: See Buoy~~



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MEMORANDUM

Date: April 7, 2010  
To: TRPA Advisory Planning Commission (APC)  
From: TRPA Staff  
Subject: Briefing on the Tahoe Science Program

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Requested Action: No action is required.

Staff Recommendation: APC to discuss information and provide comments. Staff will record APC discussion points for future reference.

Description/Background: This is a briefing presentation to the APC on the Tahoe Science Program. Zach Hymanson, Executive Director of the Tahoe Science Consortium, will provide a presentation that follows the following outline:

- Role and function of the Tahoe Science Consortium
- Role of Southern Nevada Public Land Management Act (SNPLMA) and the Nevada License Plate Grant Program in fulfilling science needs for the Basin
- Summary of what we've learned from our investment in science
  - Highlights on science presented at the 5<sup>th</sup> Biennial Tahoe Science Conference
- Forecast of future sciences needs
- List of opportunities for interaction with APC and GB; bringing forward information as knowledge in order to close the adaptive management loop.

Contact Information: If you have questions concerning this particular agenda item please contact Shane Romsos, Science, Monitoring and Evaluation Program Manager at (775) 589-5201 or [sromsos@trpa.org](mailto:sromsos@trpa.org).





**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
Fax: 775-588-4527  
[www.trpa.org](http://www.trpa.org)

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## MEMORANDUM

Date: April 7, 2010  
To: TRPA Advisory Planning Commission  
From: TRPA Staff  
Subject: Discussion on Regional Plan Update Transportation Milestone

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**Requested Action:** No action is required.

**Staff Recommendation:** This is a discussion of the Transportation Milestone (which is scheduled for the May APC/Governing Board meeting). The topics to be discussed are the proposed plan alternatives for the Transportation Element, the Noise Subelement, and the Energy and Climate Change Subelement. Staff will make a brief presentation on the topics involved, the differences between the alternatives, and the major changes (to the existing Regional Plan) that are being proposed. The APC will essentially act as a stakeholder in the Regional Plan Update process, providing staff with advice and engaging in collaboration to develop solutions where possible. Staff will record the main issues raised at the meeting for inclusion in the Transportation Milestone's FactSheet.

If you have questions concerning this particular agenda item please contact Harmon Zuckerman, Regional Plan Update Director, at (775) 589-5236 or [hzuckerman@trpa.org](mailto:hzuckerman@trpa.org).