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, December 10, 1986, in the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Round Hill, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

December 1, 1986

By: William A. Morgan
Executive Director
Tahoe Regional Planning Agency
SPECIAL MEETING AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PLANNING MATTERS
   A. Discussion on Revisions to Plan Area Statements for the Lake Tahoe Basin
   B. Discussion on the Code of Ordinances
   C. Discussion on Draft Environmental Impact Statement for the Plan Area Statements and Implementing Ordinances of the Regional Plan
   D. Discussion on Draft Environmental Impact Statement for the Ski Incline Master Plan
   E. Discussion on Draft Environmental Impact Statement for the North Shore Transit Maintenance Facility
   F. Presentation and Discussion, City of South Lake Tahoe Redevelopment Study

V REPORTS
   A. Staff
   B. Acting Legal Counsel
   C. Public Interest Comments
   D. APC Members

VI RESOLUTIONS

VII CORRESPONDENCE

VIII PENDING MATTERS

IX ADJOURNMENT
MEMORANDUM

December 3, 1986

To: Advisory Planning Commission

From: TRPA Staff

Subject: Discussion on Revisions to Plan Area Statements for the Lake Tahoe Basin

In your packet, you will find the Agency's draft responses to comments received on the Plan Area Statements. The Agency received almost 500 comments.

The comments are divided into three groups: general comments, specific comments, and comments pertaining to the four Plan Area Statement-related ordinances.

At the December 3, Governing Board meeting and the December 10, APC meeting, the staff will review the draft responses and ask for reactions from the Board and APC. Staff plans to ask the Governing Board to pass a resolution approving the draft Plan Area Statements on December 17, 1986.

If you have any questions on this agenda item, contact Gabby Barrott or Dave Ziegler at (702) 588-3296.
General Comments

APC Meeting of 10/8/86 - North Shore Group

1. Comment: Conference facilities location should be flexible in the PASs. Use wording for conference facilities in PAS 001A in PAS 174, 022 and 029. Wording proposed - "This area should be considered for the location of conference facilities in coordination with Plan Areas ____ and ____ to avoid unnecessary duplication of facilities." (10/8 APC Meeting)

Response: Comment noted and proposed wording will be added as a Special Policy to each of the PASs mentioned.

2. Comment: Be more restrictive in regard to bed and breakfast uses in Placer County. (10/8 APC Meeting)

Response: The maximum density for bed and breakfast facilities has been reduced from 20 units per parcel to 10 units per acre. Agency staff will reevaluate the appropriateness of bed and breakfast facilities in plan areas where they have been identified as a permissible use.

3. Comment: Explain Community Plan area of influence and process of amendment. List areas of influence if requested. (10/8 APC Meeting)

Response: A community plan is for designated commercial areas. (Goal 2, Policy 6, Land Use Subelement). The preliminary boundaries of such areas are noted on the PAS maps. Areas of influence are the surrounding plan areas which do not clearly meet the definition of a CP, and which may be considered by the community planners, but are not in the preliminary community plan boundaries. As a result of the community planning process, portions of these areas may be included within the final community plan boundaries. See also response to General Comment #29.

APC Resources Subcommittee

4. Comment: What does the Special Designation for Scenic Restoration Area mean? (APC Resources Subcommittee)

Response: This designation indicates that a highway or shoreline scenic unit is not in attainment of the scenic threshold. This area is subject to application of TRPA's scenic management criteria.
5. **Comment:** What types of uses require a PAOT? Do use such as "sports assembly," "temporary events" or "participant sports" require PAOTs? (APC Resources Subcommittee)

**Response:** Developed outdoor recreation requiring construction of facilities requires PAOTs. Examples of such facilities are developed campgrounds and recreational vehicle parks (overnight PAOTs); downhill ski facilities (winter day use PAOTs); and boating facilities, visitor information centers, and intensive beach recreation (summer day use PAOTs).

"Temporary events" which make use of existing facilities do not require PAOTs. "Participant sports" includes athletic fields, tennis courts, swimming pools and similar facilities intended primarily for resident use, are considered urban recreation, and do not require PAOTs.

"Sports assembly" includes facilities for spectator sports such as race tracks, sports arenas and stadiums (except those related to schools), and are considered commercial uses.

6. **Comment:** Under Maximum Densities there should be some indication that the maximum densities may be exceeded in a Redevelopment Plan. (APC Resources Subcommittee)

**Response:** See response to General Comment #12b.

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Don Beck, Boards of Realtors, North Shore Business Association, and North Tahoe Advisory Council

7. **Comment:** The findings of TRPA's Economic Technical Committee have been disregarded in the final determination on the economic impact of coverage requirements, controlled commercial expansion, height limitations, and overall fees and costs. [Mr. Beck read into the record October 23, 1986, two letters supporting this comment.] The Board should revisit the economic issue to ensure that the Goals and Policies and the balance of the Regional Plan package do not contain economic disincentives. The plan should provide the local community the economic incentives to give the necessary and needed facilities for local and tourist needs, so that the business community may actively compete in the tourist market. Incentives should include a minimum commercial coverage of 70% with the rate of construction controlled only by zoning and normal economic constraints. There should also be flexible height limitations and provision for community parking and modern transit. (Don Beck, Boards of Realtors)

**Response:** These comments do not pertain to the Plan Area Statements. They pertain to the Goals and Policies, which the Governing Board has adopted. The remarks have been considered in the past, and the Goals and Policies reflect them to the extent we believe is appropriate.
8. **Comment:** It is not clear how potential uses of Caltrans right-of-way will be affected by allowable land coverage transfers and transfer of development rights in various PASs. (Caltrans)

**Response:** The Goals and Policies set forth land coverage policies, including transfer policies, for linear public facilities. In general, all development within the Caltrans ROW will be required to comply with the Bailey coverage coefficients, or to add additional coverage through transfer. Linear public facilities are exempt from the excess coverage mitigation program, however.

9. **Comment:** Construction of a portion or all of the Highway 50 Bypass in the South Lake Tahoe/Meyers area would significantly alter the Planning Statement and Planning Considerations of several plan areas. How will this be addressed in your planning process? (Caltrans)

**Response:** See response to General Comment #79.

10. **Comment:** Relevant PASs do not identify and treat right-of-way for a Highway 50 Bypass in the same manner. West of the Needle Peak Area it appears that PAS Planning Statements and Planning Considerations discourage or preclude full development of the Highway 50 Bypass, although the future use of Caltrans right-of-way is identified as uncertain. (Caltrans)

**Response:** See response to General Comment #79.

11. **Comment:** In PASs eligible for Community Plans and Redevelopment Plans, Caltrans would expect that any additional land coverage on our excess right of way would be mitigated off-site by others within the Redevelopment Plan or through a transfer of land coverage which would mitigate additional coverage for the Community Plan as a whole. Is this a valid assumption? (Caltrans)

**Response:** Yes, assuming the additional land coverage is an integral part of the Community Plan or Redevelopment Plan, and mitigation is included in the plan.

Dennis Crabb, City Attorney, City of South Lake Tahoe

12a. **Comment:** The City would prefer that PASs show bonus units allowed without assigning a specific number. Housing bonus units should be pooled Basin-wide, then allocated pursuant to more specific plans which document need, rather than an initial assignment by TRPA staff. (Dennis Crabb, CSLT)

**Response:** Goal 2, Policy 5, of the Land Use Subelement of the Goals and Policies plan requires residential bonus unit assignment to PASs.
12b. **Comment:** It is the City's understanding that additional density within approved redevelopment areas will be allowed pursuant to provisions in the TRPA Code of Ordinances. (Dennis Crabb, CSLT)

**Response:** Chapter 21 of the Code sets forth regional density limitations. However, redevelopment areas will be permitted to utilize the entire redevelopment project area (instead of each individual parcel) to calculate density limitations.

Gordon DePaoli, Attorney for Park Cattle Company and Edgewood Water Company

13. **Comment:** Until certain improvement programs are completed, such as stream zone restoration, they should be omitted from the plan area statements. (Gordon DePaoli, Park Cattle Co.)

**Response:** See response to General Comment #60.

14. **Comment:** No provision has been made for private water company facilities in the shorezone. The definition of "public health and safety facilities" is restricted to those operated by public agencies. The Edgewood Water Company's present facilities in the nearshore and foreshore should be an allowed use. (Gordon DePaoli, Park Cattle Co.)

**Response:** This will be corrected.

15. **Comment:** There should not be a distinction between private and public utility companies. (Gordon DePaoli, Park Cattle Co.)

**Response:** The definition of "public service" includes both public and private companies. The definition of "public health and safety" facilities will be modified to include private water companies.

Arthur Griffiths, resident of South Lake Tahoe

16. **Comment:** On the subject of notice of the October 22, 23 public hearing, he was on the TRPA mailing list and had received two notices on the subject of the day's meeting. He had also seen a notice posted outside a local store. (Arthur Griffiths)

**Response:** Comment noted.
17a. **Comment:** He had been unable to get a copy of the Plan Area Statements. He was concerned about who would be making the decisions on uses and whether the determinations would be cast in concrete. It is not healthy to prohibit competition. Nothing should be arbitrary and inflexible. The Plan Area Statement document has not been made available to the public. While there may be a copy at the Tahoe City Library, the library is only open from 1-5 p.m. and not on weekends. (Jeff Hurst)

**Response:** Comment noted.

17b. **Comment:** How are the second home owners who do not live in the Basin supposed to find out what is being proposed? Because the document has not been widely distributed, it is likely that input will be very narrow. The Board is urged to review very carefully the economic analyses done by TRPA and by the California and National Boards of Realtors. The quality of the area is important to residents, visitors and second home owners. It behooves the Board and the staff to enrich the quality of the Tahoe experience, and this can be done without affecting the water quality or business health. There is a middle ground. The local economy must be strong enough to support the Plan that is adopted. (Jeff Hurst)

**Response:** Comment noted.

Larry Hoffman; Hoffman, Lien, Faccinto and Spitzer Law Firm

18. **Comment:** All residential plan areas should be eligible to receive allocations through TDR. To prohibit the transfer of allocations within significant areas of each jurisdiction could potentially frustrate the ability of local government to administer an effective transfer of allocation program. Transfer of allocations provide a form of equity for the owners of properties which are restricted from development during the early stages of the Plan. Tyrolian Village, for example, is ineligible for any form of buy-out program, yet the Plan Area (#051) is ineligible to receive allocations. Areas within the service area of STPUD will only be able to receive allocations through TDR for the foreseeable future. This means that areas without the special designation allowing them to receive allocations will have absolutely no building rights whatsoever. If being considered for acquisition, such a parcel may be substantially devalued due to there being no possible present development potential, even under IPES. Even if a caretaker residence is an allowed use in a plan area, it would be impossible to ever obtain a permit due to the requirement that they are allowable only through TDR. Simply allow transfers of allocations Basin-wide according to provisions of Chapter 34 of the Code, which require that the parcel be in the top rank or capability district 4 through 7 and served by paved road, sewer, water and utilities. Delete the category of TDR Receiving Area for Allocations. (Larry Hoffman)
19. **Comment:** Scenic restoration areas have not yet been designated. Designation through plan area statements does not follow the criteria set forth in the Plan. Designations in plan area statements is premature. Not only do the studies need to be completed, but a thorough review by the Advisory Planning Commission and the Governing Board should be afforded to this important, but long-neglected area. It is seriously doubted whether any member of the APC, or even the TRPA staff, has a clear idea of how scenic restoration programs will function. This special designation should be deleted from the plan area statements and the studies required by the Plan should be completed as soon as possible so that the direction of the Plan can be implemented. Implementation should be on the basis of roadway and shoreline units as required by the Plan, and not through plan area statements. (Larry Hoffman)

**Response:** Disagree. The scenic nonattainment areas are properly addressed in PASs since they require a specific local response. A TRPA consultant is completing the problem identification and recommended remedial actions. Upon adoption, this will provide the foundation for the scenic restoration/threshold attainment program. See also response to General Comment #60.

20. **Comments:** Goal #2, Policy #4 of the Land Use element of the Plan requires that plan area statements contain policies for allowed, prohibited, non-conforming and special uses. No such policy on non-conforming uses is addressed in any plan area statement at this time. Goal #2, Policy #10A of the Plan goes on to state that non-conforming uses may continue as they exist, except where they are specifically subject to a program of removal or modification. Each plan area statement should contain the statement that nonconforming uses (those not listed as either an allowed or special use) may be continued. If there is a specific program for removal or modification for the plan area, or a portion of it, this should be clearly stated to put those affected on notice of that status. (Larry Hoffman)

**Response:** The Code provides regulations pertaining to nonconformity and establishes region-wide programs, e.g., the BMP installation program. In the Introduction to the Plan Area Statements, we will refer to the Code regarding treatment of nonconformity. We will also list any special PAS policy or program on nonconforming uses in the applicable PAS.
21. Comment: Supports the statement in the legend that PAOTs do not apply to facilities which are "primarily directed toward resident use," but thinks it needs further clarification. (Robert A. Hunt)

Response: Agreed. The statement will be rewritten. See also response to General Comment #5.

22. Comment: Supports the definition of neighborhood parks, ball fields and playgrounds as urban recreation. Wants to be sure that the PASSs do not frustrate plans to construct such facilities in Plan Areas 049, 039, 036 and 036. Such facilities will reduce vehicle trips. (Robert A. Hunt)

Response: Neighborhood parks and playgrounds are day-use areas and are allowed in the PASS referred to. Participant sports, including ball fields, are permissible as special uses in those PASSs.

23. Comment: The Plan Area Statement document should clearly state that PAOT allocations apply only to outdoor recreation facilities to be consistent with the Goals and Policies. (Robert A. Hunt)

Response: Agreed. See also response to General Comment #5.

24. Comment: Supports the distinction between developed and dispersed recreation, but needs clarification as to whether beach uses are considered developed or dispersed. (Robert A. Hunt)

Response: Beach recreation may be either intensive or dispersed. The definitions of those uses were inadvertently omitted from Chapter 18, and will be added.

25. Comment: Riding and hiking trails and cross-country skiing courses should be considered as dispersed recreation. (Robert A. Hunt)

Response: Riding, hiking, and cross country skiing are all dispersed recreational activities and allowed in all Plan Areas. Facilities supporting those activities may be considered developed recreation, depending on their size and degree of development.

26. Comment: The idea of calculating PAOTs based on the need for vehicle parking capacity seems to have merit, but the ratio of four people per parking space seems high. It should be two people per parking space. (Robert A. Hunt)

Response: We prefer, whenever possible, to base PAOTs on design capacity rather than parking. Parking spaces are an alternative way to estimate capacity. The observation is probably accurate in that the ratio of two people per vehicle may be closer to reality. However, four people per vehicle allows for other means of transportation such as walk-in, public transit, bicycles, and motorcycles.
27. **Comment:** (1) Would recreational projects which do not require increases in parking have an effect on PAOTs? (2) How will parking which is shared among several projects be handled? (Robert A. Hunt)

**Response:** (1) For urban recreation, probably not. (2) Shared parking is encouraged, and it should make it easier for municipalities or improvement districts to meet the coverage standards.

Since parking is not the only indication of design capacity, reducing parking will not necessarily reduce assigned PAOTs, if the facility is in a category to which PAOTs apply.

Lahontan Regional Water Quality Control Board, 11/24

28. **Comment:** The Plan Area Statements should be updated to reflect major changes since the 1984 drafts (i.e., large state and federal land acquisitions such as Lake Country Estates, and completion of large projects such as the Tahoe Keys Convenience Center). It would be useful if final Plan Area Maps could show boundaries of public lands. (Lahontan)

**Response:** The PASs will be updated to reflect the changes mentioned and similar changes. The Agency does not plan to include ownership on its adopted maps at this time since the status changes constantly.

29. **Comment:** It is suggested that certain Plan Areas be "considered" as part of community planning for other nearby areas. Better definition is needed of the implications of "consideration" in terms of allocation of land coverage incentives, commercial floor space, etc. (Lahontan)

**Response:** The Goals and Policies state that final CP boundaries will be set as part of the CP process; the PAS maps are preliminary in that regard. The Goals and Policies also state that CPs should have housing "in the vicinity," and may incorporate more than commercial uses. Thus, it is appropriate to "consider" PASs adjoining CP areas as to whether they contain lands that should reasonably be provided the coverage and commercial incentives of the CP process. The intent is not to provide CP incentives in areas far removed from commercial zones. See also response to General Comment #3.

30. **Comment:** Special Designations identifying preferred donor areas for coverage or allocations should be considered (e.g. the Alpine Peaks subdivision, #167, where a Special Policy encourages transfers out). (Lahontan)

**Response:** Agreed. The final PASs will identify additional preferred donor areas.
31. Comment: "Scientific Study," "Research and monitoring," or the equivalent should be recognized as allowed uses in all planning areas, and in the lakezone, to facilitate long term monitoring by TRPA and other agencies. It would be appropriate for "Planning Considerations" listings to recognize the importance of Ward Valley and other areas which have been or are being used for environmental research. (Lahontan)

Response: Agreed. Most scientific studies will be exempt from TRPA review, under Chapter 4 of the Code. Areas used for recent or current research (e.g., Edgewood Creek, shorezone areas, Ward Valley) will be noted in the PASs.

32. Comment: "Regeneration Harvest" is listed as a permitted use in a number of plan areas where it appears to be inappropriate in terms of potential impacts on water quality, scenic quality, etc., especially in plan areas near Lake Tahoe. The regeneration harvest use on National Forest lands should be restricted to those planning areas where the Forest Service has proposed patch cuts. Consideration should be given to designation of "special areas" within Plan Areas where regeneration harvest on private lands would be environmentally acceptable. (Lahontan)

Response: When properly planned and carried out, regeneration harvests will help the TRPA attain and maintain its vegetation threshold for species and structural diversity. Since such harvests are only permitted as special uses, the project review process and the Code will ensure that all potential environmental impacts are identified and mitigated.

33. Comment: The treatment of "summer homes" in the Plan Area Statements and ordinances needs clarification. Is the designation to recognize existing Forest Service summer summer home tracts, or are new homes or tracts to be allowed with different treatment (i.e., in requirements for roads and services) than other single family dwellings? (Lahontan)

Response: Summer homes are a permissible use in some Plan Areas, but not in all areas. As a "residential unit," a new summer home would require an allocation and would have to conform to all provisions of the Code regarding development standards, IPES, etc.

34. Comment: "Mining and Mineral Extraction" is listed among possible uses in Chapter 18, but does not appear to be a potential use in any Plan Area Statement. Is the intent to prohibit it entirely? Can this legally be done given the existence of mining claims on Forest Service land? If mining is to be permitted anywhere, it might be appropriate to develop criteria for regulating it as part of the Resource Management ordinances. (Lahontan)

Response: There are no known active mines in the Tahoe Region. The intent is to prohibit the use in all Plan Areas. What is permitted under federal mining laws is not necessarily permitted under the Tahoe Regional Planning Compact. Any mining activities that do exist, even if unknown to us at this time, would be non-conforming uses.
35. **Comment:** Are private wells and surface water intakes serving only one home or business considered allowable accessory uses, or are they provided for under public service uses? Is additional language in Plan Area Statements needed to accommodate them? (Lahontan)

**Response:** These are considered structures, not uses, and new construction will be regulated under the Code of Ordinances.

36. **Comment:** Undeveloped campgrounds are listed as permitted uses in some Plan Areas relatively close to urban development (e.g., near Meyers). Restroom facilities for such campgrounds would probably be required to be sewered. It might be appropriate to consider density limits for such campgrounds in terms of numbers of sewer units. (Lahontan)

**Response:** The TRPA does not agree that density limits should be set for undeveloped campgrounds according to availability of sewer units or in terms of sewer units. Although proper sewage disposal will be required in every case, TRPA does not feel that sewer capacity should govern the ultimate density of campgrounds. The USFS has purchased sewage capacity within STPUD for future campground expansion as has the California State Parks.

37. **Comments:** Implementing agencies for needed water quality-related studies identified in some Plan Area Statements (e.g., Echo Summit, #140, and Echo Lake, #142) should be identified. (Lahontan)

**Response:** Agreed. Unless otherwise noted, TRPA is the lead agency.

38. **Comment:** The definitions in Chapters 2, 18 and other portions of the plan should be consolidated and made consistent. (Lahontan)

**Response:** The uses defined in Chapter 18 will be included in Chapter 2 by listing them in the appropriate alphabetical location but referring to Chapter 18 for the definitions.

Tom Martens, League to Save Lake Tahoe, 11/5

39. **Comment:** Clarify the definition and use of the terms "redevelopment" and "redirection." (Tom Martens)

**Response:** See response to General comments #47 and #73.

40. **Comment:** Are 100-year flood plain boundaries included in the hydrologically related area boundaries? (Tom Martens)

**Response:** The 100-year flood plain is a factor in identification of SEZs, but is not a factor in identification of hydrologically related areas (HRA's).
41. **Comment:** Plan area statements should not concentrate commercial uses as much as proposed. Service commercial uses should be allowed in more plan areas to reduce vehicle trips. (Randy Nahas)

**Response:** Concentration of additional commercial development in community plan areas as reflected in Plan Area Statements is intended to minimize or reduce automobile traffic. If a particular location provides an opportunity to reduce traffic and is not now designated as a community plan area, it can be considered in conjunction with the community planning process and changes, if advisable, can be made in Plan Area Statements.

Mr. Nahas has stated in testimony that the Dollar Hill area is one location not shown as a community plan area that should be. That location is intended to be studied in conjunction with community planning for the Tahoe City area. If it is shown in that process that Dollar Hill should be provided the opportunity for commercial development, which is intended to occur mostly in community plan areas, the Plan Area Statement will be amended or replaced by a community plan.

Peter Perry

42. **Comment:** If there is a conflict between a plan area statement and the Code with respect to uses, the plan area statement should supersede the ordinances. It should be possible for a plan area to modify ordinance standards, provided such modifications are permissible within the authority of the Code. (Pete Perry)

**Response:** We disagree. In the hierarchy of the Regional Plan package, ordinances take precedence in the case of a conflict between ordinances and PASs.

John Renz, Douglas County Planning, 11/24/86

43. **Comment:** We suggest a longer comment period since the interactions of the plan package, the PASs and ordinances are extremely complex. (John Renz, Douglas County Planning)

**Response:** Agreed. The comment deadline on the Code and the EIS has been extended to December 27, 1986.

44. **Comment:** PAOTs should be used only for U. S. Forest Service and State Park facilities. Other facilities should compete for resources through the environmental and project review process like any other development. (John Renz, Douglas County Planning)

**Response:** See response to General Comment #5.
45. **Comment:** It would be helpful if special areas were described in the PASs and a statement included as to why they are special. (John Renz, Douglas County Planning)

**Response:** Agreed. These changes will be made to the appropriate PASs.

Clem Shute/League to Save Lake Tahoe, 11/6

46. **Comment:** Land use designations and policies in Plan Area Statements for Community Plan areas are overbroad, and there is a need for specific Community Plan boundaries. (Clem Shute)

**Response:** The uses and policies in the statements as well as the accompanying ordinances will be revised to make them more specific. Community Plan boundaries are specific for preliminary planning, but allowance is made to modify them as a result of community planning.

47. **Comment:** Eliminate the redevelopment designation from all Plan Area Statements except the Plan Area Statements relating to the current City of South Lake Tahoe redevelopment proposals. (Clem Shute)

**Response:** Agreed. New proposals for redevelopment pursuant to state law can be considered and implemented by means of plan amendments. See also response to General Comment #73.

48. **Comment:** Permissible uses within Plan Area Statements must be more narrowly defined. (See comments on Chapter 18.) More types of uses (e.g., post offices) should be broken out of government offices and more use should be made of special policies to define limitations. (Clem Shute)

**Response:** The description of permissible uses will be modified to be more specific.

49. **Comment:** Special policies in Plan Area Statements lack sufficient detail for effective implementation. (Clem Shute)

**Response:** Comment noted. Appropriate changes will be made.

50. **Comment:** The Plan Area Statements do not relate to and are not coordinated with other Agency resource maps. All significant resources should be included on the Plan Area Statement Maps. (Clem Shute)

**Response:** The Goals and Policies state that the Plan Area Statement maps shall be coordinated with other maps, but it is not intended (or practical) that all the information be included in the PAS maps. The other maps listed in the Goals and Policies will be prepared at the same scale as PAS maps and available as overlays. These maps will be provided in the near future, but not all will be available at the intended scale upon adoption of the PAS.
51. **Comment:** The Plan Area Statements do not identify existing uses in a Plan Area. Treatment of existing uses versus new uses should be clarified. Special policies should set out limitations. (Clem Shute)

**Response:** Agreed. In cases where an existing use is to be treated differently than a new use, the statements will reflect that difference.

52. **Comment:** Plan Area Statements do not relate VMT thresholds and permissible development. (Clem Shute)

**Response:** The need to evaluate the effects on VMT caused by permissible development is generally addressed in the EIS. For specific projects, evaluations will be made as part of project review.

53. **Comment:** Unrestricted transfers of existing commercial and tourist accommodation uses are allowed outside of Community Plan areas. (Clem Shute)

**Response:** This matter will be reviewed and special policies included where transfers should be restricted. See also response to General Comments #61 and #62.

54. **Comment:** Plan Area Statements allow bed and breakfast uses without adequate restrictions. (Clem Shute)

**Response:** This matter has been reviewed and appropriate changes will be made. See also response to General Comment #2.

55. **Comment:** In Douglas County, there is an over-use of guest houses and no density or parcel size limitation. (Clem Shute)

**Response:** This issue has been reviewed and changes have been made in Chapter 18 to limit secondary dwelling units, which include guest houses, to parcels of two acres or more where shown in a PAS as a permissible use.

Richard Skinner, Deputy Attorney General, California, 11-26-86 (Paraphrased)

56. **Comment:** Properly utilized, the PASs can be an innovative means of addressing problems of the Tahoe Region. (Richard M. Skinner, Deputy Attorney General, California)

**Response:** Agreed.
57. Comment: The most significant problem in the PASs is the practice, when identifying permitted or special uses, to list not only the new uses which might be allowed, but also the existing uses. In your approach, existing uses are "recognized" by making them "permitted" in a given PAS. This creates a wholesale failure to distinguish between appropriate existing and new uses, and precludes an adequate land use plan. TRPA has not attempted to distinguish between uses in proper locations and those which should be redirected, which perpetuates and enlarges past errors in land use planning. (Richard M. Skinner, Deputy Attorney General, California)

Response: TRPA will review all PASs and designate as special uses those uses which are recognized as being permissible but only under special circumstances. Uses which exist but are clearly inappropriate for the area will not be listed as allowed or special uses. To the extent practical, those existing but nonconforming uses will be identified in the Special Policies.

58. Comment: Before commercial development resumes, TRPA staff should be directed to inventory all existing land uses, to decide which ones are appropriate for their given areas, and to refine the PAS lists of permitted land uses accordingly. (Richard M. Skinner, Deputy Attorney General, California)

Response: Inside designated community plans, inventories and refined lists of uses will result from the CP process. Outside CPs, and before CPs are done, a very limited amount of new commercial is possible, but in any event the lists of permissible uses, after updating during the current review process, will be adequate to avoid the establishment of inappropriate uses.

59. Comment: Each Planning Consideration should generate a specific Special Policy to correct the problem. (See, for a good example, PAS 067.) The Special Policies should also be more than wishful thinking, and avoid phrases such as "should be considered," "should be encouraged," "whenever possible," etc. This is an important concern because the Planning Considerations often relate to threshold problems (see PAS 048), yet the special policies contain only weakly-worded efforts to address the problems.

Example: 25 Plan Areas have been "tentatively designated" for fish habitat restoration, a threshold requirement. Not one of the Plan Area Statements includes a program for the needed restoration.

Such problems can be solved through the PASs or the ordinances. But in either case, the present approach does nothing to solve serious problems. (Richard M. Skinner, Deputy Attorney General, California)

Response: Generally, we agree and will review the PASs to add appropriate Special Policies. However, many Planning Considerations are intentionally less certain than others and will not be accompanied by Special Policies because they are advisory only. Some, for instance, will be advice to CP planners. Some are mentioned as information for local government, other agencies, or citizen groups to consider in regard to their future activities.
60. Comment: Each PAS calls for improvement programs to be carried out in the areas of water quality, scenic values, transportation, and SEZ restoration. All of these deal with maintaining or achieving environmental thresholds, and are critical to the Regional Plan. However, neither an SEZ restoration program nor a scenic restoration plan has been completed, and we are unaware of any timetables for implementation of any of the improvement programs.

We are confident the TRPA is working on these projects, but the TRPA cannot rely on incomplete programs to solve present-day problems. The Governing Board should determine the completion dates for the programs, and ensure they will be implemented before contemplating new growth in the Region. Otherwise, new growth may conflict with the programs needed to accommodate development. (Richard M. Skinner, Deputy Attorney General, California)

Response: Agree. The projected schedule for completion of the SEZ restoration program and the scenic restoration plan is as follows: (1) Draft documents will be completed and circulated, with appropriate environmental documentation, by March 31, 1987. (2) After the required circulation period, the APC and Governing Board will review the documents, and the Governing Board will adopt them as part of the Regional Plan package.

Until those programs are in place, project approval should depend on findings that the objectives of the two programs shall not be impeded. Other programs have implementation timetables set forth in Chapter 32. The V(g) findings required for all projects will correlate closely with Chapter 32.

61. Comment: It is inconsistent with the Goals and Policies for TRPA to allow development of significant new commercial uses outside Community Plan-eligible areas. However, the draft PASs do this, by allowing transfers to areas not within projected CP boundaries, and by allowing new commercial uses in PASs not within projected CP boundaries.

Nearly 50 Plan Areas not designated for Community Plans are eligible for commercial growth, without basis. Commercial growth, through new development or transfer, must be focused within the CP boundaries. (Richard M. Skinner, Deputy Attorney General, California)

Response: Some new commercial growth is expected outside CPs as provided in the Goals and Policies (40,000 square feet in first ten years) and some rearrangement by transfer is contemplated. But, by our reckoning, only in PAS 009B, 66, 102, 127, and 173 can additional commercial growth occur by transfer. We will trim the list down to include only those areas where expansion of commercial use should have the extra incentives relating to transfers. The areas where new commercial growth will be allowed, though many in number, will not have any significant growth simply because the amount to allocate is very limited. Minor growth can be accommodated and have beneficial results in several areas outside CPs.
62. **Comment:** The problem identified in 6, above, is repeated with respect to tourist accommodation policies in the draft PASs. While there may be some justification for locating tourist accommodations outside CPs, the draft allows them almost everywhere commercial uses are allowed, without regard to possible conflicts. (Richard M. Skinner, Deputy Attorney General, California)

**Response:** We will review the PASs to determine if any for which tourist accommodations are a permissible use are not actually suited for more tourist accommodations. By changing permissible uses or including Special Policies we will address the problem.

63. **Comment:** In the shorezone, the PASs uniformly allow piers, breakwaters, jetties, shoreline protective structures, and even fences. They are not sensitive to overriding concerns such as public access along the shore, littoral drift, land capability, or sensitive fish habitat. If TRPA does not have adequate data to identify areas where these concerns must take priority, TRPA should reserve judgment on the type of structures to be allowed in given areas.

In California, these uses occupy a perpetual public trust easement, to protect the peoples' right to preservation of the area for public, water-related values. The PASs do not recognize this right. (Richard M. Skinner, Deputy Attorney General, California)

**Response:** The PAS are not intended to make decisions regarding the possible adverse impacts of all possible projects. Ordinances, including those that require findings, also apply. Project review will winnow out projects having unacceptable impacts to those values noted in the comment.

64. **Comment:** The use of the term PAOTs in the PASs is confusing. How are they measured? How many exist in given areas? If PAOTs aren't assigned to a given Plan Area, can no more people visit the area? How are PAOTs linked to actual development. The use of PAOTs in the PASs is inconsistent. Few PAOTs are assigned to backcountry uses.

The TRPA should reserve sufficient outdoor recreational capacity to allow it to carry out the commitment in the Goals and Policies that, "when reviewing projects that commit significant resources or services to non-outdoor recreational uses, TRPA shall be required to make written findings that sufficient resource capacity remains to obtain the recreational goals and policies of this plan." (Recreation Element, Goal 1, Policy 2.)

The PASs must specify fair share recreational development estimates for the Region and local areas before the Governing Board can make the required findings. Without resolution of these problems, we cannot find this aspect of the draft PASs acceptable. (Richard M. Skinner, Deputy Attorney General, California)

**Response:** See response to General Comments #5, #21, #22, #23, #26, and #27.
65. Comment: Each PAS assigns a Community Noise Equivalent Level (CNEL) limit, which is an innapropriate way to ensure attainment of the CNEL thresholds. Noise levels do not occur along fixed lines, much less according to PAS boundaries. If noise contours have not been developed, it would be preferable to simply require observance of threshold CNEL standards, and commit to establish actual contours in particular areas.

Some PASs also ignore established thresholds, for example, in wilderness or roadless areas. The draft assigns these areas a 45 dB CNEL standard, although the threshold is 25 dB. It has been argued that 25 dB is an impossibly-strict standard to meet, but without a study to establish a more correct value, TRPA should require attainment of the existing threshold standard as nearly as possible. (Richard M. Skinner, Deputy Attorney General, California)

Response: With respect to implementation of the CNEL thresholds through the PASs, the staff feels, upon review, that the PASs are an effective and appropriate implementation mechanism, provided allowances are made for incorporation of transportation corridors. With respect to the 45 v. 25 dB comment, the staff agrees and will change the affected PASs.

66. Comment: Grazing if often a permitted use, especially in non-urban areas. There is little coordination of this policy with concerns for protection of wildlife habitat, SEZs, vegetation, and water quality. Also, grazing often conflicts with dispersed recreation, including fishing, camping, rafting, and hiking, but little effort is made to limit these conflicts.

It would be more appropriate to consider phasing out grazing as an acceptable practice in the Region. Existing pasture and rangelands could be preserved, but without expansion and with strict controls to avoid environmental degradation. (Richard M. Skinner, Deputy Attorney General, California)

Response: On lands under the jurisdiction of the Forest Service, analysis of possible conflicts with other values is set forth in the Forest Service's Land Management Plan which this Agency has reviewed and commented on. Conflicts with dispersed recreation, for example, are of concern to the Forest Service as well as to TRPA. Neither the TRPA nor the Forest Service has found grazing to be incompatible with dispersed recreation use, per se. In some areas it is not allowed because of conflicts. TRPA's (and the Forest Service's) concerns should be to achieve thresholds. Where grazing is found to prevent attainment of thresholds, it should not be allowed. So far we have no evidence to show it should not be permitted in the PASs so designated.

On private lands, TRPA's concerns are the same as on federal lands, except that dispersed recreation use on private lands is not necessarily a priority use over other allowed uses, such as grazing.
67. **Comment:** Power generation appears as an acceptable new use in 20 Plan Areas, including Emerald Bay and Meeks Bay--irreplaceable natural areas. We are concerned that such use may be contemplated in backcountry areas, and we question whether any new power generating uses should be located in the Region, beyond minor emergency facilities. (Richard M. Skinner, Deputy Attorney General, California)

**Response:** The PASs and Chapter 18 of the Code will be revised to place more stringent limits on power generation. In most cases, power generation will be limited to emergency power generation facilities.

68. **Comment:** We understand that, when a PAS is deemed eligible for TDR of "allocations," that such a designation refers to residential allocations only. If the word "allocations" means more than this in the PAS context, it should say so. (Richard M. Skinner, Deputy Attorney General, California)

**Response:** Mr. Skinner is correct. "Allocations" refers to allocations for residential purposes only. The PASs will be modified accordingly.

69. **Comment:** The Goals and Policies strictly limit uses in SEZs and, for commercial, tourist, recreational, and public service uses, in land capabilities 1-3. The language in each PAS describing permissible uses should include a warning about these policies, and a cross-reference to the Goals and Policies and ordinances. The potential for ambiguity now seems to exist. (Richard M. Skinner, Deputy Attorney General, California)

**Response:** We don't believe it is necessary to refer, in each PAS, to the policies regarding use in SEZs and capabilities 1 - 3 since those limitations are only some of several in the Goals and Policies which have a bearing on development and use. For example, there are policies on height, air quality, land coverage, and changes in commercial use which are addressed in ordinances. The introduction to the set of PASs will describe the relationship to other plan documents.

70. **Comment:** In PAS 165, a Special Policy provides that no one may transfer a development right to build a single-family residence, unless the area is served by paved road, sewer, electricity, and water. With few exceptions, the Goals and Policies require all four basic services to build any single-family residence, TDR or not. (Richard M. Skinner, Deputy Attorney General, California)

**Response:** That is correct. The Special Policy is redundant and will be deleted.

71. **Comment:** Several PASs refer to "paper subdivisions," presumably situations where persons have filed or obtained a tentative subdivision map, but have never obtained a final map. The Goals and Policies now preclude new subdivisions. It is unclear what the drafters intend by their reference to "paper subdivisions," since the status of such situations is a legal
determination. We are concerned there may be some attempt to validate these various proposals. Neither the Goals and Policies nor the DEIS for the PASs and ordinances contemplates added impacts of new subdivisions. (Richard M. Skinner, Deputy Attorney General, California)

Response: These "paper subdivisions" are recorded subdivisions with little or no improvements such as sewer and water lines, roads, or electric power. Existing TRPA ordinances would not recognize these as legal building sites without substantial improvements. TRPA's intent is to identify such "paper subdivisions" and require determinations by the Governing Board as to whether they can be developed.

72. Comment: Where multi-family uses are permitted in a given PAS, the PAS should assign a density appropriate to the area, compatible with the surrounding uses. It is likely that the ordinances will specify only a maximum density for such uses. In a given neighborhood, multi-family may consist of duplexes or fourplexes, not 15 units per acre. (Richard M. Skinner, Deputy Attorney General, California)

Response: In general, the staff agrees with this comment. Multi-family densities in several Plan Areas (e.g., PAS 155, Tahoma Commercial) have been reduced from the 15 units/acre maximum.

73. Comment: "Redevelopment" is an acceptable strategy only for Plan Areas where the City of South Lake Tahoe is seriously pursuing redevelopment. In the consensus process, there was an agreement to restrict the use of the term "redevelopment" to development by a redevelopment agency pursuant to state and federal redevelopment law, which definition was incorporated into the Goals and Policies (see p. B-4). The intent of that definition was to avoid the potential for widespread avoidance of development standards, and to allow the extraordinary flexibility of redevelopment only where sponsored by a public entity under applicable state and federal laws.

The PASs ignore the agreement and the definition, and apply the term "redevelopment" to a host of areas with no present redevelopment prospects.

Response: The PASs will be reviewed and reference to "redevelopment" will be deleted except for those areas involved in the City of South Lake Tahoe's redevelopment program. If any other area in the future establishes a redevelopment agency and proposes redevelopment, amendments to the PAS will be considered.
74. Comment: The Land Use Sub-Element, Goal 2, Policy 5 requires that, "All Plan Area Statements . . . shall specify the total additional development which may be permitted within the region," not to exceed the allocation limits set forth. This requirement is not being met, and the final PASs must remedy this defect.

The commercial, tourist, and public service elements are of particular concern. Unless the PASs distribute new development, the ability to assess the cumulative impacts of that growth, and to examine local impacts, is seriously questioned.

The TRPA does not need to assign a precise number of square feet of new commercial floor area to each PAS, nor can the Agency make a final assessment, in 1986, of where each public service and recreational development for the next 10 years will occur. However, TRPA can and must assign a range of potential development to the various Plan Areas. TRPA should know where the larger urbanized areas are, where most new commercial growth will occur, and which other areas which be neighborhood service areas.

By assigning a range of potential development to the PASs, they will satisfy the Goals and Policies, and it will be feasible to assess the potential impacts of new development. But the difficulty of deciding precise figures or locations will not be encountered until the Community Plan process is complete. This comment applies to public service uses (such as convention centers) as well as commercial and tourist uses.

Unless this requirement is adequately fulfilled, we do not believe TRPA will have enough of a focused development plan to meet legal requirements, particularly in the public service area, where no present plan exists.

(Richard M. Skinner, Deputy Attorney General, California)

Response: Goal #2, Policy #5, of Chapter II of the Goals and Policies does say PAS's, etc., shall specify the total additional development in the Region. Later in the explanation of the policy it goes on to say the limitations shall be expressed in appropriate land use regulations, such as zoning, use limitations, floor area limitations, allocation limits and other such regulations. We do not believe it is necessary to indicate the amount of development for each Plan Area but rather that the total development provided in Plan Areas, as affected by other features of the Plan, does not exceed the limitations set for the Region.

The second point in the comment is that to adequately assess the impacts, both local and cumulative, it is necessary to know the potential for development in localized areas. We agree and will include in the final EIS an indication of the amount of growth that can be accommodated in the various areas around the Region. Since some of the parameters for measuring the impacts of development are vehicle trips generated and land coverage, the capacity for growth beyond that allocated in the Plan Area Statements will be expressed in those terms. The significance of that information will be that development of any form proposed beyond the
available capacity for additional vehicle trips or additional coverage will be an indication that the EIS prepared for the Plan may not be sufficient to address the cumulative effect of that greater amount of development in relation to assumptions or allocations made throughout the rest of the Region, or for that particular area. If that becomes the case, a new EIS or amendment addressing cumulative impacts would need to be prepared and certified by the TRPA before the greater amount would be approved. The monitoring programs of the TRPA will keep track of the progress toward meeting thresholds and the extent of development relative to assumptions in the EIS.

The Tahoe City Advisory Council (TCAC)

75a. Comment: The northeasterly boundary of the hydrologically related area in which Tahoe City is located should follow the ridgeline on Dollar Hill. (TCAC)

Response: This boundary was drawn to follow the ridgeline just north and east of Burton Creek, separating Burton Creek from the unnamed creek discharging to Lake Tahoe at Lake Forest. (Watersheds 4 and 6 on the USGS watershed map.) TRPA staff has checked the location of this boundary and it appears the boundary is drawn correctly.

75b. Comment: The Community Plan boundary for Tahoe City should also follow the ridgeline on Dollar Hill. (TCAC)

Response: Disagree. The preliminary community plan boundary for Tahoe City will be the PAS boundaries for 001A and 001B. The CP adoption process will establish the final CP boundary.

76. Comment: Community Plans should not only be concerned with commercial development, but should be a comprehensive plan for the entire community. (TCAC)

Response: The Regional Goals and Policies Plan, Land Use subelement, Goal 2, Policy 6, indicates "CPs may be developed for designated commercial areas." Staff agrees that CP may, in some locations, consider the entire community and will note the related PASs. PAS may be amended to reflect those concerns and to coordinate with CPs.
Tahoe Keys Property Owner's Association, 11/24/86

77. Comment: Perhaps an acknowledgment detailing the services provided by the TKPOA, such as water company, water treatment, parks and recreation, public works, security, maintenance and administration should be noted in the description of Existing Uses in PASs 100, 102 and 111, and these uses should be listed under the general list of Permissible Uses. (TKPOA)

Response: Public Utility Centers, which include the types of facilities mentioned, will be designated as an allowed use in PAS's 111 and 102 and will be added to PAS 100 as a special use. Day Use Areas, which include the type of recreation facilities mentioned are currently listed as an allowed use in PAS's 111 and 102.

Tahoe Regional Planning Agency staff, 11/24/86

78. Comment: PAS 037, 038, 044, 045, 046, 048, 049, 050, 054 do not make mention of the proposed widening of Highway 28 through Incline Village. (TRPA staff)

Response: The planning considerations will be expanded to include mention of this project, consistent with the Regional Highway System subelement of the Goals and Policies (Goal 1, Policy 1, second phase).

79. Comment: In general, we do not treat anticipated highway alignments consistently. For example, to be consistent PASs 60, 71, 72, 73, 75, 76 and 80 should all include mention of the possible Nevada-side bypass. (TRPA staff)

Response: PASs 60, 71, 72, 75, 76, and 80 will be amended to include mention of the proposed 2-lane bypass, consistent with the Regional Highway System subelement of the Goals and Policies (Goal 1, Policy 2, second phase).

PASs 093, 094, 101, 098, 100, 095, and 119 will be amended to include mention of the presence of an existing Caltrans ROW, a study of which is planned in the context of the Regional Transportation Plan update.

PASs 80, 85, and 92 will be expanded to include mention of the proposed Needle Peak bypass, consistent with the Regional Highway subelement (Goal 1, Policy 2, second phase).
Tahoe-Sierra Preservation Council, 11/24/86

80. Comment: PACTs: As recommended by the Advisory Planning Commission Subcommittee, PACTs should be retained in conservation and recreation Plan Areas, but deleted from the others pending further review of the most appropriate method of accounting for recreational capacity in residential, commercial, and public service areas. Staff should attempt to ascertain what uses PACT limitations in the Plan were intended to comprise, and uses not included should be treated by some other measure of recreational capacity. (TSPC)

Response: Staff will define uses subject to PACTs and set forth PACT estimates in the PAS. See response to General Comments #5, #21, #22, #23, #26, and #27.

81. Comment: Hydrologic Boundaries: As discussed at the recent Advisory Planning Commission meeting, hydrologic boundaries should be modified at the north shore to more accurately reflect existing use patterns. Our proposed boundaries are indicated on the attached exhibit. (TSPC)

Response: We have reviewed the recommendation and will change the map to reflect a hydrologic boundary along the north stateline and to delete the two lines that bracketed the stateline. We believe the other two (one northeast of Burton Creek and the other north of Watson Creek) should remain as is to serve the dual purpose of relating the benefits of coverage transfers to areas related hydrologically and to provide an adequate supply of coverage for transfer purposes.

Norman Traverso, President of the Tahoe Sierra Board of Realtors 10/23/86

82. Comment: The Board of Realtors wants to continue to be a vital part of planning for the Basin. The Board of Realtors feels, however, that information is not being distributed in sufficient time for adequate review and comment. (Norm Traverso, Board of Realtors)

Response: Comment noted. Please see General Comment #43.

83. Comment: Everyone agrees that tourism shall continue to be the major industry around the Basin. To accomplish this, proper shelter, feeding establishments, and proper recreation and shopping facilities must be provided; and this is done by ensuring that investors will have an appropriate business climate. You can't get money out of a business community that is absolutely going down hill. (Norm Traverso, Board of Realtors)

Response: Comment noted.
Wilbur Twining, 11/7/86

84. Comment: Is concerned about strip development. He recommends concentration of commercial uses all along Highway 50 from the South Tahoe Wye area to Stateline and eliminating most commercial use in outlying areas. Strip development should be limited along the Nevada portion of Highway 50. Institutional development should be out of the commercial areas. (Wilbur Twining)

Response: The Goals and Policies and the FASs attempt to discourage strip development on U.S. 50 by concentrating commercial uses in Community Plan areas at the Wye, Sierra Tract, Al Tahoe, Ski Run, Stateline, and Kingsbury Grade, Meyers and around the airport. Other scattered locations of commercial use will likely be relocated to these Community Plan areas.

85. Comment: Plantings, as at the campground in Al Tahoe, should be used to mitigate strip development. (Wilbur Twining)

Response: Agreed. The TRPA's scenic management criteria recommend vegetative screening in many applications.

Daniel R. Walsh, Attorney for Uppaway Development Company

86. Comment: These documents do not have a reasonable relationship to the legitimate purposes of the Tahoe Regional Planning Agency. They are designed to prohibit growth and development of private property rights that have not caused and would not cause environmental damage to Lake Tahoe. (Daniel R. Walsh)

Response: We disagree with those comments.

87. Comment: The so-called Bailey System has been used by this agency and its staff for the past 14 years to classify and condemn private property rights in the Tahoe Basin as unbuildable. Scientific studies have been conducted on behalf of these protesters at great expense that demonstrates that the Bailey system is inaccurate and erroneous and is at least 350% to 3500% wrong as applied to Uppaway Estates. It is our understanding the TRPA staff has been aware for 14 years that the Bailey system should not have been applied to condemn individual property rights, but has done so anyway with the concurrence of this Governing Board. At a TRPA Nevada Legislative Oversight Committee hearing in Las Vegas on October 27, 1986, the TRPA staff admitted by testimony that the Bailey system was and is inaccurate.

These protesters at the same hearing with the TRPA staff in attendance, presented uncontradicted evidence that the Bailey system as applied and used by the TRPA is erroneous, inaccurate and should not be used. Notwithstanding the known and admitted use of an erroneous system, the Bailey system is incorporated for use in and through the Regional Plan, Plan Area
Statements, Implementing Ordinances and Environmental Impact Statement. This is a gross and unreasonable abuse of the administrative process. The following is a quote of Mr. Dave Ziegler of the TRPA staff at the Las Vegas Legislative Oversight Committee hearing:

"Over the years a number of disadvantages (of the Bailey System) surfaced and a few of those are worth mentioning.

One is the resolution in the maps was very poor. The USGA had mapped the area at about a 40 acre resolution. That's the type of resolution you use for a timber area or typical rural area. I really didn't think the system was intended for use on individual lots or parcels, in fact, we had some conversations with the author of the system (Bailey). He implied that he never expected it to be implemented on a lot by lot by lot basis. Basically, it doesn't contain enough variables."

(Daniel R. Walsh)

Response: The staff recognizes the weaknesses of the Bailey Land Capability concept. However, as adapted by the TRPA and others, it has served as a useful tool to protect water quality. Nevertheless, to provide more flexibility in land use planning and to compensate for the accuracy of the original soils maps, a number of additional modifications to the system have been proposed. They include the establishment of the Individual Parcel Evaluation System for use in evaluating the suitability of residential property for construction, the opportunity to transfer coverage to many parcels to permit more coverage than otherwise allowed under the Bailey system, and a program to review and correct land capability classifications, if mapped erroneously.

88. Comment: The limitations and prohibition embodied in these proposed documents have been devised to accomplish indirectly what the government is powerless to do in a normal fashion to limit and prohibit the use of private property. Their object is not to protect the ecology of Lake Tahoe but, under the guise of police regulation, to deprive private property owners of property without due process of law. (Daniel R. Walsh)

Response: We disagree with the statement.

89. Comment: The private loss to be imposed by these documents is not reasonably proportionate to any benefits secured and gained by them. They prevent development of protestants already approved residential lots and seek to devote them to an essentially public purpose. (Daniel R. Walsh)

Response: We disagree with the statements. The proposed ordinances improve the opportunities for vacant parcels to be developed, compared to the current rules.
90. **Comment:** These documents constitute an unconstitutional taking of private property rights for public purposes and they are constitutionally infirm in that they would render the subject property virtually valueless. (Daniel R. Walsh)

**Response:** We disagree with the statement.

91. **Comment:** These documents, if approved, amount to a legislative determination of the TRPA not predicated on rational grounds. (Daniel R. Walsh)

**Response:** We disagree with the statement.

92. **Comment:** These documents, if approved, will constitute an unconstitutional impairment of Obligations of Contracts executed by TRPA with William Cody Kelly, Trustee. Not only is this subdivision approved by Douglas County, the TRPA and a U.S. District Court, but additionally the TRPA has entered into contracts with these protestants allowing development of the property the TRPA now seeks to condemn through the enactment of these subject documents. In reliance on these contracts, William Cody Kelly, Trustee, has spent approximately $200,000 on improvements to these lots and relinquished another lot worth $250,000. (Daniel R. Walsh)

**Response:** The Plan Area Statements and the proposed ordinances should improve the opportunities for owners of lots in the Uppaway subdivision to develop their property compared to the current ordinances.

93. **Comment:** These proposed documents are unreasonably vague, incomplete, unintelligible and cannot provide a legal basis for regulations, ordinances, restrictions or laws that adversely affect protestants property rights. (Daniel R. Walsh)

**Response:** Comment noted.
SPECIFIC COMMENTS

1. Comment: PAS 001A - The parking areas and access road should be advocated in the appropriate Plan Area Statements. (TCAC)

Response: Agree, see wording in Specific Comment #2.

2. Comment: PAS 001A Tahoe City: Replace bypass wording with this language: "A study of a secondary road/parking plan will be expeditiously pursued in coordination with Placer County. If the results of that study warrant it, a secondary road/parking plan should be implemented during the early stages of the plan." (10/8 APC Meeting)

Response: The language in Special Policy #2 will be replaced with the suggested language, but the following language will be added after the word "plan" in the first sentence: "designed to alleviate traffic congestion problems, improve parking and air quality and encourage pedestrian and mass transit use in the core area..."

3. Comment: PAS 001A, suggest Policy #7 wording as follows: "The TRPA will study the entire plan area and adjacent plan areas to identify man modified areas (not later than August 1, 1986). Areas identified as man modified shall be treated according to the rules set forth in Chapter 20 of the Code." (10/8 APC Meeting)

Response: Special Policy #7 will be reworded to read as follows: "The Agency will assist with a study of the entire area within Plan Area 001A and adjacent plan areas to identify areas that are man-modified in accordance with Subsection 20.1.F of the Code of Ordinances. The target date for completion of the study will be August 1, 1987. Areas recognized by the Agency as man-modified shall be regulated in accordance with the provisions of Subsection 20.1.F of the Code of Ordinances."

4. Comment: Caltrans' Tahoe City Maintenance Facility is not identified in PAS 001A. It is unclear whether the Maintenance Facility would be included in the Tahoe City Community Plan boundaries. (Caltrans)

Response: The maintenance facility is in PAS 001A and, therefore, within the preliminary boundaries of the Tahoe City Community Plan.

5. Comment: Also in PAS 001A, the eligibility of the Tahoe City Maintenance Facility for a "man-made designation" in the SEZ and the implications of this program are not specified. This includes restoration work which would be considered practical in the SEZ portion of the maintenance facility. (Caltrans)

Response: See Specific Comment #3.
6. Comment: In Plan Area #001A (Tahoe City) Planning Consideration #6 should not indicate that the number of rafts will be increased, but the language in Planning Consideration #5, Plan Area Statement 003 should be used. There should never be an increase in the current number of rafts on the Truckee River. (Mary Harrington)

Response: Disagree. Such a conclusion would be premature without a study. However, a moratorium on rafting increases until the study is done will be added to the policies in PAS 001A and 003.

7. Comment: PAS 001A and 001B - The 1975 Tahoe City Urban Design Plan is badly dated; care should be taken in relying on its provisions during Community Plan (CP) development. (Richard Skinner)

Response: Agreed.

8. Comment: PAS 001B - Affordable housing is located next to industrial uses. (Richard Skinner)

Response: The affordable housing may be a trailer court facility which would require the screening this site can afford. Also this is a large undeveloped site which will required a master plan to insure compatibility.

9. Comment: There's a concern over the compatibility of the proposed housing and industrial uses in PAS 001B Tahoe City industrial. (Tom Martens)

Response: See specific comment #8.

10. Comment: PAS 001B, Tahoe City Industrial: Indicate that this is a site for alternative housing and is not a site for major industry, but more of a storage/maintenance area. (10/8 APC Meeting)

Response: The Planning Statement will be reworded to read as follows: "This area should become the light industrial area for Tahoe City and the receiving area for the relocation of existing incompatible uses located in the Tahoe City area." Planning Consideration #4 will be reworded to read as follows: "This area may be a suitable location in which to relocate the trailer court being phased out on the 64 Acre Tract."

11. Comment: PAS 003, Truckee River: Add fuel and ice dealers as a special use. (10/8 APC Meeting)

Response: Comment is noted and requested change will be made.

12. Comment: There is a lack of impact analysis for the camping facilities in PAS 004 Burton Creek. (Tom Martens)

Response: The impact analysis will be included in the final EIS on the Plan Area Statements.
13. Comment: 004 Burton Creek - Special policy calls for campground expansion but there are no PAOTs. Question uses of storage and multi-person dwellings. (Clem Shute)

Response: There are 600 PAOTs allocated to this Plan Area for campground expansion.

14. Comment: PAS 004 - Add OHV Courses as an allowed use. (USFS)

Response: Response deferred to further consultation with USFS.

15. Comment: PAS 004 - Add Snowmobile Courses as a special use. (USFS)

Response: Response deferred to further consultation with USFS.

16. Comment: Even though there are existing multi-family uses in PAS 005, Rocky Ridge and Star Harbor, there is no designation for multi-family uses. (Randy Nahas)

Response: See response to Specific Comment #17.

17. Comment: PAS 005 Permissible Uses:

The following permissible use designations should be changed from "SPECIAL USE" to "ALLOWED" and the underlined uses added.

RESIDENTIAL - Caretaker residence (A), multi-family dwelling (A) (both existing uses)

COMMERCIAL - Professional offices (A), storage yards (A), (both existing uses)

Maximum Densities:

USE

RESIDENTIAL - Multi-family dwellings (15 units per acre) should be added to this category since a large percentage of the homes in existence or to be constructed in this area are or will be duplex, triplex or fourplex units.

(Shelly N. Turner)

Response: Caretaker residences will be included in a new category of Secondary Dwelling Unit and will be listed as an allowed use (A) in PAS 005.

Multi-family uses will be listed as a Special Use (S), with a Special Policy to limit the use to those parcels already approved for multi-family dwellings on final maps for the planned unit development.
Professional offices will be listed as a Special Use (S).

The need for storage yards is considered to relate to the support of the Rocky Ridge and Star Harbor developments. Therefore, the use should be accessory to the primary residential use. The definition of accessory uses for residential uses will be changed to include storage.

18. Comment: PAS 005, Rocky Ridge: Delete Planning Consideration 4 about development degrading fish habitat. (10/8 APC Meeting)

Response: Comment noted and Planning Consideration #4 will be removed.

19. Comment: 005 - Rocky Ridge: The special designation should indicate that this is a TDR receiving area for multi-residential units, and that this is a multi-residential incentive program area. The Rocky Ridge planned unit development is not yet built-out, and further development should not be foreclosed. (TSPC)

Response: The build out of the undeveloped parcels in Rocky Ridge is permissible within PAS 005 without any special designations.

Comment: Special Policy #1 should be deleted. There is no justification for prohibiting development in the shorezone in a more restrictive manner than in the shorezone ordinances.

Response: This policy will be changed to a Planning Consideration and reworded to reflect the knowledge of an instability problem. Ordinances will deal with the presence of areas of instability.

Comment: The list of permissible uses should be amended to allow multi-family dwellings, and tourist uses should be amended to allow hotels, motels and other transient dwelling units as a special use as there is an existing motel in this plan area. Professional offices and storage yards should be added as special uses under the heading of Commercial, as there is a shop and office complex directly to the east of Rocky Ridge.

Response: Hotel, motels and other transient uses will be added as special use, based on previous Governing Board direction. All commercial uses will remain nonconforming.

Comment: The maximum densities table should show multi-family dwellings at a density of 15 units per acre.

Response: Disagree. The maximum density shall be one unit per parcel. This recognizes the nature of the approved planned unit development.

20. Comment: 006 - Fish Hatchery: Planning consideration #3 should be deleted or modified to read, "a scenic restoration plan should be developed if a re-evaluation shows it to be required." A restoration plan currently does not exist. See attached map D-6 for proposed deletion from #006 and addition to #009B. (TSPC)
Response: Consideration #3 will be deleted. The Scenic Restoration Program requirement will be referenced under improvement programs. We do not agree to applying the commercial/public service designation of 009B for this area.

21. Comment: PAS 006 - This PAS should not anticipate Placer County's decision concerning its Administrative Center. That project requires an EIS/EIR; the draft PAS does its utmost to accommodate a decision to locate the Center in this area—despite the SEZ characteristics. At the very least, the existing SEZ development should be deemed nonconforming uses. (Richard Skinner)

Response: This reflects numerous hearings by Placer County to expand its existing jail. The compromise calls for some restoration and removal of the maintenance yard and expansion of a needed jail which the community desires to keep in this location. Jail expansion could not occur as a nonconforming use. New information from the EIS/EIR could cause reevaluation of this PAS.

22. Comment: PAS 007 - Despite Special Policy No. 2, discouraging strip development, the use table does exactly the opposite. This area is not appropriate for commercial uses. (Richard Skinner)

Response: This designation reflects a compromise. There are existing commercial uses, good capability lands and two or three vacant parcels not suitable for single family development.

23. Comment: 007 - Lake Forest Glen: The boundaries of this plan area should be modified to delete certain areas which should be joined with Plan Area #009B. See the attached map D-6, showing proposed new boundaries. (TSPC)

Response:

24. Comment: 007 Lake Forest Glen - Question the allowance for commercial uses and future strip commercial. Recommends limiting number and location of commercial uses. (Clem Shute)

Response: See Specific Comment #22.

25. Comment: 008 - Lake Forest: Special Policy #2 should be deleted. A provision similar to this one appears in several plan areas, and purports to restrict the right of adjacent lot owners to construct single-use piers. Although the facts are slightly different in each plan area, this issue should be resolved in the Code of Ordinances and not in Plan Area Statements. While I understand that you believe that property owners have the right to go to court to prove that the property is theirs, the expense of litigation makes that an unappetizing alternative. In our experience, Placer County will grant easements across the area they claim, to allow abutting property owners to construct and maintain piers. The County does not intend to restrict use as the Plan Areas indicate. (TSPC)
Response: We believe the policy as stated belongs in the PAS.

Comment: As to maximum densities, there are several existing condominium developments within the plan area. Multi-family dwelling density should be at 15 units per acre so as not to make the existing units nonconforming as to density. (TSPC)

Response: Density for multi-family dwellings will be established at 15 units per acre or the applicable density established by the recognized subdivision map, whichever is more restrictive.

26. Comment: PAS 008 - New and existing piers are permitted, though the existing ones are in prime fish habitat. There should be no commitment to retention of those piers until an adequate habitat restoration plan shows the piers will not be an obstacle to the restoration objectives. (Richard Skinner)

Response: Piers and their relationship to fish habitat are regulated by the Code. Once the fish habitat issue is resolved and criteria established the Plan Area Statement uses may be reconsidered.

27.

28. Comment: PAS 009A - While designated an industrially-oriented commercial area (and that can be its only justification for being considered as CP-eligible), the use table for this area encompasses the broadest range of tourist and commercial uses. Strip development is thus encouraged; uses must be limited to industrial. (Richard Skinner)

Response: Staff does not consider this a "strip", however, the use list is broad reflecting the mixture of uses. The orientation of this Plan Area Statement will be decided in the Community Plan process and the uses will be adjusted.

29. Comment: 009A - Lake Forest Commercial: The special designation as a "Scenic Restoration Area" should be deleted. This area has not been identified by the scenic thresholds for mandatory attainment, and in fact has not even been evaluated. Special policy #2 should be deleted. In the alternative, a new special policy could be added to say essentially, "The Community Plan should consider inclusion of a scenic restoration program subelement." (TSPC)

Response: Agreed, scenic restoration area designation shall be removed but policy #2 will be reworded to require a scenic restoration plan as part of the Community Plan.

Comment: The list of uses should include "single family house" as a special use, in view of the existing homes in the area. The list of improvement programs should delete #4, the Scenic Restoration Plan. (TSPC)

Response: Agreed.
30. Comment: PAS 009B - This PAS identifies specifically "a large commercial project . . . under consideration for development within this Plan Area." This suggests that this PAS is being drafted simply to accommodate a developer's request, since the traffic problems and strip development encouragement would seem to preclude consideration of this area for commercial expansion. There is no logical basis for including this PAS within the Tahoe City or Lake Forest CPs--unless only for planning purposes to account for its existing impact. The contradictory statements with this PAS are disturbing. (Richard Skinner)

Response: See Specific Comments #33, #34, and #37.

31. Comment: On the Dollar Hill PAS 009B the following comments:

(a) It is not stated that this area is eligible for a Community Plan.

(b) The TRPA approved EIS for the Tahoe Station project states that there will be a substantial reduction in traffic on both sides of the hill.

(c) Being outside a Community Plan, if Tahoe Station is approved it will use all but 5,000 sq. ft. of the commercial floor area permitted outside Community Plan areas for the next ten years.

(d) The Tahoe City Advisory Council would like to have the Dollar Hill plan area included in the Tahoe City Community Plan, yet there are no commercial uses involved in this plan area. (Randy Nahas)

Response: See Specific Comments #33, #34, and #37.

32. Comment: 009B - Dollar Hill: This area should be eligible for a community plan, and the boundaries expanded to include those areas on the attached map D-6. The table of uses should be adjusted accordingly, if necessary. (TSPC)

Response: See response to Specific Comments #33, #34, and #37.

33. Comment: PAS 009B - PLAN DESIGNATION

SPECIAL DESIGNATION - The Dollar Hill area should be identified as "eligible for inclusion in the community plan."

DESCRIPTION

EXISTING USES - Based on existing uses and the amount of undeveloped commercially zoned square footage, this area is only about 10% built out.

PLANNING CONSIDERATIONS

The reference to Highway 89 should be changed to 28.
A fourth consideration should be added and should read:

This Plan Area should be included in the Tahoe City Community Plan. (Pursuant to Tahoe City Advisory Council's recommendations of February 26, 1986.)

PERMISSIBLE USES

Please add the following under the list of permissible commercial uses:

laundries and dry cleaning plants (S).

(Shelley N. Turner)

Response: This comment reiterates comments made at the October 22-23 public hearings. The question of whether PAS 009B should be included as a Community Plan (CP) depends on how one interprets the recommendations of the Tahoe City Advisory Council (TCAC). TCAC has recommended that the priority for new commercial development in the TCAC area of concern should be in Tahoe City. They have specifically advised that development in Dollar Hill be deferred to a later period and that development potential in the area in the form of allowable coverage be available for transfer to Tahoe City. Designating an area as a CP is preliminary to the actual preparation of the plan, but also causes the area to be eligible for some of the incentives reserved to CP areas. One important incentive is a limited opportunity for commercial growth. If development is to be deferred, a possible conclusion of the CP process, a premature commitment would be undesirable. The solution is to leave the area out of the preliminary boundaries of a CP, but provide for its consideration for inclusion in a CP during the planning process. A special policy provides for that.

We conclude that the number of parcels developed are closer to 15% than 10%.

The error in the number of the highway will be corrected.

Laundries and dry cleaning plants are not considered an appropriate use in the area. Coin operated laundries are allowed under Personal Services.

34. Comment: 009B Dollar Hill - Clarify what neighborhood commercial uses are and limit the Plan Area Statement to these uses. (Clem Shute)

Response: Agree. The following Special Policy will be added to clarify the nature of neighborhood commercial uses and will restrict uses to those that conform to the policy:
"New commercial uses shall be restricted to those intended to serve the occupants of the residences or other businesses within the local area. Uses serving passing motorists may be permissible also, but not uses intended to attract customers from nearby community plan areas or beyond. Professional offices and health care services need not be subject to this policy. Commercial uses occupying less than 1000 square feet of floor space need not be subject to this policy.

35. Comment: In Plan Area Statement 009B, Dollar Hill, under Existing Uses it is indicated that the area is 50% built out. The area is largely undeveloped as stated. Perhaps the area is 15% built out at most. Any large increase in commercial uses would change the nature of the neighborhood drastically. (Mary Harrington)

Response: 10% is a more accurate estimate. The Plan Area Statement will be corrected.

36. Comment: In Plan Area Statement 009B, under Planning Considerations #2, the Highway should be 28, not 89. (Mary Harrington)

Response: This will be corrected.

37. Comment: To include Plan Area 009B - Dollar Hill in a Community Plan would suggest there is a need to expand commercial areas to this residential area. Such an expansion would seem to be in conflict with the other special policies. (Mary Harrington)

Response: This area was zoned commercial by the Agency since 1972, but due to the undeveloped nature and location it has not been included within a preliminary Community Plan boundary. See also Specific Comment #34.

38. Comment: In Plan Area 009B, under Special Policy #5, the words "tourist facilities" should read "tourist accommodations." (Mary Harrington)

Response: This correction will be made.

39. Comment: In Plan Area Statement 009B the list of permissible uses should recognize as a conforming use the small jewelry manufacturing business which is currently renting one of the building of the Highlands Center. (Mary Harrington)

Response: Small scale manufacturing will be added as a special use.

40. Comment: O10 - Dollar Point: Planning consideration #4 indicates that this area should be included in the Tahoe City Community Plan, yet the special designation does not reflect this. (TSPC)

Response: This consideration will be deleted. However, this area will be noted in Community Plan 001A and Community Plan area 009B.
41. Comment: Is the Highlands Community Center located in PAS 011 or 012? (Mary Harrington)
Response: The boundary will be adjusted to clarify the Community Center's location in PAS 012.

42. Comment: What are the 50 PAOTs for in PAS 011? (Mary Harrington)
Response: The 50 PAOTs are for unspecified outdoor recreation day use.

43. Comment: 011 - Highlands: This plan area contains existing multi-family dwellings. At the very least, the general list of uses should allow multi-family dwellings as a special use. Unbuilt multi-family residential lots also exist. (TSPC)
Response: Existing multi-family will be a special use.

44. Comment: PAS 012 - North Tahoe High School. This area is not appropriate for inclusion in a CP. (Richard Skinner)
Response: Agree on initial determination of boundary. However, the final boundary determination would be part of the Community Plan process.

45. Comment: 012 - North Tahoe High School: The general list of uses should show single family house as a special, not allowed use. These uses may be inappropriate in some areas, such as the existing cross country ski trail. (TSPC)
Response: Agreed.

46. Comment: With respect to PAS 012, the North Tahoe High School is not in Dollar Point, but more appropriately described as being in the "Highlands" area of Dollar Hill. (Mary Harrington)
Response: This correction shall be made.

47. Comment: In PAS 012, under Planning Consideration #1, off highway vehicle use is a constant problem, not an occasional problem as stated. (Mary Harrington)
Response: Planning Consideration will state it is a problem.

48. Comment: PAS 013 - Add OHV Courses as a special use. (USFS)
Response: Response deferred pending further consultation with USFS.

49. Comment: 014 - Cedar Flat: Planning consideration #3 is incorrect. The Cedar Flat Homeowner's Association is not aware of any conflicts in this area. Special Policy #1 should be redrafted to read, "A specific plan should be developed by the County for the County strip which balances private pier and buoy uses against the need for public recreation and fishery management." (TSPC)
Response: Policy #1 will be rewritten as follows: "A specific plan shall be developed by Placer County for the county littoral strip of land known as Lake Forest #2 prior to any further shorezone development. The plan should balance private pier and buoy uses with public recreation and fishery management."

50. Comment: PAS 015 - If ski lift expansion is to be permitted into this currently undisturbed area, no other facilities should be allowed. (Richard Skinner)

Response: The Plan Area Statement so notes in Policy #2. See also response to Specific Comment #53.

51. Comment: PAS 015 - Add OHV Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

52. Comment: PAS 015 - Add Snowmobile Courses as an allowed use. (USFS)

Response: Response deferred pending further consultation with USFS.

53. Comment: 015 North Star - The list of permissible uses does not match the special policy limitation of limiting expansion to lifts and runs. (Clem Shute)

Response: The Special Policy modifies the list of uses included in the category of skiing facilities to apply to only lifts and runs. No change in the PAS is necessary.

54. Comment: PAS 015 - Add Temporary Events as a special use. (USFS)

Response: The regulation of temporary events will be addressed in the Code of Ordinances.

55. Comment: 016A - Carnelian Woods: The special designation for this area should indicate it to be a TDR receiving area for multi-residential units and eligible for the multi-residential incentive program, if this is the way ultimately chosen to allow further condominium development. The Carnelian Woods development will ultimately be partially built-out, and the Plan Area Statement should accommodate this. The general list of uses should indicate multi-family dwellings as an allowed use in this plan area. Assuming build-out will be on the basis of one unit per parcel of record, no bonus units are needed. However the density should be indicated to be 15 units per acre for multi-family dwellings. (TSPC)

Response: The build out of Carnelian Woods does not require TDR or bonus units. The PAS shall establish the density at the existing density of the Carnelian Woods subdivision.

56. Comment: There is a concern that the development densities for PAS 017 Carnelian Bay, are too great for such a small community. (Tom Martens)
Response: We disagree. This area is badly in need of rehabilitation. The allowed densities and range of permissible uses are necessary to attract investments in rehabilitation. The marina and beach area offer attractions compatible with an expansion of commercial use and tourist accommodations.

57. Comment: PAS 017 - If CP-eligible at all, the uses allowed should be compatible with neighborhood-serving commercial and localized tourism, not the strip-encouraging list which now appears. (Richard Skinner)

Response: See response to Specific Comment #56.

58. Comment: PAS 018 - Broad list of public service uses allowed in single-family residential neighborhood. (A recurring problem around the Basin in this draft.) (Richard Skinner)

Response: Agreed, the list of public service uses will be refined.

59. Comment: PAS 018 - Document as an existing use a caretaker's residence on a 3-acre parcel along with an existing single family house. (Amanda Haas)

Response: Agreed.

60. Comment: 019 - Martis Peak: Please note the boundary change we discussed on maps F-4 and F-3 along the boundary with Plan Area #028. (TSPC)

Response: The Plan Area Statement boundary between PAS 019, 028 and 031 will be adjusted eastward to include adjacent parcels.

61. Comment: PAS 019 - Add OHV Courses as an allowed use. (USFS)

Response: Response deferred pending further consultation with the USFS.

62. Comment: PAS 019 - Add Snowmobile Courses as an allowed use. (USFS)

Response: Response deferred pending further consultation with the USFS.

63. Comment: With respect to Plan Area Statement 020 - Kingswood West, C.D. Communities owns the four parcels within this plan area that are not subdivided into lots. Although these parcels are mapped high hazard land capability, C.D. Communities requests that the plan area statement allow high density residential development on these parcel as has been contemplated since the late 1960s. Tentative Maps for 275 condominium units were approved by Placer County in 1969 and the parcels were zoned Medium Density Residential by TRPA and CTRPA in 1971, but no final map was ever filed. C.D. Communities has spent approximately $70,000 a year for assessment payments on these parcels. Unless the plan area statement and other ordinances can be modified to allow condominium development on these parcels it appears that a "taking" has occurred as to the use of the property. (Gregg R. Lien)
Response: The question of a "taking" is beyond the scope of responses provided herein. We disagree with the requested change. However, these parcels will be eligible for review under the Individual Parcel Evaluation System.

64. Comment: 022 - Tahoe Vista Commercial: The special designation should indicate that this area is eligible for the multi-residential incentive program. Special Policy #2 should be replaced with the language developed by the Tahoe City Advisory Council regarding conference facilities. The table of uses should add vehicle and freight terminals as a special use, as one already exists. Marinas should be an allowed use in tolerance districts 6 and 7. (TSPC)

Response: Agreed, except marinas shall stay a special use.

65. Comment: Add Policy #4 in PAS 001A to PAS 022. (10/8 APC Meeting)

Response: Comment noted and Policy #4 in PAS 001A will be added to PAS 002.

66. Comment: There is a lack of impact analysis for convention facilities and camping in PAS 024A, North Tahoe Recreation Area. (Tom Martens)

Response: The impact analysis will be included in the final EIS covering the PAS.

67. Comment: PAS 024A - Add OHV Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

68. Comment: PAS 024A - A convention center is an inappropriate use for this "relatively undisturbed," outdoor recreation area. (Richard Skinner)

Response: There are suitable disturbed sites, however, this use was considered appropriate by the North Tahoe Advisory Council

69. Comment: PAS 024B - Marinas here? (Richard Skinner)

Response: This use will be deleted.

70. Comment: 024B - Snow Creek: Special Policy #2 should be deleted as redundant. The list of allowable uses should indicate that an RV Park or campground are allowed as a special use. (TSPC)

Response: Policy #2 will be reworded as follows: "No further residential development within this portion of Woodvista subdivision shall be permitted in this area until the status of the Woodvista subdivision is determined by the TRPA Governing Board." The table of uses includes the two uses mentioned under developed campgrounds.
71. Comment: 025 - Kingswood East: There are existing multi-family dwellings in the area and an existing church. The table of uses should have both as special uses. (TSPC)

Response: Agreed.

72. Comment: PAS 026 - Compare the list of uses here to those in PAS 009A; these are much more appropriate for an industrial area--except for allowing residential uses too. (Richard Skinner)

Response: Comment noted.

73. Comment: 026 - Kings Beach Industrial: There are existing single family houses, which should be special uses. (TSPC)

Response: Disagree. Single family houses are nonconforming uses in industrial areas.

74. Comment: PAS 027 - A special use area would be appropriate to control the golf course and scenic corridor. (Richard Skinner)

Response: The special policy, Community Plan provisions, scenic thresholds, and Code should be sufficient.

75. Comment: 027 - Woodvista: In Special Policy #1, the second sentence should be changed to read, "New structures in this area should be sensitive to visual impacts at this entrance to Lake Tahoe." The table of uses should indicate that golf courses are an allowed use. (TSPC)

Response: Agreed.

76. Comment: 028 - Kings Beach Residential: The special designation as a scenic restoration area should be deleted. Special Policy #3 should be revised to indicate a scenic restoration plan may be developed within two years of the adoption of this Plan Area Statement. The list of improvement programs should delete #4. (TSPC)

Response: The Special designation and program reference will be removed, and Special Policy #3 will be reworded as follows: "A scenic restoration plan for this area should be encouraged. This is not an area identified by scenic thresholds for mandatory attainment, but is in need of such restoration nevertheless."

77. Comment: Correct inaccuracies in regard to the Griff Creek restoration in Kings Beach. (10/8 APC Meeting)

Response: Planning Consideration #4 in PAS 029, Kings Beach Commercial, will be reworded to read as follows: "The Griff Creek stream restoration project, completed in 1985, substantially improved the stream environment zone and fish habitat in the area where Griff Creek passes under State Highway 28."
78. Comment: In PAS 029, Kings Beach Commercial, does the language in Special Policy #6 refer to "jet" skis? If so, jet ski concessions should not be discouraged. Any business that can bring people from other areas to help the economy of the Kings Beach area should be kept. (Holly Raines)

Response: Outdoor recreation concessions are an allowed use in this Plan Area, however, the CNEL standards need to be considered.

79. Comment: I object to Policy #6 in PAS 029 Kings Beach. As an owner of a jet ski rental business, such recreation concessions are an important service in the area. (Cheryl Domingues)

Response: See response to Specific Comment #78.

80. Comment: 029 Kings Beach Commercial: Special Policy #2 should be replaced with the Tahoe City Advisory Council language regarding conference facilities, etc. (TSPC)

Response: Agree.

81. Comment: PAS 030 - New homes and roads in this area are inappropriate. (Richard Skinner)

Response: There are existing roads in this area and there are some small parcels. Policy #1 will be expanded to insure no new highways/roads in this area.

82. Comment: 030 - Mount Rose: Note the boundary change we discussed on Map H-2. (TSPC)

Response: The parcel adjacent to PAS 043 will be included.

83. Comment: PAS 030 - PAS does not mention recreation uses. Oversight should be corrected by adding hiking, trails, cross-country skiing and snowmobile courses. (Steve Weaver, Nevada Dept. of Natural Resources)

Response: Riding and hiking trails and cross-country ski courses should be added as special uses. Snowmobile courses are not appropriate in this plan area.

84. Comment: PAS 030 - Add Snowmobile Courses as an allowed use. (USFS)

Response: See response to Specific Comment #83.

85. Comment: PAS 030 - Add Temporary Events as a special use. (USFS)

Response: Regulation of Temporary Events will be addressed in the Code of Ordinances.

86. Comment: PAS 030 - Add Cross Country Ski Courses as an allowed use. (USFS)

Response: See response to Specific Comment #83.
87. Comment: PAS 030 - Add Riding and Hiking Trails as an allowed use. (USFS)

Response: See response to Specific Comment #83.

88. Comment: Suggests adding as permissible uses in Plan Area 030 (Mt. Rose) the following: cross-country skiing, day use areas, riding and hiking trails, undeveloped campgrounds, developed campgrounds, outdoor recreation concessions, rural and group facilities and snowmobile course as are listed in Plan Area 053 (Incline Lake); or extend the boundary for Plan Area 053 to include most of the land east of Highway 431, to the boundary of Plan Area 052 (Ski Incline). IVGID plans to relocate the local cross-country ski facility to this area. (Robert A. Hunt)

Response: Cross country ski courses and riding and hiking trails should be permitted as special uses in PAS 030. Most of the land is too high hazard to be used for developed recreation as suggested.

89. Comment: PAS 031 - The California Energy Commission is proposing a geothermal energy project utilizing hot springs discharges in Lake Tahoe offshore of the Brockway Springs development. The implications of such a project should be considered in Plan Area Statements for nearby shorezone areas. (Lahontan)

Response: Staff is researching this issue, and will make a recommendation on Plan Area Statement changes as soon as possible.

90. Comment: 031 - Brockway: This plan area contains the Brockway Springs of Tahoe Phase III development. As this development will be proceeding to construction, the special designation needs to reflect that it is a TDR receiving area for multi-family residential units if those are ultimately decided to be necessary for the construction.

Additionally, the general list of permissible uses should be amended to show multi-family residential structures as an allowed use. Special Policy #2 should be added in accordance with the language provided previously. (TSPC)

Response: Multi-family will be a special use and Special Policy #2 will be added.

91. Comment: 032 - North Stateline Casino Core: This area contains a commercial office building, not part of a casino, which contains a business support service office and personal services. These should be allowed as special uses. (TSPC)

Response: Agree.

92. Comment: PAS 034 - Significant new area uses proposed to be allowed despite severe constraints due to avalanche, water system shortfall, and high hazard land. (Richard Skinner)
Response: Agree. Single family house will be changed to a special use, and government offices, participant sports and day use areas will be removed from the list of permissible uses.

93. Comment: 034 - Crystal Bay: Special Policy #2 should be deleted. Land coverage removal and site restoration programs currently existing in the ordinances should suffice. In the alternative, the language should be amended to indicate that the land coverage and site restoration programs referenced are those contained in the Code of Ordinances which are applicable to all properties generally. Special Policy #4 should be deleted, as I am informed that the water rights and supply problems have been resolved. (TSPC)

Response: Policy #2 identifies a priority area for coverage removal which is not identified in the Code.

94. Comment: 035 - Crystal Bay Condominiums: Special Policy #2 should be revised to read, "The small commercial node at Highway 28 and Lakeshore Drive should continue to provide neighborhood services provided the sites are brought up to BMP standards, as in the BMP handbook ...". Special Policy #2 should be deleted, as this is not a scenic restoration area. If it is not deleted it should at least be revised so that the second sentence reads, "The condominium structures should blend into the shoreline as well as possible through color selection and landscaping."

The list of allowable uses should include professional offices as a special use. There is an existing real estate office of long standing which should not be made nonconforming as to use. Special area #1 contains a furniture, home furnishings and equipment use as well as a general merchandise use which should both be allowed or special uses. (TSPC)

Response: Agreed on rewording of Policies #1 and 2. The office located in Crystal Towers shall remain nonconforming due to poor parking and access. The other uses will be added as special uses.

95. Comment: Expressed concern that the trees on Lot 593 had been cut down. This lot is in PAS 037. (Ms. Anita-John Wampler)

Response: This comment does not apply to the proposed Plan Area Statements or ordinances. There is not enough information upon which to base a response.

96. Comment: 037 - Lakeview: Special Policy #1 should be deleted, as this should be dealt with according to the Code of Ordinances. Special Policies #2 and #3 should be limited to public lands only. (TSPC)

Response: Special Policy #1 shall be limited to Lakeshore Subdivision #1. Policies #2 and #3 shall remain.
97. Comment: PAS 038 - A maintenance yard is allowed in a residential area. (Richard Skinner)

Response: A Special Area will be created to isolate the existing state and county maintenance yards from Plan Area 038.

98. Comment: 038 - Wood Creek: The table of uses should be amended to show multi-family dwellings as a special use, as there are existing condominiums. Additionally, there is an existing Bed and Breakfast establishment, which use should be added. The College owns land in this area and would like to expand onto it, so Schools-College should be included as a special use as well. Density should be included for the Bed and Breakfast facility at 20 bedrooms per parcel. (TSPC)

Response: The status of the bed and breakfast is questionable, since TRPA has no record of it. The PAS boundary will be adjusted to include college properties in PAS 041. Multi-family will be a special use.

99. Comment: PAS 038 (Wood Creek) Can we be more specific regarding the problem statement and special policies regarding the highway maintenance facility? (Nevada Department of Transportation)

Response: Generally, the scenic and water quality impacts of this facility can be mitigated through application of standard BMPs, vegetative screening, earth-tone paints, and related practices.

100. Comment: 040 - Incline Village Unit #1: The list of uses should be amended to show caretaker's residences as a special use, and the density table should be amended to show caretaker's residences. (TSPC)

Response: This will be accomplished with the addition of secondary residence as a special use.

101. Comment: PAS 041 - Proposed to combine existing lots with golf course to increase density; if so, golf course should be deed-restricted permanently to reflect this arrangement. Special Policy #3 proposes a unique TDR rule only for this PAS. That is unacceptable. (Richard Skinner)

Response: The recorded final subdivision map for Incline Village No. 3 restricts use of the subdivision open space to a golf course. A amended final map, requiring Agency approval, would be required to change the use from a golf course. The last sentence in Special Policy #3 will be removed, requiring TDR for all residential units in excess of one per parcel.

102. Comment: 041 - Incline Village Unit #3: Special Policy #2 should be modified to read, "Recognize as appropriate uses the existing golf course, college and mobile home development, and encourage the expansion of college facilities as needed." Special Policy #3 limits the TDR bonus to one instead of two units. Some justification should be provided for this. (TSPC)
Response: Agree on Policy #2. In policy #3, the last sentence will be deleted.

103. Comment: PAS 041 - Wants to make sure that the planned new college uses are allowed in the PAS where they are proposed. (Ben Solomon, Sierra Nevada College)

Response: The Plan Area boundary can be changed to include the newly acquired lots in PAS 041, where a college is an allowed use.

104. Comment: 043 - Chateau: There are existing condominiums in this area, and multi-family dwellings should be a special use. (TSPC)

Response: Multi-family dwellings will be a special use.

105. Comment: 044 - Fairway: Check the boundary of Special Area #1 to insure that it includes the Chateau Public Assembly and Entertainment facility. (TSPC)

Response: The boundary of Special Area #1 will be adjusted.

106(A). Comment: Include "public assembly and entertainment facilities" as allowed use in Plan Area 044 (Fairway) to accommodate the Championship Golf Course and IVGID's Chateau meeting facility. (Robert A. Hunt)

Response: Agreed.

106(B). Comment: Would like the Plan Area in which his 15 acre property is located to provide more flexibility with respect to permissible uses. Would like to see uses such as a performing arts center, a private nonprofit school and an arts complex for educational research be allowed or special uses. (James Hite)

Response: PAS 044 will be modified to permit these uses as special uses.

107. Comment: Suggest that the PAOT allocation of 500 to Plan Area 044 be reduced to 50 and the PAOT allocation of 100 to Plan Area 048 be increased to 550 to accommodate the proposed Community Park and possible expansion of existing recreational facilities such as Incline Beach, the boat ramp, Village Green, Aspen Grove, the tennis complex and other large undeveloped recreational property owned by IVGID and Washoe County. This adjustment would not result in a net change. (Robert A. Hunt)

Response: Agreed.

108. Comment: 045 - Incline Village Commercial: Special Policy #2 should be limited to public lands. Special Policy #4 should be revised to read, "New service, manufacturing, outdoor sales...". (TSPC)

Response: Local parks can be owned by private individuals or associations. Policy #4 will remain as written.
109. Comment: PAS 045 - Industrial uses proposed for this Plan Area should be limited to a Special Area. (Richard Skinner)

Response: Agree. A Special Area will be created to limit industrial uses within this Plan Area.

110. Comment: PAS 046 - Proposed for inclusion in Incline Village CP, but only commercial area should be eligible. Special Use area could prevent multi-person/family area from being included. (Richard Skinner)

Response: This Plan Area is not shown to be included in the Incline Village Community Plan.

111. Comment: PAS 046 - Incline Residential: It is unfortunate that the property next to the library could not have been retained as a natural park area. (Ms. Anita-John Wampler)

Response: Though the TRPA has not designated that parcel to be used as a park, the special policies and list of uses do encourage parks be established on such properties.

112. Comment: 046 - Incline Village Residential: There is an existing professional office building, and the table of uses should be amended accordingly. (TSPC)

Response: We disagree at present. However, the Community Plan may change this.

113. Comment: The boundary for Plan Area 046 should be moved slightly west to follow the IVGID property line so that IVGID's Incline Park does not straddle both districts. The boundary now follows Third Creek. (Robert A. Hunt)

Response: Agreed.

114. Comment: 047 - Tunnel Creek: Add Special Policy #4, "Lands under Ponderosa Ranch ownership should be considered for additional developed recreation opportunities by the Community Plan which includes Plan Area 054." (TSPC)

Response: Change "developed" to "outdoor" and staff agrees.

115. Comment: PAS 047 - Uses proposed for this high hazard area are inappropriate and excessive. (Richard Skinner)

Response: The uses listed as permissible are not necessarily being proposed. In addition, most uses listed are identified as special uses, requiring special finding to be made by the Governing Board prior to the use being allowed. Construction activities necessary to establish any such uses are subject to the prohibitions on disturbance in high hazard lands.
116. Comment: PAS 046 - Significant new residential uses proposed here will likely conflict with CP uses. Airfields, landing strips and heliports here? Careful list of uses, with designation of Special Use areas, would solve most concerns. (Richard Skinner)

Response: Airfields will be deleted, residential uses will be limited to a Special Area.

117. Comment: 049 - Mill Creek: Special Policy #1 should be deleted. This will be covered in the Code of Ordinances. The list of permissible uses should include multi-family dwellings as a special use, as condominiums exist in this plan area. (TSPC)

Response: Agree to delete Special Policy #1.

118. Comment: PAS 050 - Special Policy #2 suggests that land capability upgrading is a foregone conclusion. Is there something in the works? (Richard Skinner)

Response: No. Special Policy #2 will be reworded to read as follows: "If, based on a land capability challenge, the land within the Whispering Pines Subdivision is reclassified to land capability 4, 5, 6 or 7, this area may be considered for designation as a TDR receiving area.

119. Comment: 050 - Mountain Shadows: This plan area contains high density residential developments and planned unit developments. The special designation for the area should indicate it is a TDR receiving area for multi-residential, and eligible for the multi-residential incentive program. Special Policy #2 should be deleted. Special Policy #3 should be revised to read, "Incentives for reevaluation of the off-street parking plan and building site locations should be provided by the Agency for Tyrolia Unit #7." The table of uses should be amended to indicate that general merchandise stores and churches should be special uses, as both exist within the plan area. (TSPC)

Response: This area does not need TDR or bonus units for build out. However, for Whispering Pines to achieve multi-family development such designations are required. This subdivision is over-crowded, needs BMP work and is land capability 3. Therefore, staff will delete Policy #2. Policy #3 will remain. Churches will be added as a special use.

120. Comment: 051 Tyrolian Village: A number of the lots in Tyrolian Village are designed for the construction of attached dwellings. That being the case, the special designation should be modified to allow TDR for multi-residential and indicate eligibility for the multi-residential incentive program. The table of uses and the maximum densities provisions should be modified accordingly. A new Special Policy #3 should be added to read, "TRPA has entered into a contract with the Tyrolian Village Homeowner's Association to complete processing of applications to build under the now-expired case-by-case review program, and the Agency should seek to honor its obligations as soon as possible." (TSPC)
Response: We don't believe the proposed policy belongs in the PAS. It relates to allocations, not to land uses.

121. Comment: PAS 052 - Expansion of this ski area must be conditioned upon correction of serious environmental problems, as well as mitigation of new impacts. (Richard Skinner)

Response: Agree. A master plan, which must be approved by the Agency prior to any expansion, would address existing and proposed impacts and identify suitable mitigation measures.

122. Comment: Include "public assembly and entertainment facilities" as allowed use in Plan Area 052 (Ski Incline) to accommodate use of ski lodge for meetings in the evenings and off-season. (Robert A. Hunt)

Response: Agreed.

123. Comment: With respect to PAS 052 - Ski Incline; it is hoped that Ski Incline can be kept under local control. (Ms. Anita-John Wampler)

Response: Comment noted.

124. Comment: PAS 053 - Incline Lake Corporation requests that the Regional Plan include specific provision for completion of Incline Lake's planned development, which includes buildout of the 40 lease sites. (Randall M. Faccinto)

Response: See response to Specific Comments #126 and #128.

125. Comment: PAS 053 - Incline Lake Corporation requests the Agency to consider the possibility of including an exception for the Incline Lake's planned development to the absolute requirement that all sewage be exported from the Tahoe Basin. (Randall M. Faccinto)

Response: The requirement to export sewage from the Tahoe Basin is state law as well as TRPA policy. Certain exceptions have been allowed for "gray water" waste. There is no apparent justification to excluding Incline Lake from the policy.

126. Comment: The thrust of Plan Area Statement 053 asserts that no new summer homes could be built at Incline Lake, even though there are some 35 remaining unbuilt lots. Reference Planning Statement as follows "Developed facilities, other than those which are necessary to support recreational activities, will be discouraged." (Gregg R. Lien)

Response: The Planning Statement will be revised to recognize the ability of summer homes to be built in the Plan Area, pursuant to a master plan that addresses the Planning Considerations and potential environmental impacts.
127. Comment: PAS 053 - Planning Consideration #8 is inconsistent with Gary Owen's opinion that the subdivision is vested. (Gregg R. Lien)

Response: The statement will be removed.

128. Comment: PAS 053 - Most Planning considerations offer reasons why new summer homes should be discouraged when considerations such as the following would indicate that new summer homes should actually be encouraged in this area as opposed to others:

A. Incline Lake itself acts as a huge sediment basin, and would buffer any impacts of additional development.

B. Incline Lake is located at the furthest extreme of the Tahoe Basin, and a portion of the property is outside of the Tahoe Basin.

C. Much of the area around the western shore of the lake is characterized by gentle slopes, indicating higher land capability than currently mapped.

(Gregg R. Lien)

Response: Changes made in the Plan Area Statement pursuant to other comments by Mr. Lien will moderate the suggestion that the area is not suitable for summer homes.

129. Comment: PAS 053 - Additional summer home development pursuant to a well conceived master plan would have a number of substantial positive impacts. The area is already served by power and water. Pursuant to a master plan, the Incline Lake Corporation could offer the following additional improvements:

A. Replace current septic tank system with a no discharge system or other means of proper sewage disposal.

B. Paving entire access road.

C. Relocating existing lots outside SEZ's and consider limiting future development to something less than the remaining 35 lots.

(Gregg R. Lien)

Response: Comment noted.

130. Comment: PAS 053 - Request that the Planning Statement be revised to read: "This area should continue to provide opportunities for both developed and disbursed forms of winter and summer recreation. Developed facilities, including summer homes, will be permitted pursuant to a master plan for the area which fully addresses the planning considerations below and all environmental impacts." (Gregg R. Lien)

Response: The Plan Area Statement will be modified similarly to the language proposed.
131. Comment: PAS 053 - Special Policy #2 be changed to read: "Additional development on private lands will be permitted, if linked to an approved master plan of development for the entire site." (Gregg R. Lien)

Response: The policy will be changed to read, "Additional development on private lands may be permitted if linked to an approved master plan of development for the entire area."

132. Comment: PAS 053 - Special Policy #3 be changed to read: "To encourage decreased density in any master plan for development on private lands, TDR credits will be permitted for all lots retired from development." (Gregg R. Lien)

Response: Change will be made as requested.

133. Comment: PAS 053 - Add Special Policy #7, to read: "Due to the distance required for a traditional sewer system, any master plan for this area should encourage the use of a no-discharge alternative sewage disposal program." (Gregg R. Lien)

Response: A policy will be added to read, "Due to distance required for a traditional sewer system, any master plan for this area should consider the use of alternative sewage disposal systems."

134. Comment: PAS 053 - Additional development should not be proposed in high hazard areas. (Richard Skinner)

Response: As stated in Special Policy #2, additional development on private lands will not be permitted prior to the Agency approving a master plan for such development. Such a master plan would have to be in compliance with the Agency's regulations on developing high hazard lands.

135. Comment: PAS 054 - An obvious conflict between proposed industrialization of this area and need for scenic restoration. (Richard Skinner)

Response: There is not, necessarily, a conflict between further industrialization of this area and need for scenic restoration. New development must comply with design review guidelines requiring visual screening from the highway. By allowing for some expansion, existing development proposing to expand would be subject to the same design review guidelines.

136. Comment: 054 - Incline Village Industrial: See written comments previously provided on behalf of Ponderosa Ranch. (TSPC)

Response: Noted.

137. Comment: PAS 054 should provide opportunity for a resort development or condominiums. (Ponderosa Ranch)

Response: Agree.
138. Comment: PAS 054 - Add special designation for TDR of multi-residential units and multi-residential incentive program, and change management strategy to mitigation. (Ponderosa Ranch)

Response: Agree, except management strategy is properly redirection.

139. Comment: PAS 054 - Add to permissible uses: Multi-family dwellings (S), multi-person dwellings (S), employee housing (S), rural resort (S), hotels, motels and other transient dwelling units (S), timeshare hotel design (S), privately owned assembly and entertainment (S), rural sports and group facilities, developed campgrounds (S), recreation vehicle parks (S) and allow the maximum densities. (Ponderosa Ranch)

Response: These uses will be added to the Ranch area.

140. Comment: PAS 054 - Add Special Policy 2, "The Ponderosa Ranch should be provided incentives to upgrade and rehabilitate." Substantial expansions should be pursuant to the Community Plan which should address that portion of the adjacent Plan Area in Ponderosa ownership. (Ponderosa Ranch)

Response: Agree. This will be added.

141. Comment: PAS 055 - Planning consideration #3 should be modified to read: "Residential development, except for Thunderbird Lodge, contributes..." (Ronald D. Alling)

Response: The Planning Consideration will be deleted.

142. Comment: PAS 055 - Concerning Planning Consideration #9, the PAS does not include map of the Scenic Units or Scenic Resource Evaluation Area. (Ronald D. Alling)

Response: Those maps are being prepared.

143. Comment: PAS 055 - Suggests changing wording of Special Policy #8 to: "Development should be encouraged in the area where tree cover is sufficient to visually..." (Ronald D. Alling)

Response: Agreed, in principal. We suggest the wording: "Development should be permitted only in the area where tree cover is sufficient..."

144. Comment: PAS 055 - Caretaker residence and single family house should be allowed uses (A) rather than special uses (S). (Ronald D. Alling)

Response: Residential uses are permissible only as special uses in Plan Area classified as Recreation, except for special areas.

145. Comment: PAS 055 - Fences should be allowed (A) in the shorezone to keep out trespassers. (Ronald D. Alling)

Response: Fences are permissible only as a special use in the shorezone area.
146. Comment: PAS 055 - The regulations relating to TDRs for a caretaker's residence and multi-residential uses are conflicting. (Ronald D. Alling)

Response: We'll attempt to clarify this.

147. Comments: PAS 055 - A master plan for recreational use would be the best course. Why locate employee housing for public employees (USFS, State Parks, etc.) in the heart of undeveloped recreational areas? This is a recurrent theme, and generally is inappropriate except for caretaker considerations. (Richard Skinner)

Response: Employee housing is listed as a special use to allow consideration of housing for State Park employee and, in this case, to recognize the existing employee housing at Sand Harbor as a permissible use.

148. Comment: PAS 055 - Recommends that annual events be considered as normal operating functions at Sand Harbor and be an allowed (A) use there.

Recommends that marinas be added with an (S) designation. (Steve Weaver, Nevada Dept. of Natural Resources)

Response: The facility used for annual events (the stage and capacity for spectators would be more correctly classified as Publicly Owned Assembly and Entertainment. It should be added to the list of Public Service.

Agreed. Marinas will be added as a special use.

149. Comment: PAS 056 - Recommends that cross-country ski courses be designated as (A) so that a permit will not be needed for changes in alignment or addition of trails.

Should outdoor recreation concession be added to PAS 056, since the cross country ski concession use extends into this plan area? (Steve Weaver, Nevada Dept. of Natural Resources)

Response: Designation as a special use is consistent with other areas where cross-country ski courses are permissible. This recognizes the existing use. Trail expansion or changes in trail configuration would not require a new permit if no removal of vegetation, construction, or grading is involved. Such changes would require a permit whatever the designation. TRPA review is required for both allowed and special uses. A permit for the concession is not necessary in this Plan Area. The concession permit should be issued for the PAS where the physical base facilities (parking, floor area, etc.) for the concession are or will be located. If the activity extends into other plan areas where the activity is permissible but there are no constructed facilities, no permit is needed for the concession in the additional plan areas.
150. Comments: PAS 056 - Should new summer homes be allowed here? (Rick Skinner)

Response: Summer homes are listed as a special use primarily to recognize the existing summer homes as permissible uses. It is unlikely that new summer homes could be built due to the inability to connect to a sewage treatment facility.

151. Comment: PAS 057 - Recommends that cross-country ski courses be designated as (A) in this plan area.

A number of ski and bike races are held each year. Recommends that such park sponsored uses be designated as (A).

A temporary (seasonal) dwelling for security and service purposes should be a permissible use designated as (S). (Steve Weaver, Nevada Dept. of Natural Resources)

Response: See response to Specific Comment #149. Regulation of Temporary Events will be addressed in the Code of Ordinances. Employee housing is already permissible as a special use.

152. Comment: PAS 57 (Spooner Lake) - Update Planning Consideration #5 and Special Policy #6 to reflect that relocation/phase-out of the NDOT maintenance station is underway. (Nevada Department of Transportation)

Response: Agreed.

153. Comment: PAS 057 - Add OHV Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

154. Comment: PAS 057 - Since several winter recreation uses are allowed in this area and the planning statement supports expanded recreational opportunities, why are there no winter use PACTs. (John Renz, Douglas County)

Response: Winter use PACTs apply to down hill skiing.

155. Comments: PAS 057 - More employee housing in undeveloped area. No attempt to resolve snowmobile/cross-country ski conflicts, despite Goals and Policies requirement to do so. Use list is too extensive (Government offices?). (Richard Skinner)

Response: Government offices are listed as a special use to recognize the Glenbrook Post Office as a permissible use. The density for employee housing will be changed to one per parcel, and has been listed as a special use to allow the Agency to consider a residence for a park ranger. With respect to snowmobiles please refer to the response to the comment on #162.
156. Comment: PAS 058 - This area contains a golf course but such use is not among the permissible uses for the area. (John Renz, Douglas County)

Response: Golf courses will be an allowed use.

157. Comment: With respect to PAS 058, Glenbrook, the following comments are provided:

(a) The high water level this year has wiped out the endangered species designated on the beach area.

Response: These plants can and do reestablish themselves after inundation.

(b) There are a number of items in the list of permissible uses that exist but which are not listed, i.e., employee housing, multi-family housing, eating and drinking establishment, commercial at the golf course.

Response: See response to Specific Comment #160.

(c) There are a number of facilities that are attendant upon a development like Glenbrook which are not spoken to in the accessory facilities, i.e., maintenance yards, boat trailer storage, etc.

Response: See response to Specific Comment #160.

(d) The golf course and tennis club should be recognized as allowed recreation uses. (Randy Nahas)

Response: See response to Specific Comment #160.


Response: See response to Specific Comment #160.

159. Comment: PAS 058 - On Special Policy #2, it is unreasonable to set aside private beach areas to protect _Rorippa subumbellata_. (Shelley N. Turner)

Response: The environmental thresholds adopted by the TRPA in August of 1982 require the TRPA to maintain at least 26 population sites for _rorippa subumbellata_. This necessitates restricting use on some privately owned beaches where rorippa has been found. Such is the case in PAS 058.

160. Comment: PAS 058 - Permissible Uses:

The following permissible use designations should be changed from "SPECIAL USE" to "ALLOWED" and the underlined uses added.
RESIDENTIAL - Caretaker residence (A), employee housing (A), multi-family dwellings (A) (all existing uses)

COMMERCIAL - Eating and drinking places (A), professional offices (A), storage yards (A) (all existing uses)

RECREATION - Participant sports (tennis) (A), golf course (A) (both existing uses)

Maximum Densities:

RESIDENTIAL - Multi-family dwellings (15 units per acre) should be added to this category since a significant percentage of the homes are duplex and triplex units.

(Shelley N. Turner)

Response: Caretaker residences will be included in a new use category called Secondary Dwelling Unit and will be listed as an allowed use (A) in PAS 058. Employee housing will be added as a special use (S). Multi-family dwellings will be listed as a special use (S) with a special policy restricting them to those parcels already approved for multi-family dwellings on final maps for the planned unit development.

Eating and drinking places will remain as special uses. Otherwise any vacant parcel in the area could be allowed a bar or restaurant.

Professional offices will remain as special uses for the same reason as above.

The need for a storage yard is considered to relate to the support of the Glenbrook development. Therefore, the use should be accessory to the primary use which is residential and recreation. The definition of accessory uses to residential and recreation will be changed to include storage.

Participant sports will remain as a special use (S) for reasons similar to the response regarding eating and drinking places. There are some parcels where tennis courts, with lights and related activity, would not be appropriate.

The golf course will be listed as an allowed use (A).

A maximum density of 15 units per acre will be included, but it will be modified to indicate that maximum density will be as previously approved for the Glenbrook project if less than 15 units per acre.

161. Comment: The classification of "Existing Environment" in Plan Area Statement 059 as it relates to these protesters' private property is erroneous. All residential lots currently owned by protesters have met and do meet all legal standards for proper development and much more. (Daniel R. Walsh)
Response: The wording of the "Existing Environment" describes briefly some physical characteristics of the area. There is no mention of standards, legal or otherwise. We can find no errors in the description.

162. Comments: PAS 060 - Portions of this area are under study by the U. S. Forest Service for wilderness designation; TRPA policies should do nothing to discourage such findings, but instead, propose snowmobile use there. Not only does that use conflict with potential wilderness designation, but it creates unresolved conflicts with cross-country skiing. (See comments concerning PAS 057.) (Richard Skinner)

Response: Listing snowmobile courses as a special use requires Governing Board findings prior to the use actually being recognized as allowed. If the Governing Board makes the necessary findings, the operation of snowmobiles would be restricted to identified trails.

163. Comment: PAS 060 - Add OHV Courses as a special use. (USFS

Response: Response deferred pending further consultation with USFS.

164. Comment: 061 - Logan Creek: Special Policy #2 should be deleted. This is dealt with adequately in the Code of Ordinances. (TSPC)

Response: Policy #2 will remain, since the Code does not address this issue at this time nor does it recommend solutions.

165. Comment: PAS 061 - It would be helpful if there were a written description of the Special Areas rather than just mapping. Here, for instance, we have Special Area #1, which I assume is Logan Shoals Marina, however, nowhere does it state this to be so. PAOTs? (John Renz, Douglas County)

Response: Staff will consider adding a locational name to each Specific Area. There are no PAOTs because the marina does not have the land area to expand.

166. Comment: PAS 062 - A temporary (seasonal) dwelling for security and service purposes should be a permissible use designated as (S). (Steve Weaver, Nevada Dept. of Natural Resources)

Response: Temporary housing is already a permissible use. Temporary uses will be addressed in the Code of Ordinances.

167. Comment: 062 - Cave Rock: Special Policy #1 should be deleted. This is adequately addressed by the Code of ordinances. There is no reason to single out rock-crib piers in this area. (TSPC)

Response: Agree.
168. Comment: PAS 063 - The small mobile home park just south of Manny's is substandard in every respect. Planning considerations and special policies should address this substandard status. (John Renz, Douglas County)

Response: Agree, and will be noted in Planning Considerations. Staff will consider a Special Policy which requires upgrading the mobile home park and the use will be changed to special.

169. Comment: 063 - Lincoln: Special Policy #2 should be deleted. Some shoreline owners would not agree with this Policy. The Agency should not take sides in a homeowner's association dispute. Special Policy #3 should be modified to read, "Incentives should be provided to upgrade neighborhood infrastructure." (TSPC)

Response: The issue of the amount of development in the shorezone is an Agency issue, and staff proposes the following for #2: "A specific plan shall be developed by the homeowners of Lincoln Park for the littoral strip parcel prior to any further shorezone development. The plan should encourage multiple use facilities and beach recreation for the residents of the subdivision and restoration of the shorezone."

170. Comments: PAS 066 - Mobile homes are an inappropriate use in this resort area. (Richard Skinner)

Response: Agree. Mobile home dwellings will be removed from the list of permissible uses.

171. Comment: PAS 066 - Multi-residential is not defined. (Ronald D. Alling)

Response: Multi-residential refers to multi-family and multi-person dwellings which are defined in Code Chapter 18.

172. Comment: PAS 066 - The Special Area does not reflect all the properties owned by our client. (Ronald D. Alling)

Response: The Special Area #1 reflects the land most suitable for residential use.

173. Comment: PAS 066 - Existing residential uses should be recognized in the Planning Statement. (Ronald D. Alling)

Response: The existing residential uses have been recognized in Special Policy #7.

174. Comment: PAS 066 - Concerning Planning Consideration #6, the Scenic Units and Scenic Resource Evaluation Areas are not mapped. (Ronald D. Alling)

Response: Scenic Units and Scenic Resource evaluation maps are being prepared.
175. Comment: PAS 066 - Special Policy #7 concerning existing residential uses in Special Area #1 seems to conflict with residential uses permissible as a special use (S). (Ronald D. Alling)

Response: Disagree. Multi-Residential uses are allowed in Special Area #1. Elsewhere in Plan Areas classified as Recreation they are permissible only as a special use. Under Special Area #1, multi-family residential is incorrect. It should read multi-residential.

176. Comment: PAS 066 - All schools and educational facilities should be allowed uses. (Ronald D. Alling)

Response: Schools, pre-through secondary, could be appropriate in the Plan Area to serve local residents. College facilities would serve a different, often non-local, population.

177. Comment: PAS 066 - Statement does not include the existing Douglas County Library. There are no longer Douglas County offices in this area. The use of the County Building has been resolved with the new senior citizens center use. This use should also be noted. (John Renz, Douglas County)

Response: The library and senior citizen center will be added to the description and Douglas County offices deleted. Planning Consideration #4 will be deleted.

178. Comment: 067 - Marla Bay: Special Policy #2 should be deleted, as this is controlled by the Code of Ordinances. Some shoreline owners may desire to have single-use facilities.

Response: The issue of the amount of development in the shorezone is an agency issue, and staff proposes the following for #2: "A specific plan shall be developed by the homeowners of Lincoln Park for the littoral strip parcel prior to any further shorezone development. The plan should encourage multiple use facilities and beach recreation for the residents of the subdivision and restoration of the shorezone."

Comment: Special Policy #3 should be deleted, as we understand Douglas County never intended to have TRPA declare a moratorium in addition to their own. (TSPC)

Response: This is a TRPA plan; a problem is identified and a solution is stated in the policy.

179. Comment: PAS 066 - Add Snowmobile courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

180. Comment: 069 - Elks Point: Special Policy #1 should be deleted. There is no justification for singling out rock-crib piers in this area. (TSPC)

Response: Agreed.
181. Comment: Under Planning Considerations in Plan Area 070A it should be noted that the Edgewood Golf Course provides a useful recreational service to more than just casino patrons. (Gordon DePaoli, Park Cattle Co.)

Response: Agreed, and will be noted.

182. Comment: The positive impacts on water quality due to the golf course should be stated, such as the construction of siltation basins at the golf course. (Gordon DePaoli, Park Cattle Co.)

Response: Agreed; this recent event will be noted.

183. Comment: Plan Area 070A should be assigned some day use PAOTs to accommodate future expansion of the golf course or other recreation uses. (Gordon DePaoli, Park Cattle Co.)

Response: There has been no indication that expansion of the golf course is planned. The TRPA staff would support expanded day use of the beach. Golf courses do not require PAOTs.

184. Comment: Planning Consideration #1 in PAS 070A, Edgewood, assume that fertilizer application on the golf course is causing "problems" and results in "large amounts of nutrients" being discharged to Edgewood Creek. This statement is not a proven fact. (Gordon DePaoli, Park Cattle Co.)

Response: This consideration will be reworded to indicate fertilizer application on the golf course is a concern.

185. Comment: Special Policy #1 in PAS 070A should be omitted. (Gordon DePaoli, Park Cattle Co.)

Response: Disagree. Fertilizer management for golf courses is a key BMP and SEZ restoration and protection is a threshold requirement.

186. Comment: Accessory Uses/Structures for Tolerance District 7 should be listed for PAS 070A. (Gordon DePaoli, Park Cattle Co.)

Response: Agree. This will be corrected.

187. Comment: 070B - Rabe: Special Policy #3 should be clarified. "... prior to any additional development in this area," is vague and should be deleted. (TSPC)

Response: Policy #2 will be reworded as follows. "The Bitler property and Elks Point property shall be required to implement scenic improvement and BMP retrofit programs as part of any Agency project approval."

188. Comments: PAS 071 - References to a highway bypass road in this and related Plan Areas are meaningless without policy direction. What standards govern the evaluation of any proposed bypass plan? (Richard Skinner)
Response: Special Policy #1 states "Any bypass improvements must conform to an approved bypass plans as per the transportation element." Standards against which projects are evaluated are set forth in the Code of Ordinances.

189. Comment: PAS 072 - Proposes specific new subdivision in violation of Goals and Policies. Purportedly for "affordable housing," but use table includes timeshare and bonus units (unnecessary for bona fide affordable housing), suggesting quite a different picture. Employee housing gets 10 units/acre; timeshare gets 15 units/acre. There is no legitimate basis for the subdivision proposal in this PAS. (Richard Skinner)

Response: The prohibition on new subdivision in Article VI(c) of the Compact includes an exception for this property. This property is owned by the Roundhill General Improvement District. A subdivision may be approved if necessary to avoid insolvency of a general improvement district.

190. Comment: PAS 072 - I believe water rights problems and district financial problems have been resolved. Motels should be listed among Tourist Accommodation uses and this should be a receiving area for tourist units. (John Renz, Douglas County)

Response: Staff will research the status of RHGD and the water rights issue. Disagree that this residential PAS should permit motel uses.

191. Comment: PAS 073 - This existing multi-person/family area only gets 10 bonus units, compared to the 130 proposed for unsubdivided land in PAS 072. Bonus units here are proposed to be given without TDR, yet no "other Agency incentive programs designed to attain the goals and objectives of (the Goals and Policies) Plan" (Goal 2, Policy 2.F, Implementation Element) appear to be required, contrary to the Plan's requirements. (Richard Skinner)

Response: Bonus units have been allocated to this Plan Area to allow buildout of multi-family dwellings as shown on the recorded subdivision map.

192. Comment: PAS 074 - Densities section does not reflect that this is TDR receiving area. I believe water rights problems have been resolved. (John Renz, Douglas County)

Response: The Special Designations indicate this is a TDR receiving area. Staff will research water rights issue.

193. Comment: Douglas County would like the flexibility to consider a Recreation Vehicle Park on the Kahle site in Plan Area #076. (APC South Shore Subcommittee)

Response: Agree; RV park will be added as a special use.
194. Comment: The Kahle site should more properly be referred to as the Kahle/Bourne site. (APC South Shore Subcommittee)

Response: Disagree. One is public land and the other is private land and the proposed uses and treatments are different.

195. Comment: Overnight PAOTs may be needed to accommodate a RV park on Kahle site. (APC South Shore Subcommittee)

Response: Agree. However, the allocation should be established by the Community Plans.

196. Comment: Plan Area 076 should be designated for employee housing and perhaps be assigned bonus residential units. (APC South Shore Subcommittee)

Response: Agree; employee housing will be added as special use. However, the assignment of bonus units and the location of a suitable site should be considered as part of the Community Plan process.

197. Comment: PAS 076 - The County Administration Center is an existing, not future use. RV parks should be listed as a recreational use. Overnight PAOTs, if they are necessary for other than Forest Service uses, should be allocated in sufficient number for a 115 space RV park. Should be a receiving area for tourist units. (John Renz, Douglas County)

Response: Time flies, the County Administration Center status will be corrected, RV parks will be listed as a special recreation use. PAOTs will be held in a reserve pool for assignment to this area if the Community Plan concludes this an appropriate use and the land coverage limitations permit such a use. This is a receiving area for tourist units.

198. Comment: 077 - Oliver Park: The special designation for scenic restoration should be deleted. Special Policy #3 should be revised in accordance with other areas (such as 028). (TSPC)

Response: Agreed.

199. Comment: PAS 078 - Mobile home development is permitted in this scenic restoration area. (Richard Skinner)

Response: Mobile home developments are listed as a special use to recognize the existing mobile home developments as permissible uses. The existing mobile home developments are not visible from Scenic Roadway Unit 44 and, therefore, should not have an adverse impact on scenic quality.

200. Comment: PAS 078 - Government Offices should be added to Public Service uses. (John Renz, Douglas County)

Response: Disagree. There are no appropriate sites for government offices in this area. However, neighborhood delivery centers for the post office will be a permissible use.
201. Comment: PAS 080 - The County wishes Special Policy #3 to also be included in PAS 076. Tourist Accommodation should include motels. This should be a receiving area for tourist units. If PACTs are necessary for RV parks they should be included. Are RV parks a Recreation or a Tourist Accommodation use? I had thought this had been resolved as Recreation.

The map indicates two locations for Special Area #1. Is this correct? Text only discusses one Special Area. (John Renz, Douglas County)

Response: RV parks are now considered recreation uses. Policy #3 will be added to PAS 076 and cross referenced to each other and the Community Plan for PACTs. See Specific Comment #197. Staff disagrees that PAS 080 should have motels as a permissible use.

202. Comment: Want to be sure that the Edgewood Water Company's existing facilities are allowed uses in Plan Area 080. (Gordon DePaoli, Park Cattle Co.)

Response: Edgewood Water Company is a special use.

203. Comment: It does not seem appropriate that in Plan Area 080 farm/ranch accessory structures, grazing, range pasture management and range improvement are listed as special uses when these uses are presently occurring. (Gordon DePaoli, Park Cattle Co.)

Response: Agreed. They will be changed to allowed uses.

204(A). Comment: Planning Considerations should not jump to unsupported conclusions, such as in Plan Area 080 that numerous water filings could result in low flows in Edgewood Creek. (Gordon DePaoli, Park Cattle Co.)

Response: This consideration will be reworded based on water filings for 11.46 CFS and an estimated flow of 1/4 to 2 CFS. (Source: Nevada Division of Water Resources)

204(B). Comment: Plan Area 080 has no Special Designations.

Response: Since the area is designated conservation and little urban development.

204(C). Comment: In Plan Area 080 there are no uses listed as allowed that would establish a reasonable use. All reasonable uses are special uses. Plan Area 080 should not be classified Conservation Mitigation because property has residential, tourist and commercial characteristics.

Response: The existing ranch and operations will be noted as an allowed use and a secondary residence will be added.
205. Comment: Park's 246 acres do not belong in Plan Area Statement 080 - Kingsbury Drainage. The property should not be classified "conservation mitigation" when the 1971 General Plan classified the property as Conservation Reserve (37 acres), Low Density Residential (30 acres), High Density Residential (29 acres), General Commercial (26 acres) and large portions were classified Tourist Commercial. These classifications were appropriate based on the properties' location and level of infrastructure. The Planning Statement, Planning Considerations #1, 2 and 3 and Special Policy #3 are inappropriate and do not apply to the Park property. The Park property should be included in Plan Areas 089A, 076 and 078. (Gordon DePaoli, Park Cattle Co.)

Response: Disagree. Due to threshold limitations, the priority for development is (1) nondeveloped properties that need upgrading, (2) those lands subdivided with improvements (3) those lands previously zoned with good land capability but not subdivided, and (4) undeveloped and not zoned for development or low land capability. The PAS current classify the three existing Park Cattle Company casino properties as tourist, the golf course as recreation and the ranch as conservation (a portion of the ranch is required open space for Caesars.) The remaining lands are classified as conservation because they are in a priority 3 or 4.

206. Comment: PAS 080 - Add OHV Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

207. Comment: PAS 080 - Add Snowmobile Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

208. Comment: PAS 080 - Add the following statement to the Planning Considerations: "The U. S. Forest Service permit for Heavenly Valley Ski Area extends into this area. Although not currently approved, a major tramway has been proposed for accessing the ski area from the Casino Core." (USFS)

Response: Agreed. The statement will be added.

209. Comment: PAS 080 - Add the following statement to the Special Policies: "Potential expansion of skiing or ski facilities may be considered during revising of a Master Development Plan for Heavenly Valley Ski Area. If improvements are approved, the land use classification for the area will be changed to Recreation." (USFS)

Response: We would prefer to change the Plan Area boundary in conjunction with approval of the Master Plan. PAS 080 contains other areas which would not be affected by the ski area.

210. Comment: Why doesn't Plan Area Statement 080 have any Special Designations? (Gordon DePaoli, Park Cattle Co.)

Response: This is an area that fits the Regional Plan definition of a Conservation Area. There are no special designations needed to achieve the direction set forth in the planning statement.
211. Comment: Special Policy #4 in PAS 080 states that land adjoining Highway 50 should be maintained as a scenic view corridor. This policy places a burden that should not and cannot lawfully be placed upon private property. (Gordon DePaoli, Park Cattle Co.)

Response: Disagree. This relates to a scenic threshold and is consistent with the existing golf course and ranch.

212. Comment: The only uses that are identified as allowed in PAS 080 relate to benefits to the public at large. The allowed uses in PAS 080 do not provide a reasonable economic use of Park's property. (Gordon DePaoli, Park Cattle Co.)

Response: Ranch uses, recreational uses, timber uses and single family houses are uses permitted on the Park Cattle Company property in this Plan Area Statement. The remaining properties in PAS 070A and 089A contain a golf course, two hotel casinos, a casino parking lot and structure and some undeveloped land permitting commercial uses.

213. Comment: Guest houses should be an allowed use in PAS 080. (Gordon DePaoli, Park Cattle Co.)

Response: This term is being replaced by secondary residence which will be added to PAS 080.

214. Comment: 082 - Upper Kingsbury: The special designation as a scenic restoration area is particularly suspect, as recent improvements have been made, and it should probably be deleted until a reevaluation shows that it should remain in this category. The area should be a TDR receiving area for multi-residential units, and should be a multi-residential incentive program area. This subdivision had been planned at the outset for multi-family dwellings, and a disruption of that pattern would lead to an inconsistent development pattern. The maximum densities table should indicate that multi-family dwellings may be built at the density in the master plan for the subdivision. The list of allowable uses should include multi-family dwellings as an allowed use. There is no question that multi-family dwellings are the most consistent use when compared to existing development.

Special Policy #1 should be deleted. The only possible justification for this policy is that there is inadequate parking. However, this could simply be addressed by having a special policy which reads, "Any further development in Summit Village should be able to demonstrate adequate parking." This would allow the property owner in coordination with the homeowner's association to acquire the necessary parking rights. (TSPC)

Response: This area has been reevaluated and the designation stands. The PAS remains unchanged, due to the high hazard lands and the remote location. Summit Village is high hazard, poorly designed for parking, uses poor building siting, and has a remote location.
215. Comment: PAS 082 - Special Policy #2 refers to commercial development. Is this a reference to the Appex Office? (John Renz, Douglas County)

Response: Yes.

216. Comment: PAS 083 - Special Policy #1 calls for conversion of trailer homes to permanent sites, yet mobile home use is generally permitted. A Special Use area would solve this contradiction. (Richard Skinner)

Response: Mobile home dwellings are listed as a special use, requiring the Governing Board to make findings with respect to the appropriateness of the use in the neighborhood, prior to the replacement or expansion of any existing mobile home. Mobile home developments are a prohibited use in this Plan Area.

217. Comment: PAS 083 - Are BMP's up to standard in this area. (John Renz, Douglas County)

Response: No.

218. Comment: 084 - Palisades: The table of permissible uses should be amended to include multi-family dwellings as a special use, as these are already in existence. We are also advised that the boundaries of Special Area #1 do not include all commercial development and existing foundations for commercial development. Staff should verify that the boundary areas of Special Area #1 are properly drawn. (TSPC)

Response: Special Area #1 is properly drawn. Multi-family will be a special use.

219. Comment: 085 - Lakeview Heights: The special designation should reflect that this is a TDR receiving area for multi-residential units, if that is how condominiums are ultimately to be allowed. This plan area contains the Powderhorn subdivision, a subdivision which we consider to be vested. The general list of permissible uses should indicate that multi-family dwellings are a special use. (TSPC)

Response: The status of Powderhorn is unresolved. A Special Policy will be added indicating a prohibition of new development in this subdivision until the status is determined.

220. Comment: 086 Heavenly Valley - The list of permissible uses does not match the special policy direction of no expansion. (Clem Shute)

Response: Skiing facilities do exist there and are allowed uses. Expansion is precluded by the Special Policy. No change in the PAS is considered necessary.

221. Comment: PAS 087 - Add Temporary Events as a special use. (USFS)

Response: Temporary events will be addressed in the Code of Ordinances.
222. Comment: PAS 087 - Expansion of this ski area must be conditioned upon correction of serious environmental problems, as well as mitigation of new impacts. The seriousness of the problems at this ski area require a massive effort by the concessionaire and the U.S. Forest Service to make progress toward threshold attainment; expansion is quite secondary to these concerns. The heliport use in this area, without appropriate restriction, is incompatible with noise thresholds. (Richard Skinner)

Response: The environmental impacts cited in the comment will be addressed as part of the Master Plan process, which must be completed prior to any expansion of the facilities. There is no evidence that the heliport, which was approved by the Agency and will be listed as a special use, will violate the CNEL for the Plan Area or the single noise event standards in Chapter 23.

223. Comment: PAS 088 - Timeshare development is proposed for a high hazard land capability area. (Richard Skinner)

Response: Listing Timeshare (residential design) as a permissible use recognizes the numerous residential timeshares that exist in this Plan Area. Multi-family dwelling are no longer a permissible use in this Plan Area due to the high hazard land capability.

224. Comment: PAS 088 - Tahoe Village is approved for a maximum of 1000 units. This includes portions in and out of the Basin. Uses should include Tourist Accommodations such as lodges. (John Renz, Douglas County)

Response: Correction noted. There are no hotel or motel facilities to staffs knowledge in the area. Any new facilities would be discouraged because of the land capability and service limitations.

225. Comment: 088 - Tahoe Village: If the condominium and timeshare units are not fully built-out, the special designation should indicate that this is a TDR receiving area for multi-residential development, and an incentive area. If there is still a need for a neighborhood commercial center, the list of allowed uses should reflect allowable commercial uses. (See Special Policy #2.) The general list of allowed uses should include multi-family dwellings as a special use, since they already exist. (TSPC)

Response: Multi-family will be a special use. There will be no special designations for this high hazard, remote area. Policy #2 will be deleted.

226. Comment: 088 Tahoe Village - The list of permissible uses does not match the special policy about allowing neighborhood commercial. Commercial should be limited to neighborhood-type commercial. (Clem Shute)

Response: See response to Specific Comment #225.

227. Comment: PAS 089A - Add under Improvement Programs the additional water quality improvements on casino sites due to proposed site modifications. (APC South Shore Subcommittee)
Response: Agreed. Add a Special Policy as follows: "Policy 6 - The casinos and other related parties should implement an areawide storm drainage system which meets TRPA Best Management Practices provisions.

228. Comment: PAS 089 A - A recreation vehicle park should be listed as a special or allowed use to accommodate Harrah's proposal to develop a small RV park in the existing parking lot. (APC South Shore Subcommittee)

Response: A RV park will be listed as a special use.

229. Comment: PAS 089A - Reconsider having boundary for hydrologic area bisect stateline core area. (APC South Shore Subcommittee)

Response: The boundary of this hydrologic area will be adjusted to follow the stateline through this area.

230. Comment: The proposed gondola from Heavenly Valley to the south casino core area should be mentioned in Plan Area Statements 089A, 089B and 87. (APC South Shore Subcommittee)

Response: Agreed. A special policy will be added to each as follows: "A tram system is encouraged between the stateline area and Heavenly Valley."

231(A). Comment: Plan Area Statement 089A - Nevada South Stateline should be designated as eligible for tourist bonus units, residential bonus units, and the multi-residential incentive program and should be a preferred affordable housing location. (Gordon DePaoli, Park Cattle Co.)

Response: As a Community Plan area PAS 089A is eligible for tourist bonus units and staff will add the affordable housing designation and other programs, however, this will be for employee housing only.

231(B). Comment: Plan Area 089A does not contain all the so called Caesars Tahoe open space and the owner does not intend to necessarily maintain this area as scenic view corridor.

Response: The open space is primarily in PAS 080 and is tied to the project approval of the Park Tahoe (Caesars Tahoe) as open space to justify the 50% land coverage of the project.

232. Comment: PAS 089A should expressly acknowledge that structures housing gaming under a nonrestrictive license are permitted and conforming uses in this Plan Area. (Gordon DePaoli, Park Cattle Co.)

Response: Agreed and will be so noted in PAS 032, 048, 076 and 089A.

233. Comment: In PAS 089A, Planning consideration #3 should simply state the fact of Harvey's Hotel Casino expansion and the three parking garage approvals. (Gordon DePaoli, Park Cattle Co.)

Response: Agreed.
234. Comment: In PAS 089A, Planning Consideration #6 should state that the area has a large number of boilers. (Gordon DePaoli, Park Cattle Co.)

Response: It does. However, see Specific Comment #242.

235. Comment: We are especially concerned with Special Policy #1 in PAS 089A. First, the open space area referred to is not located within this Plan Area. Second, what is meant by the statement that "all activities taking place on the Caesars Tahoe property should be viewed in light of said open space?" It was not necessarily intended or required that that land be maintained as a scenic view corridor. There are existing buildings on the land, including Friday's Station. (Gordon DePaoli, Park Cattle Co.)

Response: The open space is in PAS 080, but this area is part of the Caesars (Park Tahoe) project area and approval. The point is to give credit to Caesars for this open space in future approvals although it is not inside PAS 089A.

236. Comment: In PAS 089A, multi-residential should be added as a residential use. (Gordon DePaoli, Park Cattle Co.)

Response: Disagree. This is a tourist commercial area. However, the option was left open for employee housing.

237. Comment: In PAS 089A, private assembly and entertainment facilities should be recognized as a permissible use. (Gordon DePaoli, Park Cattle Co.)

Response: Agreed.

238. Comment: Plan Area 089A - Uses, such as "public assembly and entertainment facilities," should not be allowed or prohibited depending on ownership, i.e., private versus public. (Gordon DePaoli, Park Cattle Co.)

Response: This is a Code Chapter 28 issue. Uses are broken out by private and public because private facilities are subject to commercial allocation limits and there are some differences in uses allowed under the classifications.

239. Comment: The improvement programs listed in PAS 089A should be deleted until they are completed and subjected to review by the public and the Governing Board. (Gordon DePaoli, Park Cattle Co.)

Response: The improvement programs referenced are adopted and the "to be completed" programs will go through the process suggested before they are effective.

240. Comment: In Plan Area 089A, where is the location of the transit terminal mentioned in Planning Consideration #4? (APC South Shore Subcommittee)

Response: There is no specific location.
241. Comment: In Plan Area 089A what land is deed restricted to open space? (APC South Shore Subcommittee)

Response: Except for six acres on the northeast corner of the Loop Road/Highway 50 intersection, most of the Park Cattle Company Ranch along Highway 50 in PAS 080 is open space for Caesars Hotel/Casino.

242. Comment: In Plan Area Statement 089A, does Planning Consideration #6 require retrofitting the existing large boilers. (APC South Shore Subcommittee)

Response: No. Treatment of stationary sources is covered in Chapter 91 of the Code.

243. Comment: What are the 100 PAOTs for in Plan Area 089B. (APC South Shore Subcommittee)

Response: The 100 PAOTs are for unspecified increased outdoor recreation day use.

244. Comment: PAS 091 - Sports Assembly (stadiums, etc.) and animal husbandry are among the inappropriate uses proposed for this tourist area. (Richard Skinner)

Response: Both uses, sports assembly and animal husbandry, are listed as special uses, requiring a determination by the Governing Board that such uses are appropriate for the Plan Area.

245. Comment: With respect to Plan Area 091, Ski Run, what are the height standards within redevelopment areas and what are the 100 PAOTs for? (APC South Shore Subcommittee)

Response: The height limits for redevelopment in this area are to be addressed in Chapters 22 and 15 of the Code, which will be the subject of later hearings. The 100 PAOTs are for increased outdoor recreation day use.

246. Comment: PAS 092 (Ski Run/Pioneer) - Delete Planning Consideration #6; it is not true. (TRPA)

Response: Agreed/

247. Comment: PAS 095 - Add OHV Courses as an allowed use. (USFS)

Response: Refer to response to Specific Comment #250.

248. Comment: PAS 095 - Add Temporary Events as a special use. (USFS)

Response: Temporary Events will be regulated in the Code of Ordinances.
249. Comment: PAS 095 - Add Snowmobile Courses as an allowed use. (USFS)
Response: Snowmobile courses will be added as a special use.

250. Comment: PAS 095 Trout/Cold Creek: Add off road vehicle courses as a special use. (10/8 APC Meeting)
Response: Comment noted and the requested change will be made.

251. Comment: The City suggests the boundaries of PAS 097 and 098 be redrawn to include the Boy Scout Hall/special recreation area (1110 Rufus Allen Blvd., APN 26-050-04) in PAS 98. The hall's uses are more compatible with PAS 098. (Dennis Crabb, CSLT)
Response: Comment noted and the change in boundary will be made as requested.

252. Comment: PAS 098 - This area reflects inappropriate strip development; it should not be considered for a CP. Flooding and scenic problems buttress this conclusion. Are developed campgrounds an appropriate use in this urban area? (Richard Skinner)
Response: This area has one area at Bijou Creek that floods and as part of a Community Plan should be restored to open space. This area contains the City campground, the major government services and visitor chamber organizations, two schools, a college and two major shopping complexes. This area is Community Plan material.

253. Comment: In Plan Area 098, Bijou/Al Tahoe, why are Recreation Vehicle Parks a special use? (APC South Shore Subcommittee)
Response: There are existing campgrounds or trailer courts in the area that may qualify under this classification or desire to convert to this use.

254. Comment: The boundary between Plan Areas 098 and 097 should be revised to include Scout Hall complex in Plan Area 098. (APC South Shore Subcommittee)
Response: See Specific Comment #251.

255. Comment: (1) It is unclear what recreational vehicle park is referred to within PAS 98. Also, if an overnight park is to be developed, there should be additional night use PAOT assigned to the PAS. Also, the City questions why day use PAOT was reduced. (2) This area was also deleted as a TDR receiving area. (Dennis Crabb, CSLT)
Response: (1) Campgrounds and trailer parks are existing uses in the Plan Area which could be converted to recreational vehicle park use. Day use PAOTs were increased by 40 to allow for a modest future increase in recreational uses. (2) Coverage was taken out everywhere and there are no bonus units assigned. Multi-residential can be returned to the PAS.
256. Comment: Permitted recreation uses in PAS 099 include riding and hiking. Does this refer to the bike trail? If it is a reference to horseback riding and day use hiking, it is an inappropriate use within this PAS. Also, no density is listed for bed and breakfasts and motels. (Dennis Crabb, CSLT)

Response: Bike trails are considered as transportation routes. Riding and hiking trails can be deleted as permissible uses as you suggest and the maximum densities (which were overlooked) should be listed.

257. --

258. Comment: With respect to PAS 100 - Truckee Marsh:

(a) Under Existing Uses the reference to our corporation yard should read "The Tahoe Keys Property Owners' Association holds a long term lease/purchase option on 2.206 acres of land, used as a maintenance and storage facility, south of Venice Drive East." This more accurately describes the lessee and the lease/purchase agreement.

Response: Comment noted and the recommended change will be made.

(b) Under Permissible Uses - General List add under Public Service, "TKPOA's maintenance and storage facilities (A)."

Response: This use has been specifically excluded from the list of permissible uses so that the status of the existing maintenance and storage facility is non-conforming.

259. Comment: PAS 100 - Expansion of the transportation route in this SEZ area is encouraged, contradicting Special Policy #10. TRPA should deal with the Lake Christopher issue directly. Livestock grazing should not be permitted in this SEZ area, especially considering the recreational conflicts and the SEZ restoration requirements. (Richard Skinner)

Response: The listing of "(e)xpansion/improvement of existing transportation routes" as a special use will be changed to read Transportation Routes. This use is listed as a special use to recognize the existing U. S. Highway 50 and Black Bart crossings as permissible uses. Special Policy #6 will be reworded to read as follows: "The Agency, in coordination with the City of South Lake Tahoe, shall undertake a study to determine the long term use and maintenance of Lake Christopher. The study shall determine the feasibility for SEZ restoration and relocating Cold Creek to its original channel. Grazing is listed as a special use so that potential conflicts with recreational uses must be considered prior to recognizing grazing as an allowed use.

260. --
261. Comment: PAS 101 - Add OHV Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

262. Comment: In PAS 101, Planning Consideration #5 seems inconsistent with the intent of Special Policy #7. Undeveloped and developed campgrounds are listed under permissible uses. What campgrounds are referred to here, and why are there no additional PAOTs for overnight use if campgrounds are being contemplated? (Dennis Crabb, CSLT)

Response: Not inconsistent. Refer to General Comment #79. No specific campgrounds have been proposed. PAOTs will come from a pool if and when a campground is approved.

263. Comment: PAS 101 - Why is it necessary to write a Special Policy (#1) to prohibit new uses in SEZs, when Goal 1, Policies 2 and 5, Conservation Element, governs? (Richard Skinner)

Response: The intent of Special Policy #1 is to prohibit a net increase in the amount of stream environment zone disturbed as a result of plans to expand the existing golf course. Special Policy #1 will be reworded to state this intent more clearly.

272. Comment: PAS 102 - The PAS for the Tahoe Keys should not imply that the TKPOA beach located just east of the marina channel entrance and north of the Dillingham Cove East property is a public facility. (TKPOA)

Response: Special Policy #6 in PAS 102 will be changed to read as follows: "Consistent with the provisions of the Dillingham/CTRPA/California Settlement Agreement and limitations on public access due to TKPOA ownership of certain lands, parking facilities for public use of the Upper Truckee River and adjacent land areas and temporary boat trailer parking should be encouraged in the vicinity of the marina."
273. Comment: With respect to PAS 102 - Tahoe Keys:

(a) Under Existing Uses replace existing verbiage, to read, "Uses pre-
dominantly consist of a 1,607 member common interest development, the
Tahoe Keys Property Owners' Association (planned development),
embracing single family residences; townhouses; a four-plex;
recreation facilities including private beaches, clubhouse, pools,
tennis courts, navigable waterways, boat docks, piers, and parklands;
and public service facilities including administrative offices,
maintenance areas, a water company, and a water circulation facility.
This common interest development is 75% built out. Uses also consist
of a retail shopping center and a commercial marina/office area."

Response: The existing language will be replaced with the suggested
language.

(b) Under Existing Environment, correct "Tahoe Keys Property Owners'
Association," not "Homeowners," and clarify that "the lagoon waterways
are treated by the TKFOA water treatment facility."

Response: Agreed.

(c) Under Planning Considerations replace existing paragraph 1 verbiage,
to read, "Undeveloped single-family lots should be developed to
prevent further disturbance from neglect. Several common area park-
lands are in need of revegetation."

Response: Paragraph #1 will be reworded to read as follows: "Many of the
undeveloped single-family lots and portions of the Cove East parcel have
been disturbed as a result of unauthorized activities. These disturbed
areas and several common area parklands are in need of revegetation. There
may be the potential for SEZ restoration within this Plan Area; however,
specific areas for restoration have not been identified."

(d) Under Special Policies:

(i) We have problems with this PAS referring to the TRPA approved
Marina Master Plan, as many important planning and impact
considerations were not addressed in this master plan (water
quality, dredging, bulkheads, traffic, boat size, policing/
security of waterways, etc.). We recommend that no authority be
granted in this PAS to the Marina uses or potential expansion
based upon the incomplete Marina Master Plan.

Response: This Special Policy refers to a marina master plan to be
approved by the Agency. The current master plan for the marina has not
been approved by the Agency. All the items mentioned in the comment, plus
others will be considered as part of the specific plan process set forth in
Chapter 16 of the Code of Ordinances. To avoid confusion, this Special
Policy will be reworded to read as follows; "Uses and expansion of the
marina shall be in conformance with a specific plan to be prepared in
accordance with the procedures set forth in Chapter 16 of the Code and
approved by the Agency. Such plan shall give priority to uses which are
water or marina dependent."
(ii) Correct paragraph #4 to read, "Tahoe Keys Property Owners' Association."

Response: Correction will be made.

(iii) Delete paragraph #5, as TKPOA already maintains strict regulations for pier installation/maintenance in areas within TKPOA's jurisdiction. Perhaps this could be listed as an exempt item in Section 4 of the Code of Ordinances.

Response: Paragraph #5 will be reworded to read as follows; "Based on a future determination by the Agency that the TKPOA regulations for pier installation and maintenance are consistent with the Regional Plan for the Lake Tahoe Basin, Goals and Policies, and the shorezone provisions of the Code of Ordinances, construction and repair of piers within the Tahoe Key lagoons shall be an activity exempt from review and approval by the Agency.

(iv) Delete "Lake Tahoe Beach" from paragraph #6, for two reasons. First, the beach referenced is owned, regulated, and maintained by TKPOA. Secondly, its ownership has no correlation to the "Dillingham et al" settlement agreement.

Response: Refer to the response to comment #1.

(e) Under Permissible Uses - General List add to Public Service, "TKPOA administrative offices (A), water company/treatment facilities (A), and maintenance facilities (A) "We have some concerns regarding the defined Special Areas, as: Map F-18 shows a residential area as commercial SA-1. Maps F-17 and G-17 show TKPOA-managed waterways as commercial SA-1. These Special Areas need more accurate definition.

Response: The definition of Accessory Uses - Residential in Section 18.3.B will be expanded to include administrative offices and meeting rooms for homeowner associations. Water company/treatment facilities will be allowed uses under a revised definition for Public Utility Centers. Maintenance facilities are allowed as an accessory use to Day Use Areas, which are an allowed use in this Plan Area. The residential area shown in SA-1 will be included in SA-2. The TKPOA-managed waterways are included in SA-1 so that the boat slips, which are accessory to the marina, can be recognized as permissible uses.

(f) Under Nearshore/foreshore add to accessory uses/structures "multiple-use recreation pier (A)."

Response: Under Accessory Uses/Structures piers will be added as an allowed use in SA-2 and an allowed use in the Plan Area, but only within the Tahoe Keys lagoons.

(g) Under Improvement Program we would like clarification regarding paragraphs #1, 2, and 3, as to their potential or anticipated impact upon properties within TKPOA's jurisdiction. By example, we are not aware of any SEZ restoration work needed and, therefore, feel paragraph #3 should be deleted as an open-ended and nonspecific mandate.
Response: These improvement programs have not been completed but have been listed because the Agency contemplates some surface water management and highway or transit improvements being required in all urban plan areas. Likewise, although the SEZ restoration program has not been complete it has been listed as a potential program in Plan Areas that contain disturbed SEZ's. When the SEZ restoration program is completed it may or may not identify land to be restored in this Plan Area.

274. Comment: For Plan Area Statement 102 (Tahoe Keys) the following comments:

A. Area should be a TDR receiving area for existing development.

B. The description of Existing Uses should be expanded to include "a fourplex, water circulation facility, two water well buildings, clubhouse/recreation facilities, and two sewage pump stations.

C. The description of Existing Environment should make reference to the settlement agreement affecting parcels 2, 3 and 4, which establishes allowable land coverage for these parcels and recognizes them as man-modified. (Lahontan document.)

D. Planning Consideration #3 should be reworded to read "over coverage is a problem within this planning area."

E. In Special Policy #1 the word "master" should be changed to "phased development." Also, #1 should be limited to "new" commercial uses and the term "marina-related" should provide an opportunity for off season uses.

F. In Special Policy #2 the words "based on litigation settlements" should be replaced with "Except as otherwise provided in the TRPA/Dillingham Settlement Agreement."

G. The words "not to exceed 36 feet" should be added to end of Special Policy #6.

H. The words, "Except as otherwise provided in the TRPA/Dillingham Settlement Agreement" should be added to end of the sentence following Special Considerations.

I. Churches, schools and social service organizations should be allowed uses in this plan area.

(Dennis Crabb, CSLT)

Response: The changes requested in Comments A, B, C and D have been noted and will be made. In response to Comment E, Special Policy #1 will be reworded to read as follows: "Uses and expansion of the marina shall be in conformance with a specific plan to be prepared in accordance with the procedures set forth in Chapter 16 of the Code and approved by the Agency. Such plan shall give priority to uses which are water or marina dependent." In response to Comment F this requested change has already been made and is reflected in the October 10th draft of PAS 102. In response to Comment G the Special Policy referred to has been deleted in its entirety in the October 10th draft.
276. Comment: PAS 102 - Special Policy #8 does not accurately set forth the requirements of the Dillingham/CTRPA/California Settlement Agreement. Comments concerning the "Cove East" proposal should be updated to reflect the current situation. Tahoe Keys Property Owners' standards for piers must be consistent with TRPA standards, not vice-versa. (Richard Skinner)

Response: All references to the settlement agreement and "Cove East" will be reviewed and, if necessary, revised to accurately reflect the requirements of the agreement. Special Policy #5 will be reworded to read as follows: "Based on a determination by the Agency that the TKPOA regulations for pier installation and maintenance are consistent with the Regional Plan for the Lake Tahoe Basin, Goals and Policies and the shorezone provisions of the Code of Ordinances, construction and repair of piers within the Tahoe Key lagoons shall be an activity exempt from review and approval by the Agency.

277. Comment: PAS 103 - This area should not be eligible for a CP. It exemplifies strip commercial development, and intensification should not be encouraged. A CP here is inconsistent with scenic restoration, traffic congestion, and land capability (SEZ). The area is in need of water service and fire protection as well. Tourist Accommodation units here--isolated from virtually all activity points in the area--are singularly counter-productive. (Richard Skinner)

Response: Disagree. The area is extensively developed with commercial/tourist accommodation and public service and is a distinct unit bounded by Trout Creek and the Truckee River. Improvement or change of this area will require redevelopment or a Community Plan.

278. Comment: In Plan Area 103, does the wording in Planning Consideration #4 exclude any new use for the present college building? (Dennis Crabb, CSLT)

Response: No. The General List of Permissible Uses would apply to the present college building.

279. Comment: In PAS 105, where should child care centers be addressed, through residential or public service? It is addressed in neither section. (Dennis Crabb, CSLT)

Response: Currently, day-care centers and pre-schools are included in the definition of schools-preschool to secondary. The Agency proposes to remove both these uses from the definition of schools-preschool to secondary and establish both uses as primary uses, defined as follows;

(a) Preschools will be defined generally as facilities designed to be used for the care of more than 10 children and, consistent with state law, will be considered a commercial use.
(b) Day-care centers will be defined generally as facilities designed to be used for the care of from 6 to 10 children and will be considered a public service use.

(c) The current definition of Home Occupation will be separated into two levels of intensity. Level one will generally be restricted to: no sales of products or services not produced on the premises; no employment of persons other than the residents of the dwelling; no signs or structures advertising the occupation; and no excessive or unsightly storage of materials or supplies. In the examples of Level 1 - Home Occupations, the care of up to six children that do not reside in a residence on a permanent basis will be included. Level 2 - Home Occupations will be defined to allow more intensive uses. Level 1 - Home Occupations will be considered an accessory use to a single-family house and will be exempt from Agency review and approval.

280. Comment: PAS 109 - Expansion of this existing campground in an urbanized area as the South "Y" seems to invite conflicts. Similarly, an RV park here may be inappropriate, as well as encouraging extra traffic to and from the casino core area. (Richard Skinner)

Response: This is one of the largest RV/campgrounds in the Basin. The Special Policy requires approval of a master plan to expand.

281. Comment: The City would prefer the former wording for PAS 109, Planning Consideration #3 (10/5/85) be reinstated, specifying that an approved CTRPA master plan exists for the area. Also, if campgrounds are to be expanded, why is there no increase in night use PAOT? Should a commercial campground be listed under tourist or recreation uses? (Dennis Crabb, CSLT)

Response: We will insert a Planning Consideration to describe the status of the master plan. Overnight PAOTs will be assigned consistent with a TRPA approved master plan. Commercial campgrounds are recreational uses.

282. Comment: PAS 110 (So. Wye) - Planning Consideration #1 refers to air quality problems. This is not a CO hot spot. (TRPA)

Response: The reference to air quality problems will be deleted.

283. Comment: With respect to Plan Area #110, South "Y", what are the 50 PAOTs for? Have the impacts on "level of service" at the "Y" been evaluated due to the area being designated as a TDR receiving area for several types of development? (APC South Shore Subcommittee)

Response: The 50 PAOTs are for unspecified outdoor recreation day use. Impacts on LOS at the "Y" will be evaluated in the final EIS for the PASs.

284. Comment: Why was an additional 50 day use PAOT listed for recreation in PAS 110? Also, existing land type percentages under Existing Environment add up to 125%. (Dennis Crabb, CSLT)
Response: Refer to Specific Comment # 283. The correct land type percentages are: 68% low hazard; 36% moderate hazard; and 22% SEZ. The correction will be made.

285. Comment: PAS 110 - A CP here is appropriate, but some of the uses listed are not. Hotels and motels should not be permitted so far from the major attractors, but should be concentrated in the Stateline/Redevelopment area to enhance the pedestrian-oriented approach taken in the Redevelopment Study Area. Multi-residential bonus units in the South "Y" CP area seem misplaced. A Sports Assembly facility (stadium) at the "Y" is inconsistent with the local-serving commercial character of the area, and would be counter-productive to VMT reduction efforts. (Richard Skinner)

Response: Motels exist and do provide accommodations away from casino and closer to cut recreation opportunities multi-residential next to the commercial services reduces trips. The sports assembly will be deleted.

286. Comment: With respect to PAS 111 - Tahoe Island:

(a) Under Existing Uses add the following verbiage, "Three TKPOA single family dwelling subdivisions and TKPOA's water treatment facility are located within this area.

Response: Comment noted. Verbiage will be added as requested.

(b) Under Existing Environment it should be mentioned that two TKPOA subdivisions have been reclassified as man-modified (6). This should also be highlighted on maps F-18 and G-18. We request evidence that existing development is "substantially disturbing" the Tallac Lagoon, prior to the inclusion of this statement in the PAS.

Response: The comment concerning the TKPOA subdivisions that have been reclassified as man-modified has been noted and the requested change will be made. The first sentence under Existing Environment will be replaced with the following two sentences; "Nearly half of the plan area (250 acres) is classified as SEZ. Substantial portions of the area classified as SEZ have been disturbed by existing development."

(c) Under Permissible Uses add to General List-Public Service, "TKPOA maintenance, storage, and water treatment facilities (A)."

Response: Public Utility Centers, which under a revised definition will include water treatment facilities, will be listed as an allowed use. The TKPOA maintenance and storage facilities are considered accessory uses to the water treatment facility.

(d) Under Improvement Programs we would like clarification as to any relationship between paragraph #3 and Tallac Lagoon.
Response: These improvement programs have not been completed but have been listed because the Agency contemplates some surface water management and highway or transit improvements being required in all urban plan areas. Likewise, although the SEZ restoration program has not been completed it has been listed as a potential program in Plan Areas that contain disturbed SEZs.

287. Comment: PAS 111 - Tourist Accommodation units should not be allowed in this area (see Special Area #1). (Richard Skinner)

Response: Within Special Area #1 there are four existing motels, containing a total of approximately 77 units. Special Area #1 is on good capability land and has adequate public services and transportation linkages. Tourist accommodations are not listed as allowed uses, but as special uses.

288. Comment: PAS 114 - Planning Consideration No. 5 suggests that Caltrans need not respond to TRPA restoration requirements; obviously, this is incorrect. If there is a problem with the Caltrans right-of-way in this area, the Agency should approach Caltrans for mutually-acceptable solutions, but ultimately, the responsibility and authority for achieving thresholds is TRPA's. This PAS contains no Special Policies, and does not address the possibility of bonus units for multi-residential—-is the document complete? Are mobile home dwellings properly listed here as a tourist/accommodation use? (Richard Skinner)

Response: Planning Consideration #5 will be reworded to read as follows: "(t)he Highway 50 corridor in this Plan Area is in need of restoration. The Agency, in coordination with Caltrans, shall develop a mutually-acceptable restoration plan to be implemented by Caltrans." The following Special Policy was inadvertently omitted; "(t)he upper Bonanza area is characterized by high erosion. A revegetation program in this area would help reduce the problem." The multi-residential incentive program should apply within Special Area #1, not Special Area #2 as indicated in the 10/10/86 draft. Mobile home dwellings are listed properly under residential for Special Area #1.

289. Comment: 116 - Airport: This area should remain eligible for a Community Plan. Planning consideration #1 should be modified to read, "There are extensive disturbed areas (P#) which are currently misclassified as high hazard, and should be considered for man-modified designations." Special Policy #1 should be revised to read, "The area west of Highway 50 should be evaluated for a man-modified determination, and areas so designated should be subject to a rehabilitation plan and mitigation measures emphasizing scenic and disturbed land restoration as a condition of new development." (TSPC)

Response: Agree.

290. Comment: PAS 116, Airport - The Plan Area Statement which includes the airport should be delayed until the airport issue is resolved. (Clem Shute)
Response: Except for changes made pursuant to other comments, such as the recommendation to delete reference to redevelopment, the Plan Area Statement is consistent with the direction of the airport consensus talks. Airport issues should be resolved in conjunction with the development and analysis of a Master Plan, a provision of this PAS.

291. Comment: For PAS 116, the City suggests Planning Considerations #3 and #4 be combined to read:

"There are a number of unresolved airport issues, among others including land capability, general aviation and commercial service levels, and establishment of a noise corridor."

Response: Agreed.

Comment: Planning consideration #5 should be deleted.

Response: Agreed.

Comment: The Planning Statement should be rewritten to read: "This area should be rehabilitated to provide appropriate commercial service. The airport should continue to provide commercial and general aviation service in accordance with the adopted Goals and Policies and environmental constraints."

Response: Agree with the addition of the underlined wording.

Comment: Special Policy #3 should be rewritten to read: "The airport and its surrounding land uses shall be the subject of a cooperative planning effort between the City of South Lake Tahoe, the County of El Dorado, an Airport Land Use Commission (if formed) and TRPA, to the extent authorized by applicable state and federal law. Such joint planning efforts shall be incremental, dealing first with the airport proper and then the allowable surrounding land uses. Such joint planning shall be conducted, where practicable, under memorandums of understanding between the various governmental entities to avoid or minimize any jurisdictional questions."

Response: Agreed.

Comment: Maximum Cumulative Noise Level should be rewritten to read: "The maximum cumulative noise level for this plan area is established by thresholds. The highest available technology should be utilized to maintain CNEL." (Dennis Crabb, CSLT)

Response: Disagree. The thresholds establish CNEL levels for land use types and transportation corridors. Plan Area Statements designate and establish a CNEL limit for a given area based on the threshold criteria. The above statement establishes no limit.
292. Comment: PAS 116 - While a Master Plan is obviously needed, a CP is unacceptable. The airport facility, which is located in an SEZ and is necessarily isolated from built-up areas, should not be considered the site for anything but airport-related uses. Provisions for sports assembly, entertainment facilities, cultural facilities, broadcasting studios and other commercial uses, and tourist accommodations are all inappropriate for this area. That some developers are proposing such facilities in the area is no justification for exacerbating virtually every land use problem enjoyed in the region, as this PAS proposes. (Richard Skinner)

Response: The airport itself is the subject of a master plan. The remaining area highly disturbed and needs improvement. The Community Plan is the recommended tool to accomplish this task.

293. Comment: PAS 118 - Add OHV Courses as an allowed use. (USFS)

Response: Response deferred pending further consultation with USFS.

294. Comment: PAS 118 - Add Snowmobile Courses as an allowed use. (USFS)

Response: Response deferred pending further consultation with USFS.

295. Comment: PAS 118 - Add Outdoor Concessions as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

296. Comment: PAS 118 - Whether to permit Off-Road Vehicle (ORV) use in this or any Tahoe area cannot solely be determined by neighborhood surveys. TRPA must embrace its statutory responsibility to protect Tahoe's environment, even where localized opposition to particular policies may be forthcoming. ORV use is a particularly destructive and unnecessary activity in the Basin, and should be allowed, if at all, only where its impacts can be rendered benign. (Richard Skinner)

Response: Special Policy #2 will be reworded to read as follows; "(t)he Agency shall conduct a study assessing the impacts resulting from the current level of off-road vehicle use and which shall be the bases for the Agency determining whether such use should continue."

297. Comment: PAS 119 - Remarks in this Plan Area are somewhat out of date, especially concerning the "existing gravel operations," which were phased out in 1984. (Richard Skinner)

Response: Comment noted and Plan Area will be revised to reflect the State's recent purchase of the Amacher Ranch.

298. Comment: PAS 121 - Add OHV Courses as an allowed use. (USFS)

Response: Response deferred pending further consultation with USFS.
299. Comment: PAS 121 - Add Snowmobile Courses as an allowed use. (USFS)
   Response: Response deferred pending further consultation with USFS.

300. Comment: PAS 121 - Add Temporary Events as a special use. (USFS)
   Response: Temporary Events will be regulated in the Code of Ordinances.

301. Comment: 123 - Meyers Forest: A Special Area #1 should be added to
    encompass the areas shown on the attached map F-21. This area has been
    historically committed to commercial uses. (TSPC)
   Response: Disagree. This area was deleted because of extensive SEZ,
    public ownership of some parcels, and efforts to reduce strip development.

302. Comment: The Caltrans South Lake Tahoe Maintenance Facility is not
    identified in PAS 125. Again, it is unclear whether this Maintenance
    Facility is included in the Meyers Community Plan Boundaries. (Caltrans)
   Response: PAS 125, Special Area #1, includes the Caltrans facility.

303. Comment: It is not clear whether the South Lake Tahoe Maintenance Facility
    is located in a SEZ and would be subject to PAS 125's SEZ Restoration
    Program. (Caltrans)
   Response: A field verification will be required to determine exact SEZ
    boundaries. In general, the SEZ restoration program will have minimal
    impacts on existing improved properties.

304. Comment: PAS 125 - If this area is to be acceptable as a CP, uses
    permitted here must be limited to neighborhood-serving commercial. Tourist
    accommodations, public assembly, cultural facilities, sports assembly and
    new golf courses are all inappropriate for this isolated area. The public
    service list is also far too broad. Special Policy #2 suggest redirection
    of industrial uses "to the industrial area," but does not identify where
    that is. It should be PAS 113, Industrial Tract. (Richard Skinner)
   Response: Public assembly and sports assembly will be deleted. The
    industrial area is special area #1. The community will resolve the role of
    the area.

305. Comment: With respect to PAS 126 - Pope Marsh:
   (a) Under Planning Considerations, paragraph #2 should be clarified to
       read, "TKPOA may propose to create a flow of water from Tallac Lagoon
       into Pope Marsh."
       Response: Comment noted and requested change in language will be made.
   (b) Under Special Policies, paragraph #4 should be clarified to read,
       "Tallac Lagoon" instead of "Tahoe Keys Lagoon."
       (TKPOA)
Response: Comment noted and requested change in language will be made.

306. Comment: PAS 126 - Requests a change in Management Strategy for Jameson Beach area from Redirection to permit existing uses. (Matt Painter)

Response: See Specific Comment #307.

307. Comment: A Management Strategy of Redirection is inappropriate for the Jameson Beach residential area in Plan Area 126 (Pope Beach). Plan Area 090 (Tahoe Meadows) is very similar to the Jameson Beach residential area and Tahoe Meadows is classified Mitigation. We request in the interest of accuracy, consistency and fairness the Management Strategy for Plan Area 126 be changed to Mitigation and the Planning Statement be modified to contain language similar to that of Tahoe Meadows. (Walter Stevens)

Response: Jameson Beach is included in PAS 127, Camp Richardson, not Plan Area 126. The management strategy is mitigation. Other provisions are similar to those for Tahoe Meadows.

308. --

309. Comment: PAS 126 - Add Temporary Events as a special use. (USFS)

Response: Regulation of Temporary Events will be addressed in the Code of Ordinances.

310. Comment: PAS 126 - Add Riding and Hiking Trails as an allowed use. (USFS)

Response: Riding and hiking trails should be added as a special use.

311. Comment: PAS 127 - Tour boats are an inappropriate use for this low-intensity campground/recreational area. (Richard Skinner)

Response: The operation of tour boats in the nearshore and foreshore of this Plan Area is appropriate due to the presence of the marina and accessory uses.

312. Comment: PAS 128 - Add Temporary Events as a special use. (USFS)

Response: Regulation of Temporary Events will be addressed in the Code of Ordinances.

313. Comment: PAS 128 - Add Riding and Hiking Trails as an allowed use. (USFS)

Response: Riding and hiking trails should be added as a special use.

314. Comment: PAS 128 - Tour boats are an inappropriate use for this low-intensity campground/recreational area. (Richard Skinner)

Response: Tour boats will be removed from the list of permissible uses.
315. Comment: PAS 129 - Tour boats are an inappropriate use for this low-intensity campground/recreational area. New single-family residences are inappropriate here, as in an RV park (a campground would be a proper choice). The allowed snowmobile use would conflict with cross-country skiing in the area, and possibly with winter occupation of some of the existing facilities. An appropriate management plan for such motorized use is necessary not only to address those concerns, but to avoid the serious wildlife habitat conflicts such use would create. (Richard Skinner)

Response: With respect to single family houses please refer to the response to the comment on PAS 130. Tour boats and RV park will be removed from the list of permissible uses. Snowmobile use would be restricted to identified trails. The extent and location of such trails would be regulated so not to interfere with areas used for cross-country skiing or other incompatible winter uses.

316. Comment: PAS 130 - Are new single-family homes an acceptable impact in this area? (Richard Skinner)

Response: Single family houses are listed as a special use to be consistent with the policy to recognize as a permissible use a minimum of one single family house on legal lots or parcels of record prior to adoption of the plan.

317. Comment: PAS 132 - In a PAS such as this one, where actual land capabilities are lower than what are mapped, development should be constrained in accordance. Why are government offices permitted in a residential area? (Richard Skinner)

Response: The indication that the land capability is lower than mapped is not correct. The majority of the area is mapped either land capability level 1b or 3, both of which are based on the presence of areas influenced by surface or near-surface ground water. Although single family houses are listed as an allowed use, an actual permit for construction must comply with either the land capability system as verified in the field or IPES, which is based on extensive field evaluation. With respect to government offices please see the response to the comment on PAS 133.

318. Comment: PAS 133 - Why are government offices permitted in a residential area? (Richard Skinner)

Response: Government offices are listed as a special use because post offices and neighborhood delivery centers are included in the definition for government offices. Government offices will be removed from this plan area and others and replaced with neighborhood delivery centers as an allowed use.

319. Comment: PAS 137 - Add Cross Country Ski Courses as an allowed use. (USFS)

Response: Response deferred pending further consultation with USFS.
320. Comment: 137 - Christmas Valley: This Plan Area contains areas where the majority of the housing is already multi-family residential. A Special Area #1 should be created which is eligible for multi-residential units by TDR, with incentives. The list of allowable uses should be modified to include a Special Area #1 with an allowed multi-family residential use added. The table of densities should have multi-family residential dwellings at 15 units per acre in Special Area #1 only. The boundaries for this area should encompass areas with existing multi-family dwellings, which should generally track with former TRPA zoning. (TSPC)

Response: Disagree. Six or seven multi-family residential units within 50± single family houses does not constitute a majority.

321. Comment: In regard to PAS 140, Special Policy #3, Caltrans would not normally permit land at our Echo Summit Maintenance Facility to be used as a "rest/parking area." Under Special Policy #2, Caltrans questions the advisability of additional parking adjacent to Highway 50 at Echo Summit. (Caltrans)

Response: Comment noted. Special Policy #3 will be deleted.

322. Comment: PAS 140 - Are churches an appropriate use in this area? (Richard Skinner)

Response: Churches will be removed from the list of permissible uses.

323. Comment: PAS 141 - Add Temporary Events as a special use. (USFS)

Response: Regulation of Temporary Events will be addressed in the Code of Ordinances.

324. Comment: PAS 141 - Should cemeteries be permitted in this outlying, pristine setting? (Richard Skinner)

Response: Cemeteries will be removed from the list of permissible uses.

325. Comment: PAS 142 - The structures to be permitted in these Alpine lakes are inappropriate. At best, a few piers might be tolerated, but shoreline protective structures and buoys are inconsistent with existing need and character. (Richard Skinner)

Response: Agreed. The uses will be restricted to existing marina facilities.

326. Comment: PAS 143 - Grazing as a permitted use can only exacerbate the problems associated with this already-stressed wilderness area. An effective phase-out of grazing should be promulgated with the cooperation of the U.S. Forest Service. (Richard Skinner)
Response: The Agency has requested that the Forest Service phase out grazing permits in the Tahoe Basin.

327. Comment: PAS 144A - Summer home uses are allowed, contrary to Special Policy #1. Grazing is an inappropriate use in this rustic resort area, as are tour boats and virtually all the lakeward structures permitted in this PAS. (Richard Skinner)

Response: Summer homes, grazing, tour boats and marinas will be removed from the list of permissible uses.

328. Comment: PAS 144B - Camping including undeveloped campgrounds and developed campgrounds should not be permitted in the Angora Lakes drainage. (Jim Hildinger, Angora Lake Resort)

Response: Agree. Those uses will be deleted from the list of permissible uses.

329. Comment: PAS 144B - Employee housing in a resort area again. Cemeteries, government offices and transit stations are also inappropriate uses for this area. Special Policy #1 states a truism which should be applicable to all Plan Areas, since it tracks, in concept, Article V(g) of the Compact. What caused this policy to appear here and only here? (Richard Skinner)

Response: Employee housing, cemeteries, government offices and transit stations will be removed from the list of permissible uses. Special Policy #1 does appear to be superfluous and will be deleted.

330. Comment: 145 - South Fallen Leaf Lake: This area will need to remain the community core of the Fallen Leaf lake area. In view of special policy #4, this area should be considered for some type of specific plan, especially in view of the recent loss of public facilities as a consequence of the so-called "Fallen Leaf Lodge Rehabilitation Project." Special Policy #1 should delete the second sentence. The scale of the community core and boat launching facilities should be decided by local residents in cooperation with the Forest Service, County and TRPA. Special policy #2 should be deleted, as there is no reason to treat littoral parcel owners differently on Fallen Leaf Lake than on Lake Tahoe. (TSPC)

Response: Changes will be made in the Special Policies to recognize the possibility of changes in policies 1 and 2 as a result of the evaluation contemplated in Policy #4.

331. Comment: PAS 145 - Inappropriate uses in this backcountry resort area include bed and breakfast, government offices, public assembly and entertainment facilities, and single-family homes, TRPA should include specific programs to deal with lake noise stemming from motorized boating. Special Policy #5 states, "New development shall be of a size, scale and character as to be compatible with existing uses." This should be a maxim applicable to every Plan Area, yet appears only here. Moreover, given the extensive and intensive uses to be permitted here, its dictum appears to be of little weight. (Richard Skinner)
Response: Bed and breakfast and public assembly and entertainment facilities will be removed from the list of permissible uses. Government offices are listed as a special use to recognize the existing post office as a permissible use. Single family houses are listed as an allowed use because there are many existing in the Plan Area and to be consistent with the policy to recognize as a permissible use a minimum of one single family house on legal lots or parcels of record prior to adoption of the plan. Section 23.1.A(3) of the Code restricts the single noise event for marine craft to 82.0 dBA. Retaining the size, scale, and character is not always applicable. Redevelopment, for example, is intended to change the character.

332. Comment: PAS 145 - Add Cross Country Ski Courses as an allowed use. (USFS)
Response: Response deferred pending further consultation with USFS.

333. Comment: PAS 146 - Add Temporary Events as a special use. (USFS)
Response: Response deferred pending further consultation with USFS.

334. Comment: PAS 146 - Inappropriate uses for this spectacular scenic/recreation area include such things as cemeteries, employee housing, summer homes, grazing and marinas. (Richard Skinner)
Response: Cemeteries and marinas will be removed from the list of permissible uses. Summer homes have been listed as a special use to recognize the existing cabins in the Forest Service summer tract as permissible uses. Employee housing has been listed as a special use at the request of the California Department of Parks and Recreation. Grazing has been listed as a special use to recognize existing grazing permits that may have been issued by the Forest Service in this area. The Agency has requested the Forest Service to phase out grazing permits in the Tahoe Basin.

335. Comment: 147 - Paradise Flat: Planning consideration #3 should be deleted. (TSPC)
Response: #3 shall be reworded as follows: "The shoreline is particularly attractive for beach use."

Response: Single family houses are listed as a special use to be consistent with the policy to recognize as a permissible use a minimum of one single family house on legal lots or parcels of record prior to adoption of the plan.
337. Comment: PAS 150 - Tour boats and cemeteries should not be considered permissible here. (Richard Skinner)

Response: Cemeteries will be removed from the list of permissible uses. The operation of tour boats in the nearshore and foreshore is an appropriate use due to the presence of the marina and public campground.

338. Comment: PAS 151 - A litigation settlement, with significant consequences and opportunities for the area, should be noted here. (Richard Skinner)

Response: The litigation settlement referred to in the comment will be noted in a new planning consideration.

339. Comment: PAS 152 - TRPA cannot, consistent with the Compact and its Goals and Polices, leave ORV control to El Dorado County alone, as is suggested by this draft. Goal 1, Policy 4 of the Land Use Element requires the Agency to prohibit use of ORVs except in designated areas. Given the massive ORV impacts in this particular Plan Area, along the Rubicon Trail, the Agency must address this concern directly. (Richard Skinner)

Response: Agreed, policy will be reworded.

340. Comment: PAS 153 - Inappropriate uses include tour boats, multi-residential housing, and employee housing, as well as cemeteries. (Richard Skinner)

Response: Operation of a tour boat in the nearshore and foreshore is an appropriate use, especially since there is an existing multiple-use public pier in the area. Multi-person dwellings will be removed from the list of permissible uses. Employee housing is included as a special use so that employee housing can be considered on the state park property. Cemeteries will also be removed from the list of permissible uses.

341. Comment: PAS 154 - Special Policy #1 suggests that TRPA plays no role in solving water quality problems in this area; obviously, that is not the case. (Richard Skinner)

Response: Special Policy #1 will be reworded to read as follows: "Placer County, El Dorado County and the Tahoe City Advisory Council should coordinate efforts with the TRPA and state agencies to solve water quality problems in this area."

342. Comment: PAS 155, Tahoma Commercial: Correct Policy #2 to indicate Meeks Bay is not a State Park. (10/6 APC Meeting)

Response: Special Policy #2 will be reworded to read as follows: "The Tahoma Community Plan should reflect a cooperative effort with the Meeks Bay area to accommodate the present and future needs of both communities."
343. Comment: PAS 155 - If this area is to be acceptable as a CP, uses permitted here must be limited to neighborhood-serving commercial. Tourist accommodations and many of the other uses proposed to be permitted would encourage traffic from other spots, and would unnecessarily compete with more suitable central areas. (Richard Skinner)

Response: The Plan Area Statement indicates this is, and should continue as a tourist commercial area. The Community Plan will determine the final role of the area.

344. Comment: The Tahoma Plan Area (155) and the Meeks Bay Plan Area (150) should be planned in conjunction with each other. (TCAC)

Response: Agree. This shall be noted in PAS 155 and 150.

345. Comment: 156 - Chambers Landing: Special Policy #1 is redundant. (TSPC)

Response: Agree.

346. Comment: The Homewood Plan Area (157) and Tahoe Ski Bowl area should be planned in conjunction with each other. (TCAC)

Response: Agree. This is noted in Policies #2 and #4.

347. Comment: PAS 157 - Expansion of this ski area must be conditioned upon correction of serious environmental problems, as well as mitigation of new impacts. Tourist accommodations in this area and further commercial development are inappropriate. So would be an RV park. (Richard Skinner)

Response: Ski area master plans will address environmental problems. Tourist accommodations next to a ski area and a marina are suitable uses. The RV park will be deleted.

348. Comment: PAS 159 - There is little justification for considering this area eligible for anything more than neighborhood-serving commercial. Given the numerous problems associated with the existing marina, it is inappropriate to suggest expansion thereof without ensuring correction of those problems. Multi-family uses and nursing care are inappropriate for this tourist area. (Richard Skinner)

Response: This is an ideal year around tourist/recreation site because of the ski areas and marinas and good land capability. Nursing care will be deleted.

349. Comment: PAS 160 - The special treatment afforded to a named commercial use is singularly out of line with acceptable zoning law. At most, the commercial uses in this area are nonconforming, which, under TRPA's liberal policies, allows continuation of the existing uses without penalty. Expansion of such uses in this area should not be permitted as proposed. (Richard Skinner)

Response: This policy will be deleted.
350. Comment: 160 - Homewood Residential: Special Policy #1 should be deleted. It should not be necessary for individual land owners to go through the expense of litigation to build a private pier. TRPA should not intervene on any side in a matter that should be dealt with among the owners involved.

Response: Disagree. This reflects long standing TRPA policy.

Comment: We are informed that some multi-family dwellings exist in the area, and the list of allowed uses should indicate multi-family dwellings as a special use. If there are unbuilt areas currently zoned for multi-family dwellings, this should be a TDR receiving area for density, with incentives. (TSPC)

Response: This area was zoned LDR. Therefore, multi-family dwellings will not be a special use.

351. Comment: 161 - Tahoe Pines: Special Policy #1 is redundant. Special Policy #3 hints at encouraging an implied dedication to the public. It should be modified to read, "Public access to the shoreline should be maintained or expanded on public lands, particularly on the County lands at Tahoe Pines, and expansion of public access should be encouraged on any lands subsequently purchased by public agencies." (TSPC)

Response: Policy #1 will be deleted. Policy #3 will be amended as suggested.

352. Comment: PAS 162 - This area is touted for its excellent fish and wildlife habitat, yet special policies encourage snowmobile use and ORV traffic. The snowmobile allowance is particularly disturbing in view of Goal 1, Policy 5 of the Land Use Element. That policy requires the minimization of conflicts between snowmobile use and wildlife by appropriate restriction of the former. There is no evidence that this policy is respected in this Plan Area. A similar policy pertains to conflicts between "winter outdoor activities" and snowmobile use; it also appears to be neglected in this Plan Area. (Richard Skinner)

Response: Snowmobiles do not conflict with wildlife to any great extent since in the winter most wildlife is gone or dormant.

353. Comment: PAS 162 - Add Snowmobile Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

354. Comment: PAS 162 - Change Planning Consideration #2 to read: "The main access road serves a large area of forested land outside the Lake Tahoe Basin." (USFS)

Response: Agreed. The change will be made.

355. Comment: PAS 163 - Add OHV Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.
356. Comment: PAS 163 - Add Snowmobile Courses as an allowed use. (USFS)

Response: Response deferred pending further consultation with USFS.

357. Comment: PAS 163 - Permitting an RV park and further single-family home development are incompatible with the declared policies for this backcountry area. (Richard Skinner)

Response: Single family houses are listed as a special use to be consistent with the policy to recognize as a permissible use a minimum of one single family house on legal lots or parcels of record prior to adoption of the Plan. Recreation vehicle parks will be removed from the list of Permissible Uses.

358. Comment: PAS 164 - Government offices should not be permitted in this residential area. (Richard Skinner)

Response: Government Offices were listed as a special use so that a neighborhood delivery center could be considered if the U. S. Postal Service wished to propose one in this Plan Area. Government Offices will be removed from the list of permissible use and Neighborhood Delivery Centers will be listed as an allowed use.

359. Comment: 166 - Upper Ward Valley: The second sentence of Special Policy #1 should be revised to read, "In-basin access to skiers via Ward Valley Road shall be limited according to the Ski Area Master Plan, which may recommend access to the ski area for local residents of Plan Area #167 and to individuals arriving via approved mass transportation." (TSPC)

Response: Agree.

360. Comment: PAS 166 - The draft locates a new ski area site here, but Goal 2, Policy 11 of the Recreation Element provides, in pertinent part, "Although there are numerous undeveloped areas suitable for skiing, a finding has been made that expansion of existing areas within and adjacent to the Basin can meet future demand." (Emphasis added.) This ski area site should be eliminated. (Richard Skinner)

Response: The paragraph under Planning Statement, especially the last sentence, will be reworded to reflect the intent to allow the existing ski facilities to expand within the Plan Area, but not to leave the impression that a site for a new ski area is within the Plan Area.

361. Comment: PAS 166 - Add OHV Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

362. Comment: PAS 166 - Add Temporary Events as a special use. (USFS)

Response: Regulation of Temporary Events will be addressed in the Code of Ordinances.
363. Comment: PAS 169 - Add Snowmobile Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

364. Comment: PAS 169 - This is a developed resort area. It is inappropriate for CP eligibility. Commercial growth and future tourist accommodations should be directed to the Tahoe City area. (Richard Skinner)

Response: This Plan Area has been identified as being eligible for a Community Plan to facilitate implementation of the Management Strategy of Redirection. The Special Designations and Permissible Uses set forth for this Plan Area are intended to encourage more service commercial uses to reduce vehicle trips into the commercial core of Tahoe City.

365. Comment: 170 - Tahoe Park/Pineland: Special Policy #1 implies that commercial uses fronting Highway 89 are permitted, but no commercial uses are permitted in the table of uses. This area contains Clementine's restaurant and an adjacent commercial development, which could be included as a special area with allowable commercial uses. (TSPC)

Response: Policy #1 will be deleted.

366. Comment: 172 - Mark Twain Tract: Special Policy #1 is redundant. (TSPC)

Response: Agree.

367. Comment: PAS 173 - An existing resort area here may justify transfer of additional tourist units, but new commercial growth and public assembly and entertainment facilities appear to be inappropriate uses in this Plan Area. (Richard Skinner)

Response: All the uses listed under commercial and public assembly and entertainment facilities under public service are identified as special uses, requiring the Governing Board to make findings relative to their appropriateness in the Plan Area.

368. Comment: 173 - Granlibakken: The special designation should indicate that this is a TDR receiving area for multi-residential units, and eligible for the bonus unit incentive program. Special Policy #1 should be clarified as follows: "Development of this area per the CTRPA approved litigation settlement shall be allowed. If this area is included in the Tahoe City Community Plan, further development beyond that approved by CTRPA shall be governed according to the Community Plan." The list of allowed uses should include privately owned assembly and entertainment facilities, and the maximum number of bonus units in this plan area should be indicated to be 35 units. (TSPC)

Response: Agree.
369. Comment: 174 - 64 Acre Tract: The special designation should indicate that this is eligible for a Community Plan. (TSPC)

Response: Disagree. The designation would be premature. Currently, the USFS owns this property, and commercial uses are being relocated.

370. Comment: Plan Area 174 should be included in the Tahoe City Community Plan. (TCAC)

Response: A designation at this time would be premature. The inclusion of this noncommercial, publicly-owned area should be considered as part of the Community Plan process.

371. Comment: PAS 174 - Multi-family residential development seems inappropriate for this area. (Richard Skinner)

Response: Multi-family dwellings will be removed from the list of permissible uses.

372. Comment: PAS 174 - Add Snowmobile Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

373. Comment: PAS 174 - Add OHV Courses as a special use. (USFS)

Response: Response deferred pending further consultation with USFS.

374. Comment: PAS 174 (64 Acre Tract) - This PAS should be updated to reflect the fact that businesses on the 64 acre tract are in the process of relocating. Also, what is the meaning of the asterisk on Special Policy #1? (TRPA)

Response: The PAS will be updated. The asterisk should be deleted.
ORDINANCE COMMENTS

Ronald D. Alling, 11/19/86

1. Comment: Multi-residential units are not defined. (Ronald D. Alling)

   Response: Multi-residential units are defined in Chapter 2, but were inadvertently omitted from Chapter 18. The definition should be added.

   Joe Houghteling, Ordinance Comments, Chapters 13, 18, 21, 51

2. Comment: Section 21.0 - indicate City or counties may have a more restrictive standard. (Joe Houghteling)

   Response: The City or the counties may have more restrictive standards with respect to more than just the subject matter in Chapter 21. Therefore such a statement should be included perhaps in Chapter 3 - Applicability.

3. Comment: Section 21.1 - Clarify that the minimum one development right is not dependent on receipt of additional development rights. (Joe Houghteling)

   Response: The first sentence should be broken into two sentences. Such a change will make it clear that the minimum one development right is not dependent on receipt of additional development rights.

4. Comment: Section 21.3 - Correct language in reference to caretaker units/parcels. (Joe Houghteling)

   Response: Sentence in question is deleted. Both "caretaker residence" and "guest house" will be replaced with "secondary residence," which will be a permissible use in some plan areas but only on parcels of two acres or greater in size.

5. Comment: Section 21.3 - Footnote and * is confusing. (Joe Houghteling)

   Response: The footnote will be redrafted to be clearer and will be made a part of the paragraph under 21.3.

6. Comment: Section 13.4.B(11) - Mapping requirement for sending areas should have a special designation. (Joe Houghteling)

   Response: Under Section 13.4.B(11) reference to sending areas will be removed. Section 13.4.B(12) will read as follows "(12) Receiving areas for transfer of development rights." Sending areas will not be identified on maps. Any area could be a sending area provided transfers comply with provisions of Chapter 34.
7. Comment: Section 13.3.I - Need definition of a "Bonus Unit." (Joe Houghteling)

Response: A reference to Section 35.2.B, which defines "Bonus Unit," will be added to Section 13.3.I.

Clem Shute/League to Save Lake Tahoe, Ordinance Comments 11/11

8. Comment: Section 13.3.C(3)(a) - Receiving areas for existing developments should include criteria for determining such areas. (Clem Shute)

Response: Agreed. Criteria will be incorporated.

9. Comment: Section 13.3.C - Criteria for determining areas eligible for affordable housing, multi-residential units and multi-residential incentive programs should be included. (Clem Shute)

Response: Agreed. Criteria will be incorporated.

10. Comment: Section 13.3.D - Existing uses should be identified and special policies should indicate limitations for proliferation. (Clem Shute)

Response: Existing uses change constantly and, though useful for the TRPA when considering applications for special use permits, they are not considered the kind of information which is practical to maintain in a Plan Area Statement. The designations of allowed use and special uses with required findings provides sufficient assurance against undesirable "proliferation."

11. Comment: Section 13.3.6 - Special policies should be very specific and include provisions related to achievement of thresholds and Regional Plan Goals, e.g., level of service targets for traffic. (Clem Shute)

Response: We agree that special policies should be specific, however, they need not be duplicative of provisions in Goals and Policies or ordinances. The level of service targets are adequately described in Goals and Policies.

12. Comment: Chapter 18 - Use categories are too broadly defined. (Clem Shute)

Response: The categories will be modified to be more specific.
13. Comment: Section 18.2.B - Special use findings should include the following findings:

1. The special use will not impede progress toward attainment of thresholds.

2. There is no alternate more environmentally superior allowed use for the site.

(Clem Shute)

Response: The first recommendation is adequately addressed by the findings in Chapter 6 which are required of all projects. The second finding is considered too restrictive since a wide variety of uses can be accommodated without exceeding the thresholds.

14. Comment: Section 18.3.B(2) - Accessory uses in tourist accommodation facilities should relate to the size of the project. More restrictive language is needed for commercial services, bars and restaurants, outdoor recreation concessions, amusement facilities and conference facilities.

(Clem Shute)

Response: Section 18.3.B(2) addresses uses that would be acceptable as accessory to a tourist accommodation use. The scale of these uses is generally not an issue. In some instances, requiring special use findings would address matters of scale.

15. Comment: Section 18.3.B(5) - Accessory uses such as restaurants, bars and commercial services should not be accessory or should be restricted. (Clem Shute)

Response: The requirement in the ordinance that accessory uses must clearly be incidental and secondary to the primary use and do not change the character or intensity of use will restrict restaurants, bars, and commercial service.

16. Comment: Definitions of use need modifications as follows:

   a) Government Offices - break out post offices.

   b) Guest House - should require 5 acre parcel and allocation.

   c) Health Care Services - break out medical offices from clinics and laboratories.

   d) Membership Organizations - limit meeting facilities to certain size.

   e) Privately Owned Assembly and Entertainment: break down by size.

   f) Public Health and Safety Facilities - police and fire stations should be a separate use category from water and sewage facilities.
g) Social Service Organizations - break out office uses.

h) Temporary Events - time limits need to be specified.

i) Undeveloped Campgrounds - two categories proposed: unimproved or wilderness campgrounds and improved campgrounds.

Response:

a) 

b) This category will be included in a new category called Secondary Dwelling Unit and will require parcels to be over two acres.

c) We believe the uses listed are all properly related and similar.

d) We see no need to set limits for size. Special use findings and findings in Chapter 6 will avoid excessive size.

e) We agree. These uses can vary greatly in scale. Separating into two levels will clarify planning objectives.

f) We believe police and fire stations belong in this category along with water and sewage treatment facilities. However we will break the uses into two categories; local and regional.

g) We don't understand the recommendation.

h) We intend to write a separate ordinance for temporary events. The results will have general application throughout the Region and need not be addressed in Plan Area Statements or this chapter on uses.

i) This use will be modified slightly to distinguish between developed and undeveloped campgrounds. Camping in unimproved areas is included in Dispersed Outdoor Recreation.
December 2, 1986

To: Advisory Planning Commission

From: TRPA Staff

Subject: Discussion on Draft Environmental Impact Statement for the North Shore Transit Maintenance Facility

In June of 1986, the Tahoe Regional Planning Agency staff circulated a Request for Proposal (RFP) for the completion of an Environmental Impact Statement (EIS) for a North Shore Transit Maintenance Facility. The EIS is considered to be an addition to the TTD’s Short Range Transit Program which identified the need for a new transit maintenance facility on the North Shore, and preferably in Placer County. The EIS was to disclose the impacts for the design, construction, and physical location of a bus maintenance facility expected to accommodate a one bay transit maintenance center with bus washing capabilities, an administrative center for supervisory personnel, fuel and alternate fuel pumps and storage tanks, employee parking, and a building to house 10 buses. In July, the TRPA selected K. B. Foster Civil Engineering to complete the study.

K. B. Foster evaluated four alternative sites for the new facility in the areas of Affected Environment, Environmental Consequences, and Mitigation Measures. The four sites are described below:

Kings Beach

This site is located on United States Forest Service (USFS) land at Speckled Avenue and Bear Street in Kings Beach.

Tahoe Vista

The Tahoe Vista site is a long and linear portion of USFS land most of which lies west and north of the site. To the west is the North Tahoe Public Utility District Regional Park.

12-1-86
JB:sd

AGENDA ITEM IV. E.
Memorandum to APC  
North Shore Transit Maintenance Facility

Dollar Hill

The Dollar Hill site is a parcel fronting partially on Highway 28 near Fabian Way.

Tahoe City

The Tahoe City site is located on a parcel of USFS land just off Highway 89 near its intersection with Highway 28. It is commonly known as the 64 Acre Tract.

The Draft EIS has been completed. The circulation period began on November 18, 1986 and is scheduled to end on January 19, 1987. Copies of the Draft EIS were mailed to all APC members on November 18, 1986. The staff will discuss the DEIS in more detail at the APC meeting. Please bring your copy of the DEIS to the meeting.

If you have not received your copy of the document or have any questions, please contact Jim Brennan at (702) 588-3296.