TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, January 13, 1993, at the TRPA Office, 195 U.S. Highway 50, Zephyr Cove, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

January 4, 1993

By: [Signature]
David S. Ziegler
Executive Director
All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. DISPOSITION OF MINUTES

IV. ADMINISTRATIVE MATTER
   A. Election of APC Chairman and Vice-Chairman for Two-Year Terms (1993-1994)

V. PUBLIC HEARING AND RECOMMENDATIONS
   A. Draft EIS/EIR for Golden Bear Park Master Plan - 9:30 a.m.
   B. Amendment of Chapter 93, Traffic and Air Quality Mitigation Program, by Adoption of Rental Car Mitigation Fee Ordinance (continue to February)
   C. Adoption of Stream Environment Zone Restoration Interim Targets Pursuant to Chapter 32
   D. Amendment of Chapter 14, Community Planning, to Clarify Requirements for Boundary Line Adjustments and for Alternative Plans
   E. Amendment of Chapters 41 and 43 Relating to Subdivisions of New Projects and Existing Structures

VI. REPORTS
   A. Executive Director
   B. Legal Counsel
   C. APC Members
   D. Public Interest Comments

VII. PENDING MATTERS

VIII. RESOLUTIONS

IX. ADJOURNMENT
MEMORANDUM

December 10, 1992

To: TRPA Advisory Planning Commission
From: TRPA Staff
Re: November APC Meeting Minutes

Please refer to your December packet for approval of the November APC meeting minutes.
January 5, 1993

To: Advisory Planning Commission

From: Agency Staff

Subject: Public Hearing on the Draft EIS/EIR for the Golden Bear Park Master Plan

Staff Recommendation: There is no action requested on this item. The purpose of the public hearing is to take testimony and input on the technical adequacy of the Draft EIS/EIR.

Background: On October 19, 1992, copies of the Draft EIS/EIR were distributed to members of the APC. The public comment period began October 19, 1992, and was scheduled to conclude on December 17, 1992. Due to the cancellation of the December 10, 1992 APC meeting, the public comment period has been extended to 5:00 p.m. January 28, 1993. The document examines the environmental impacts of the proposed Golden Bear Park located at the end of Sierra Boulevard in South Lake Tahoe. The document is for the overall Master Plan, and it is anticipated that additional environmental documentation will be required as each aspect of the park applies for a permit for construction.

Several public hearings have been held concerning the Master Plan since its inception in 1987. The most recent public hearing was held by the El Dorado County Planning Commission in South Lake Tahoe on November 19, 1992. Approximate 30 members of the public testified at the hearing, the majority of which were opposed to the project as designed. The main concerns expressed involved the impacts to the adjoining neighborhoods, the urban intrusion into a moderately used forest area, the impacts on wildlife, and the extent of the facilities proposed. There was a consensus of most of those testifying that additional recreation facilities are needed; however, the proposed site was not suitable.

The consultant who prepared the document will be present at the APC meeting and will give a brief summary of the project and the identified environmental impacts of the project. If you have any questions concerning this item, please contact Rick Angelocci of the TRPA staff at (702) 588-4547.
January 5, 1993

To: TRPA Governing Board

From: Agency Staff

Subject: Adoption of Stream Environment Zone Restoration Indicators Pursuant to Chapter 32

Recommended Action

The staff recommends that the APC conduct a public hearing on this item and, pending the outcome of that hearing, recommend that the Governing Board adopt the interim targets for SEZ restoration.

Background

Chapter 32 of the Code of Ordinances requires TRPA to adopt interim targets, corresponding to the major five-year evaluation intervals, for threshold standards for which the Region is not in attainment. (See subsection 32.4.B.) During the completion of the 1991 Evaluation process, the Governing Board adopted an interim target for the SEZ restoration threshold calling for the restoration of 700 acres of SEZ by December 1996. The Board’s action included a requirement to adopt jurisdiction-by-jurisdiction targets by December 30, 1992.

Discussion

The staff recommends that TRPA adopt interim performance targets for SEZ restoration for each affected jurisdiction, based on the 700-acre overall target and the percentage of disturbed, developed, or subdivided SEZ in each jurisdiction. On this basis, the interim targets for 1996 would be as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Approx. Percent Disturbed SEZ</th>
<th>1996 Target (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Placer Co.</td>
<td>15</td>
<td>105</td>
</tr>
<tr>
<td>Washoe Co.</td>
<td>15</td>
<td>105</td>
</tr>
<tr>
<td>Douglas Co.</td>
<td>10</td>
<td>70</td>
</tr>
<tr>
<td>El Dorado Co.</td>
<td>20</td>
<td>140</td>
</tr>
<tr>
<td>City of SLT</td>
<td>40</td>
<td>280</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100</strong></td>
<td><strong>700</strong></td>
</tr>
</tbody>
</table>

DSZ:mmi
1/5/93

AGENDA V. C.
Planning for the Protection of our Lake and Land
Memo to the Advisory Planning Commission
Adoption of Stream Environment Zone
Restoration Indicators Pursuant to
Chapter 32
Page Two

Restoration which has already occurred since the adoption of the thresholds in 1982 will count as a credit against the targets. For your information, a table showing the latest information on restoration which has taken place is attached. This table is from the Financing Plan for the Key Implementation Programs of the 208 Plan (November 1992) and does not include small projects performed by the U.S. Forest Service, California Tahoe Conservancy, or Nevada Division of State Lands on individual subdivided parcels. In 1996, such small projects will be credited against the 700-acre target, along with large projects such as those listed on the attached table.

The APC should keep in mind that failure of a given jurisdiction to meet an adopted target does not, in itself, imply that that jurisdiction will be penalized or sanctioned. It would, however, require the Governing Board to make appropriate amendments to the Regional Plan to ensure that the Plan will attain and maintain the threshold standards in the future. Thus, these interim targets represent the criteria for evaluation in 1996.

If you have any questions on this agenda item, please contact Dave Ziegler or Susan Scholley at (702) 588-4547.

1/5/93
MEMORANDUM

January 4, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 14 - Community Planning, to Clarify Requirements for Boundary Line Adjustments and for Alternative Plans

Proposed Action: Staff proposes to amend Chapter 14 of TRPA’s Code of Ordinances to clarify the requirements of community plan boundary adjustments (see Figure 1), and to delete the requirement of drafting complete alternative draft plans.

Recommendation: Staff recommends that the APC conduct a public hearing and, if appropriate, recommend the Governing Board adopt the proposed Code of Ordinances amendments in Attachment A.

Background: At the October Governing Board meeting, staff was directed to streamline the community plan process. Based on a review of the status, schedule, and problem areas for each of the community plans currently in progress, staff recommends that the first streamlining amendments focus on those issues that are preventing adoption of those community plans closest to completion.

The first of these issues involves the amendment of Chapter 14 to clarify the process to adjust a preliminary or adopted community plan boundary. Preliminary plans have been approved by planning teams, APC, and the Governing Board with a wide range of boundary adjustments. These boundary adjustments have been made for many reasons and include a range of land uses. In general, the teams added additional commercial areas, recreation areas, and housing areas to gain planning control or to bring the community plan incentives to the area. This resulted in substantial expansion of some preliminary community plan areas. However, as the community plans are coming closer to completion, the proposed expanded areas have been substantially reduced to minor expansions.
Memorandum to Advisory Planning Commission
Amendment of Chapter 14 - Community Planning, to Clarify
Requirements for Boundary Line Adjustments and for
Alternative Plans -- Page 2

At issue is a liberal interpretation of Section 14.3 (findings are made on
the entire community plan as revised) or a strict interpretation (findings
are made on just the area added or otherwise adjusted). The former allows
areas to be added easily; while, the latter severely limits changes and
additions.

Three years ago there was a consensus group formed to resolve this and other
community plan issues. All the group except the League (the California
Attorney General was not represented) agreed on the following interpretation:
The findings would apply to the entire area if the area to be added was for
commercial/tourist purposes or if recreational areas were added to achieve
targets. Residential areas could not be added. A one to one relocation of
area was permissible for all uses.

This interpretation was presented to the APC in 1990, just before the APC
took action on the Tahoe City Community Plan. The APC could not agree with
the consensus recommendation, but did recommend approval of the Tahoe City
Community Plan for final drafting which added areas for recreational and
target achievement purposes.

Since this action, two more community plans were released and the boundary
finding issue has been contested by project proponents, team members, and
environmental groups. In some cases changes to the community plans have been
made to avoid this issue. In the case of the Douglas County Round Hill and
Stateline Community Plans and the South Lake Tahoe/Stateline Ski Run Community
Plan, however, it has not been possible to make changes without having to make
major changes in the plans. TRPA staff, local government staff, and the teams
support the plans as drafted.

The second issue involves the amendment of subsection 14.6.C(5) which
currently requires complete draft plans for all alternatives. Because of the
level of detail required in the community plans this has proven cumbersome and
counter productive for alternative comparisons. The planning teams have
substituted matrixes for alternative comparisons which better suits the
intent. Therefore, this Code section should be amended to reflect current
thinking and to streamline the process.

Environmental Documentation: Staff has reviewed the Regional Plan EISs and
the most recent 208 Plan EIS in regard to community planning. Community
planning is a key element of the TRPA Regional Plan package and is generally
considered to be an environmental benefit.

The proposed amendments do not affect total basin development since units of
use are limited by other sections of the Plan, i. e., 360,000 square feet of
commercial floor area allocation for community plans. According to Volume
VII, Appendix G of the 208 Plan, the increased land coverage issue was not
considered a significant impact because of transfer requirements and community
plan water quality improvements.

1/4/93
Memorandum to Advisory Planning Commission
Amendment of Chapter 14 - Community Planning, to Clarify
Requirements for Boundary Line Adjustments and for
Alternative Plans -- Page 3

Although the EISs never discussed the issue of boundary adjustments, the
amount of community plan areas was discussed. Of the 2,539 acres designated
for community plan status today, 22 acres have been officially deleted at Lake
Forest, 10 plus acres are proposed to be taken out of Incline Village Tourist,
and 100 plus acres for Tahoe City Industrial or Sunnyside may never be adopt-
ed. It is estimated by staff, based on current proposals that 30 to 40 acres
may be added to community plans which is not a significant increase.

Based on a review of the proposal, EISs for TRPA plans, and draft community
plan EISs, staff completed an Initial Environmental Checklist (IEC) for the
proposed action and proposes a Finding of No Significant Effect.

Chapter 6 Findings

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

   Rationale: This amendment helps implement the community plan strategies
   of the Goals and Policies, the Code of Ordinances, the
   Regional Transportation Plan, and the 208 Water Quality
   Management Plan. This amendment produces a more precise and
   technically sound process and criteria for community plan
   boundary adjustments and review of alternatives. It allows
   for a more expeditious community plan adoption process which
   will, in turn, expedite the environmental improvements of
   community plans.

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

   Rationale: The amendment is consistent with the Regional Plan and will
   help attain the environmental thresholds.

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

   Rationale: See Findings 1 and 2 above.

4. Finding: The Regional Plan and all its elements, as implemented through
   the Code, Rules, and other TRPA plans and programs, as
   amended, achieves and maintains the thresholds.

   Rationale: For the reason set forth in the rationale for Findings 1
   above, this amendment better implements the Code and Regional
   Plan and will assist in the achievement and maintenance of
   the environmental thresholds.

1/4/93
Ordinance 87-8 Findings: Staff proposes to make the findings required in Ordinance 87-8 based on the following rationale and evidence:

Findings:

1. That the amendment provides for an equal or better means of attainment or maintenance of the thresholds.

Rationale and Evidence: The proposed amendments will correct inappropriate language in the Code and allow for a more precise and technically sound regulation of community plan boundary line adjustments. (See Finding #1 for Chapter 6 above).

2. That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale and Evidence: The proposed amendments are consistent with the Compact in that they will not adversely affect implementation of the Regional Plan and will not cause thresholds to be exceeded. Also see Finding 1 above.

3. One of more of the following:

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

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

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

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

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

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

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

   (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Staff proposes to make Finding f.

Rationale and Evidence: Staff proposed to make Finding f. Based on five years experience and delays of community planning, it is clear that the debate on Section 14.3 findings needs to be resolved. The substitution of an alternative matrix for the draft plans is more efficient and serves the same purpose.

If you have any questions of comments on this agenda item, please contact Gordon Barrett at (702) 588-4547.
FIGURE 1

CHAPTER 14 BOUNDARY INTERPRETATION RECOMMENDATION

I. Creation of a new Community Plan

- Make findings for area as a whole unit

II. Adjustments to a preliminary or adopted Community Plan

A. Adjustments that do not increase the area

- Make findings for area as a whole unit
- Make no increase in development potential finding

B. Adjustments that do increase the area

- Make findings for area as a whole unit
- Make finding that addition is for commercial or tourist uses
- Make finding there is a need for additional area
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 93--

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES RELATING TO CLARIFICATION OF REQUIREMENTS FOR ADJUSTING COMMUNITY PLAN BOUNDARIES AND REQUIREMENTS FOR ALTERNATIVE DRAFT PLANS AND PROVIDING, FOR OTHER MATTERS PROPERLY RELATED THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend Ordinance No. 87-9, as amended, by amending Chapter 14 of the Code of Ordinances in order to better implement the Regional Plan of the Agency, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended.

1.20 The Advisory Planning Commission ("APC") did not conduct a public hearing or make a recommendation on the amendments for lack of a quorum due to weather. The provisions of this amendment are hereby found to be a matter of urgency and public interest requires action without further delay. The Governing Board has conducted a noticed public hearing on the amendments. Oral testimony and documentary evidence were received and considered. are hereby found to be a matter of urgency and public

1.30 The proposed amendments have been determined not to have a significant effect on the environment, and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the compact.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record. Further, the Board made the findings required by Section 2.4 of Ordinance 87-8, which findings were supported by a preponderance of evidence in the record.

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

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00 Amendment of Chapter 14 of the Code of Ordinances

2.10 Chapter 14, Section 14.3, Eligible Areas is hereby amended as follows:

14.3 Eligible Areas: Areas eligible for community plans are designated on the map referred to in the Goals and Policies, Land Use Subelement, Land Use Element Goal #2, Policy 6.1. Preliminary boundaries for those areas are shown on plan area maps. The preliminary boundaries may be adjusted as part of the community plan process. A community plan area may consist of more than one part, provided each part is distinctly enclosed within its own boundary, complies with the requirements of this section, and is subject to TRPA making the findings below as applied to new community plan areas as a whole. The creation of new community plan areas or the adjustment of community plan boundaries shall be as follows:

14.3.A New Community Plans: TRPA may designate new community preliminary plan areas within the areas designated eligible pursuant to the Goals and Policies, Land Use Subelement, Land Use Element Goal #2, Policy 6.1.A. A community plan area may consist of more than one part, provided each part is distinctly enclosed within its own boundary, complies with the requirements of this section. Additions of new preliminary community plan areas are subject to TRPA making the findings below as applied to new community plan as a whole.

14.3.B (1) Commercial Uses: The area within the boundaries is an area where commercial uses are concentrated or should be concentrated; is served or easily served by transit systems; which has adequate highway access; which has or can have housing in the vicinity available for employees working in the area; and which otherwise qualifies as an area suitable for continued or increased levels of commercial activity. Some areas, because of their existing and proposed development patterns, may incorporate more than commercial use classifications.

14.3.B (2) Traffic Considerations: The nature and intensity of uses proposed for the area within the boundaries is demonstrably consistent with the achievement of VMT reduction policies and level of service goals for street and highway traffic established for the plan area.
Concentration: The area within the boundaries will encourage concentration of commercial development, discourage the maintenance or exacerbation of strip commercial development and shall not allow isolated areas of commercial or tourist accommodations unrelated to the central commercial area.

Size: The area within the boundaries is a size consistent with the needs for additional commercial development established by the needs assessment which evaluated the entire area of the community plan, taking into account the needs and opportunities of the Region taken altogether.

14.3.B CP Boundary Line Adjustments: A preliminary community plan boundary may be adjusted as part of the community plan process. Any adjustment of boundaries, including the establishment of additional parts, deleting areas, or readopting redesignated areas shall be subject to TRPA making the following findings at the time of community plan adoption:

(1) Adjustments That Do Not Increase the Total CP Area: Preliminary or adopted community plan boundaries may be adjusted if the total CP area is not increased; TRPA makes the findings 14.3.A (1) through (4) above for the entire area; and the adjustment does not increase the development potential as established in the preliminary CP.

(2) Adjustments That Do Increase the Total CP Area: Preliminary or adopted community plan boundaries may be adjusted and the total area increased if:

(i) TRPA makes the findings 14.3.A (1) through (4) above for the entire area;
(ii) The area to be added is an area where commercial and tourist accommodation uses are concentrated or should be concentrated; and,
(iii) The area to be added is a size consistent with the needs for additional commercial and tourist development established by the needs assessment which evaluated the entire area of the community plan.
(iv) There is a significant environmental benefit that assists in attainment or maintenance of the environmental thresholds.

2.20 Chapter 14, Subparagraph 14.6.C (5) is hereby amended, as follows:

(5) Develop a draft plan ALTERNATIVE/PIDES which address the following for each alternative:

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

This ordinance shall become effective 60 days after the date of its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held _________________, 1993, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Wayne S. Chimarusti, Chairman
Tahoe Regional Planning Agency
January 4, 1993

To: Advisory Planning Commission

From: Susan E. Scholley, Special Projects Attorney

Re: Amendment of Chapters 41 and 43 Relating to Subdivisions of New Projects and Existing Structures

PROPOSED ACTION: The proposed action is to amend Chapter 43 to adopt standards for subdivision of projects approved under the 1987 Regional Plan and to amend Chapter 41 in response and to correct and modify some existing provisions. The proposed amendments are attached as Exhibit A.

RECOMMENDATION: Staff recommends that the APC conduct a public hearing on the amendments and recommend the ordinances to the Governing Board for action at its January meeting.

BACKGROUND: The Regional Plan Goals and Policies (excerpt attached as Exhibit B) provides for subdivisions of existing structures and new projects. The difference between existing structures and new projects is the difference between projects approved or built prior to the 1987 Plan (existing) and projects approved under the 1987 Regional Plan (new). In 1990 TRPA adopted the provisions for subdividing existing projects (i.e. pre-1987 projects). The proposed action addresses the rules for subdividing projects approved under the 1987 Regional Plan. The proposed action also includes some minor modifications to Chapters 41 and 43 to correct some references and clarify certain matters.

DISCUSSION: While drafting these amendments, staff has conducted several informal workshops with interested project proponents and regional public interest groups. In those workshops the controversy has focused on the prohibition against subdividing secondary residences from the primary use (43.4.H) and the restrictions on the use of multi-residential bonus units (43.4.B(1)).

Staff believes that since secondary residences are approved as accessory uses they should not be permitted to subdivide as that will intensify the use and because subdivision is inconsistent with the accessory use premise under which the project was approved in the first instance.

With respect to the multi-residential bonus units, the restriction is intended to protect the original purpose of the bonus units, which was to provide development rights for multi-residential projects. Assuming that a mix of residential uses is desirable (e.g. single family and multi-family), it is important to reserve the bonus units for multi-family uses and to not permit...
them to be used to build condominiums and other single family projects. A suggested alternative, which was rejected by staff, was to limit the number of bonus units which could be subdivided.

Aside from the adoption of the Section 43.4 standards for subdivisions of new projects, the other amendments clarify or correct existing provisions. The proposed clarification to Subparagraph 43.2.D(3) with respect to the density standard for existing structures is needed to correct a deficiency in the current language.

ENVIRONMENTAL DOCUMENTATION: Since the amendments provide for subdivision of projects which have already been approved and insure that the project, as subdivided, complies with the Regional Plan, staff recommends a finding of no significant environmental effect for the ordinance amendments.

RECOMMENDED ACTION: Staff requests that the APC conduct a public hearing and, if appropriate, make a recommendation for adoption to the Governing Board.
EXHIBIT A

PROPOSED AMENDMENTS TO CHAPTER 43
IMPLEMENTING SUBSECTION 41.3.G (SUBDIVISION OF NEW PROJECTS)

Amend Section 43.4 to add subsections:

43.4 Subdivision of Post-1987 Projects: Subdivision of projects approved on
or after July 1, 1987 pursuant to the 1987 Regional Plan, as it may be
amended, may be permitted subject to the following requirements:

43.4.A Existing Urban Areas: Subdivisions may only be permitted in
urban areas.

43.4.B Permissible Use: Subdivisions which result in a change in use
shall comply with the requirements of Chapter 18. Subdivision shall be
deemed an intensification of use and, consistent with Subsection 18.5.B,
shall not be permitted if the new use is prohibited in the applicable
plan area statement.

(1) Multi-residential projects which received development rights
under Section 35.2 after January 1, 1993 or multi-residential
allocations under Subsection 33.2.C, shall not be permitted to
subdivide or convert the multi-residential use.

43.4.C Land Coverage: Projects which include transferred land coverage
approved pursuant to Subparagraph 20.3.B.(3) shall not be permitted to
subdivide if the resulting use is not eligible for transferred land
coverage in the amount approved.

43.4.D Affordable Housing: Subdivisions of affordable housing projects,
where the units were exempt from the residential allocation system, may
be permitted provided TRPA finds that the resultant use qualifies as
affordable housing and appropriate deed restrictions or other covenants
running with the land are recorded to document the restriction of units
to affordable housing.

43.4.E Density: Subdivisions shall comply with the applicable density
standard for the resulting use. For purposes of this chapter, the
density standard for single family residential units shall be the
multi-family density standard in the applicable plan area statement. If
multi-family is not a permitted use, then the density standard for single
family residential units shall be four units per acre.

43.4.F Basic Services: Subdivisions shall comply with the standards in
Chapter 27, except that TRPA shall not waive the paved road or fireflow

sc/
requirements.

43.4.G **Air Quality Mitigation Fees:** Subdivisions which result in a change of use which increases daily vehicle trips shall be assessed an air quality mitigation fee pursuant to Subsection 93.3.D. Approval of a subdivision shall not be cause for a partial refund of mitigation fees assessed in connection with the underlying project approval.

43.4.H **Secondary Residences:** Secondary residences approved on or after July 1, 1987 shall not be subdivided.

43.4.I **Covenants, Conditions and Restrictions:** TRPA may require covenants, conditions and restrictions (CC&Rs) or deed restrictions, as appropriate, to ensure compliance with the Code and conditions of approval. The final subdivision map shall include a reference to any CC&Rs or deed restrictions, as appropriate.

43.4.J **Shorezone Structures:** Subdivision of shorezone structures shall not be permitted except in accordance with an adopted master plan pursuant to Chapter 16.

43.4.K **General Standards:** Except as otherwise expressly set forth in this section, subdivision of post-1987 projects shall conform to the standards set forth in the Code for the resulting use, including without limitation, signage, BMPs, design review, parking and driveways.

1. This section shall not be construed to permit the transfer or modification of an approved multi-residential project to a lot and block subdivision or similar division of land.

2. A final map, or similar document, for an approved subdivision shall contain a signature block for TRPA to document regional approval.

3. TRPA shall only approve subdivisions of post-1987 projects after approval of the underlying project. The subdivision approval shall expire if the underlying project approval expires or the project is not completed. TRPA shall require compliance with the project conditions of approval and the subdivision approval through recordation of deed restrictions, CC&Rs, or other covenants running with the land, as deemed necessary.

**MINOR AMENDMENTS TO CHAPTERS 41 AND 43**
(Clean-ups and clarifiers with added language underlined and deleted language stricken.)

41.3.E **Conversions of Pre-1987 Structures:** Conversion of an existing structure, as defined by Chapter 2 and which was approved prior to the effective date of the 1987 Regional Plan (July 1, 1987), .......

41.3.G **Subdivision of Post-1987 Projects:** (change title only to call
43.2 **Subdivision of pre-1987 structures:** (change title to reflect time-frame)

43.2.D(3) If multi-family is not a permitted use, then the density standard for single family residential units in a subdivision or planned unit development shall be the average density shown on the subdivision map provided the map depicts a specific density within the subdivision. If there is no subdivision map or the subdivision map does not depict a specific density, then the density standard for single family residential units shall be four units per acre.

43.2.E **Parking:** Subdivisions of existing structures shall comply with the parking standards set forth in Chapters 24 and 30 and Ordinance 87-96, or the adopted community plan, as applicable.
As part of the approval, TRPA shall establish the allocation of additional commercial floor area for the period ending December 31, 1996. TRPA shall make the initial allocation of additional commercial floor area taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other CPs and plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes. (See Development and Implementation Priorities Subelement, Goal #2, Policy 4.)

8. As soon as TRPA has reviewed a sufficient number of proposed community plans, to adequately assess the cumulative impacts of development and proposed mitigation, TRPA shall distribute the remainder of the 25 percent of the additional commercial floor area. This distribution shall reward those CPs which best demonstrate the ability to achieve and maintain environmental thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a sufficient reserve to adequately address the needs of CPs not yet presented for review. However, it is the Agency's goal, acting in partnership with local interests, to achieve completion of CPs by December 31, 1989 in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA anticipates the allocation of the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

9. Before a community plan may be approved, TRPA must certify an environmental impact statement (EIS) for the community plan, except as noted in (10) below. (In California, where the CP is to be adopted as a general plan amendment or a specific plan, a joint EIS/EIR may be utilized.) The EIS may be useful for meeting subsequent environmental documentation requirements for more specific projects consistent with the community plan.

10. Simpler and more streamlined procedures for smaller CPs with insignificant impacts may be provided for in the implementing ordinances. These procedures may allow preparation of appropriate environmental analysis and documentation other than an EIS.

7. NO NEW DIVISIONS OF LAND SHALL BE PERMITTED WITHIN THE REGION WHICH WOULD CREATE NEW DEVELOPMENT POTENTIAL INCONSISTENT WITH THE GOALS AND POLICIES OF THIS PLAN.

This policy does not consider the following divisions of land to be inconsistent when the result does not increase the development potential permitted by this Plan:

A. Division of land for the purposes of conveying a portion thereof to a governmental agency, public entity, or public utility.
B. Division of land for the purposes of creating cemetery lots.

C. Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversary legal proceedings to which the Agency is a party. Any such division of land or approval of any other project or action resulting from such legal proceedings, shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Compact. Based on the above evaluation, appropriate adjustments to the Regional Plan shall be made.

D. A modification to an existing subdivision or a lot-line adjustment or lot consolidation, which does not result in any increase in development potential, or in present or potential land coverage or density, and shall not have an adverse impact upon the health, safety, general welfare or environment of the Region.

E. Conversion of an existing structure, to a stock cooperative, community apartment, condominium, or any other form of divided interest; which conversion does not result in any increase in development potential, or in present or potential land coverage or density, and will not have an adverse impact upon the health, safety, general welfare or environment of the Region.

F. Redivision, adjustment, or consolidation, of parcels within an existing urban area, as part of a TRPA approved redevelopment plan that does not increase development potential basinwide.

G. Division of land through condominiums, community apartments, or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of this Plan. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this Plan.

8. BUILDINGS, WHETHER CONFORMING OR NONCONFORMING, WHICH ARE DAMAGED OR DESTROYED BY FIRE OR OTHER SIMILAR CALAMITY, MAY BE REPAIRED OR REBUILT WITH NO REQUIREMENT FOR REDUCTION IN COVERAGE OR HEIGHT BY WAY OF FEE OR OTHERWISE. THIS POLICY APPLIES ONLY IF THE BUILDING IS RECONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE ORIGINAL STRUCTURE AND, WITH NO INCREASE IN FLOOR AREA, LAND COVERAGE, HEIGHT, OR VOLUME. OTHER PROVISIONS GENERALLY APPLICABLE TO REHABILITATION OR RECONSTRUCTION OF BUILDINGS SHALL APPLY. THIS POLICY IS SUBJECT TO THE NATURAL HAZARDS SUBELEMENT, GOAL #1, POLICY 1. SPECIAL PROVISIONS SHALL APPLY TO BUILDINGS IN THE SHOREZONE, LAKEWARD OF THE HIGHWATER LINE.