TRPA
APC
PACKETS

JANUARY
1995
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 10:30 a.m. on Wednesday, January 11, 1995, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that the Advisory Planning Commission will conduct a joint meeting with the Governing Board's Capital Financing Committee at 1:30 p.m. in the same location to discuss the following: 1) public interest comments; 2) capital financing projects; 3) legislation and funding direction; and 4) a February partnership meeting in Washington, D.C.

January 3, 1995

By: [Signature]

James W. Beetge
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

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

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

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARING AND RECOMMENDATIONS TO THE GOVERNING BOARD

A. Amendment of Chapter 4, Project Review and Exempt Activities, to Amend Delegation MOU With the City of South Lake Tahoe Relating to Residential Activities

B. Amendment of Plan Area Statement Boundaries Between Plan Area 045 (Incline Village Commercial) and Plan Area 046 (Incline Village Residential) to Add Washoe County APNs 127-021-03 and -04 to Plan Area 046

VI. JOINT MEETING WITH THE GOVERNING BOARD CAPITAL FINANCING COMMITTEE - 1:30 P.M.

A. Capital Financing Projects

B. Legislation and Funding Direction

C. Discussion on Possible February Partnership Meeting in Washington, D.C.
VII. REPORTS

A. Executive Director
   1. Notice of Circulation, South Tahoe Public Utility District, Future Facilities Connection Plan EIR/EIS
   2. Other

B. Legal Counsel
   1. Report on Status and on Scheduled Public Hearing Concerning Proposed Rules Amendments Pertaining to 1) APC Review of Projects for Which an EIS Has Been Prepared; 2) Mandatory Presentation of Issues to the APC; and 3) Official Members
   2. Other

C. APC Members

VIII. ADJOURNMENT
MEMORANDUM

January 3, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed Amendment to Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding Between TRPA and the City of South Lake Tahoe

Proposed Action

Amendment to Chapter 4 of the Code of Ordinances to exempt certain residential construction activities reviewed by the City of South Lake Tahoe from TRPA review.

Staff Recommendation

Staff recommends that the APC recommend approval of the proposed MOU (attached) and amending ordinance to the Governing Board.

Description and Discussion

TRPA is required by the Tahoe Regional Planning Compact to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The Compact, Article VI(a) allows TRPA to define what activities are exempt from TRPA review. This proposed amendment to Chapter 4 will provide for the review and approval of new single and multiple-family residential structures (4 units or less), and additions/modifications of existing residential structures within the limits of the City of South Lake Tahoe to be conducted by the City of South Lake Tahoe. As stated in the attached MOU, the City will be required to review these residential activities pursuant to all applicable TRPA Code requirements. With the understanding that all applicable TRPA regulations will be complied with and enforced by the City, the construction of new single and multiple-family structures (4 units or less), and additions/modifications of existing residential structures within the City shall be considered qualified exempt activities pursuant to Chapter 4 of the TRPA Code.

The City Council of the City of South Lake Tahoe will hold a public hearing on January 3, 1995 at which time the City Council will consider adoption of the proposed MOU. City staff are recommending adoption of the MOU, as proposed.

JW
1/3/95

AGENDA ITEM V.A.
Memo to the TRPA Advisory Planning Commission
MOU Between TRPA and City of South Lake Tahoe
Page Two

Proposed Ordinance Amendment

Staff proposes to amend Chapter 4, Section 4.4 of the Code by amending the following section:

4.4. A NEW/ SINGLE/FAMILY/DWELLING/ACTIVITIES Residential Activities Within City of South Lake Tahoe: As set forth in Appendix L to this Chapter.

Environmental Documentation

The proposed amendment provides for the review and approval by the City of certain residential activities pursuant to the terms of the MOU. In order to be considered qualified exempt under Chapter 4 of the TRPA Code all such activities conducted under the MOU must be consistent with the TRPA Regional Plan and Code of Ordinances. Staff has completed an Initial Environmental Checklist (IEC), and based on the checklist recommends a finding of no significant environmental effect.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires TRPA to make four findings to amend the Code of Ordinances. These findings, and brief statements of fact and rationales upon which the findings are based, are set forth below.

A. The project (ordinance) 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;

The activities described in the proposed MOU will be reviewed, approved and inspected by the City consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of City and TRPA staff time as well as avoid the duplicative review process currently experienced by the City, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project (ordinance) will not cause environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU will still be consistent with the provisions of the Regional Plan and Code. The activities will be reviewed by the City in accordance with all applicable TRPA regulations and are limited to only new single and multiple-family structures (4 units or less), and additions/modifications of existing residential structures.

1/3/95

AGENDA ITEM V.A.
All land capability and existing coverage verifications, as well as BMP requirement determinations will be conducted jointly with TRPA and City staff. Residential activities which currently require Governing Board review, a scenic analysis, or which involve unusual circumstances, as determined by TRPA, shall be reviewed by TRPA and are not exempt under the MOU. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

C. 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 (ordinance) meets or exceeds such standards.

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

D. The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Finding:

Article VI(a) states,

The Agency shall prescribe by ordinance those activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

As discussed above, all activities undertaken pursuant to this MOU will be reviewed and inspected consistent with the Regional Plan package, including the TRPA Code and Plan Area Statements. The proposed MOU will not result in an increase in development since all activities will be subject to the residential allocation system. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the region.
Ordinance 87-8 Findings

Subsection 2.40 of Ordinance 87-8 requires TRPA to make one of several findings in order to amend the Code of Ordinances. The applicable required finding, and brief statement of fact and rationale upon which the finding can be made, is set forth below.

A. 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.

The review and inspection of single and multiple-family residential activities is currently conducted by both the City and TRPA pursuant to each of their respective regulations. Consequently each Agency reviews the same set of construction plans and performs numerous site inspections for the same project. This duplicative process not only consumes a considerable amount of time for both agencies, but also requires substantial coordination in terms of permit conditions and the review and inspection process in general. It is the desire of both agencies to provide a regulatory structure which is consistent and makes the most efficient use of public resources. As stated above, all activities undertaken pursuant to this MOU will be reviewed and inspected in accordance with both City and TRPA regulations. In addition, Subsection 2.50 of Ordinance 87-8 provides that the finding(s) required by Subsection 2.40 are not intended to limit TRPA's authority to add policies or ordinances to make existing policies and ordinances more effective. The proposed ordinance amendment and MOU provides for an equal or better, as well as a more effective means of implementing the Regional Plan Package and complying with the Compact.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any comments or questions on this agenda item.

1/3/95
MEMORANDUM OF UNDERSTANDING
BETWEEN TAHOE REGIONAL PLANNING AGENCY AND
THE CITY OF SOUTH LAKE TAHOE

January 1995

This Memorandum of Understanding is entered into this ______ day of January 1995, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the CITY OF SOUTH LAKE TAHOE (CITY), by and through its Mayor, as authorized by the City Council.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by CITY pursuant to the MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

This MOU sets forth the responsibilities of the parties with regard to the processing of permits for new construction of single or multiple-family residential structures (four units or less), and additions/modifications of existing residential structures, in accordance with the desire of the parties to provide a regulatory structure which is consistent with the most efficient possible use of public resources.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) requires TRPA to define which activities are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of CITY as it pertains to construction of residential structures within the City of South Lake Tahoe and consistent with the mandate of the Compact to defer land use regulation to local government wherever feasible, CITY and TRPA agree that CITY shall review construction of new single and multiple-family structures (four units or less) and additions/modifications to existing single and multiple-family structures to be constructed within the city limits of South Lake Tahoe. Such review by the CITY shall include application of all applicable TRPA regulations to residential construction projects otherwise subject to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed a qualified exempt activity under TRPA regulations.
IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. With the exception of those applications requiring TRPA Governing Board approval (Chapter 4, Appendix A), all applications for residential additions/modifications and new construction of single and multiple-family residential structures (four units or less), including Qualified Exempt residential activities, located within the city limits are hereby exempt under Chapter 4 of the TRPA Code and shall be reviewed by CITY.

2. CITY shall administer, in accordance with the provisions of this agreement, all standards of the TRPA Code as applicable to construction of residential projects, as authorized by this MOU.

CITY shall utilize the TRPA Project Review Conformance Checklist and Procedural Guidelines in its review of projects, as authorized by this MOU.

CITY shall coordinate with TRPA to determine whether there have been any previous TRPA actions with regard to the subject parcels and the effect of any such action on the pending applications. All applications for coverage and/or development right transfers/banking and subdivisions, including lot line adjustments, shall continue to be reviewed and approved by TRPA.

3. CITY shall be authorized to collect application and mitigation fees, security deposits, and other designated fees on behalf of TRPA in accordance with fee schedules to be provided to CITY by TRPA. Such fee schedules shall be sufficient in detail to provide specific information concerning fee calculation to assist CITY in performing fee collection activities. Furthermore, CITY shall be authorized to retain a percentage of all application fees collected to offset CITY's costs of administering the provisions of this MOU. Such percentage shall be mutually agreed upon in writing by TRPA and CITY, and may be amended from time to time by mutual agreement of the Executive Director and the City Manager.

All mitigation fees collected by CITY on behalf of TRPA pursuant to this MOU shall be paid to TRPA on a monthly basis under procedures mutually agreed upon by the finance officers of the parties hereto.

4. Prior to CITY receiving any applications for new single-family residential projects as authorized by this MOU, the property owner/applicant shall secure from TRPA an IPES score and allowable coverage verification. Said verification shall be obtained in written form from TRPA to be submitted to CITY by the applicant. Prior to CITY receiving any applications for projects involving additions or modifications to existing single-family or multiple-family residential structures, or new multiple-family residential structures (four units or less), TRPA and CITY will conduct a pre-project joint review of the subject site to verify the Bailey land capability classification, existing coverage, and/or BMP and scenic review requirements.

5. Nothing in this MOU shall be construed to limit the authority of CITY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the land use regulatory powers of either CITY or TRPA.

6. The CITY and TRPA staff shall review quarterly the implementation of this MOU and shall report to their respective governing boards following such reviews.
7. In carrying out the intent of this MOU, CITY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage, allocations, and any other applicable procedures. All project accounting and tracking shall be completed by CITY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, CITY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. CITY shall submit completed tracking forms to TRPA on a monthly basis.

8. CITY shall perform compliance inspections to ensure that the residential projects and Qualified Exempt activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved. CITY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the TRPA Code as authorized by this MOU, including the processing of Code violations involving unpermitted residential activities. Settlements of violations involving civil penalties must be approved by TRPA. If a violation cannot be resolved at the staff level, CITY shall contact TRPA to institute the formal notice of violation procedure.

Upon final inspection, if the project has been constructed in accordance with the permit, CITY shall be authorized to release the security deposit to the project applicant.

In the event an applicant desires to appeal any administrative action or decision on the part of CITY, such appeal shall be to TRPA.

9. Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.

10. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

11. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by CITY without the prior written approval of TRPA.

CITY OF SOUTH LAKE TAHOE

Dated: ____________________________  Margo Osti
Mayor

TAHOE REGIONAL PLANNING AGENCY

Dated: ____________________________  James W. Baetge
Executive Director
December 29, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement Boundaries Between Plan Areas 045, Incline Village Commercial, and Plan Area 046, Incline Village Residential to Add Washoe County APNs 127-021-03 and -04 to Plan Area 046

Proposed Action: The owners of two vacant parcels, approximately 2.75 acres in total size, located in Plan Area 045, Incline Village Commercial (a community plan area), propose to amend the adjacent plan area boundary between 045 and Plan Area 046, Incline Village Residential, to move their parcels into Plan Area 046. Refer to Attachment A, Existing Plan Area Boundaries.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing and, based on its outcome, recommend approval to the Governing Board of the Plan Area amendment as shown in Attachment B, Proposed Plan Area Boundaries.

Discussion: The applicants' stated purpose for the amendment to relocate the subject parcels into Plan Area 046 is to develop an eighteen unit condominium complex. Condominiums are classified by TRPA as single family dwellings. Single family dwellings are not a permissible use in Plan Area 045 which is a commercial/public service plan area, however, they are permitted as a Special Use in Plan Area 046.

Developing condominium projects is generally a two step process in the Tahoe Region. The first step is to develop the site as a multiple family dwelling project. TRPA defines multiple family dwellings as more than one unit per parcel. This is the normal site layout for a condominium or apartment complex project. The second step then subdivides the development into a condominium (parcel) map which results in each unit having its own parcel. TRPA defines single family dwellings as one unit per parcel.

To ultimately construct the project, the applicants must acquire the necessary number of residential allocations and development rights and/or transfer units of legally existing residential development to the site. TRPA’s Multi-Residential Bonus Unit Incentive Program (Code Chapter 35) may also be used to acquire development rights. Fifty multi-residential bonus units are assigned to Plan Area 046. Except for affordable housing projects, each multi-residential bonus unit awarded must be matched with a residential allocation.
Existing Land Use Pattern: As shown in Attachment C, Surrounding Land Use Map, the existing Plan Area boundary is located along the west edge of the subject parcels. The subject parcels are located at the southwest corner of intersection of Southwood and Village Boulevards in Incline Village. Surrounding land uses are a mix of residential and commercial uses. Attachment C shows that the Incline Village General Improvement District offices are adjacent to the west side of the parcels, residential condominiums to the south, retail and office commercial to the north across Southwood Boulevard, and residential condominiums and office commercial to the east across Village Boulevard.

Moving the boundary to the western edge of the site would only affect the subject parcels and would not affect any other parcels. It would, however, isolate the remaining two developed parcels in Plan Area 045 along the east side of Village Boulevard. Refer to attachment B. They would be surrounded by parcels in Plan Area 046. The southernmost of the two isolated parcels is a commercial use that must stay in Plan Area 045. The situation created by the proposed amendment is less than ideal, however, it does not create such an unusual situation as to warrant denial of the amendment.

Existing Washoe County zoning is C-2, General Commercial. C-2 zoning permits multi-residential units and condominiums, therefore, no amendment to the County zoning appears necessary.

Community Plan Issues: Adoption of the Incline Village Commercial Community Plan (Plan Area 045) could be used as another method to amend the plan area boundary and relocate the subject parcels into Plan Area 046. The Community Plan is expected to be adopted in early summer of 1995. The applicants have indicated a preference to proceed with the proposed boundary adjustment in advance of adoption of the Community Plan. Over the last two years, this is the third PAS amendment request involving the two Plan Areas for the same purpose. TRPA has approved the previous two requests.

The draft Community Plan has no special designations or proposals for the subject parcels. Due to the location, it is not seen as a primary commercial area. Rather, the Highway 28 corridor is envisioned by the draft plan as the main area of commercial activity. Relocating the parcels out of the community plan area is not expected to adversely affect the implementation of the draft Community Plan’s commercial use goals. However, it may interfere with the draft Community Plan’s affordable housing goals. Refer to additional discussion below.

Affordable Housing Potential: Within the core area of Incline Village, the subject parcels represent one of the most suitable locations for the development of new affordable housing which is needed in the community. Plan Area 046 is designated as one of only two Preferred Affordable Housing Areas in Incline Village. The other is Plan Area 048 where realistically no sites remain on which to develop affordable projects. At this time, Washoe County has no affordable housing plan or program for the Tahoe Region. The draft community plan recommends development of a joint affordable housing program in Plan Area 045.
Memorandum to Advisory Planning Commission
Amendment of Plan Area Statement Boundary Between Plan Areas 045 and 046 -- Page 3

From a land use standpoint, it is centrally located with respect to community services, including the Incline Middle School, served by transit and mapped as nearly 100% high capability land (Bailey Class 6). Based on the size of the parcels (2.75 acres total) a significant number of units could be developed, yet still retain the medium density layout and character of other nearby residential uses.

The applicants’ stated intention to develop higher end condominium units will preclude the site from being developed as an affordable housing project. This will add to the cumulative loss of potential affordable housing sites in Incline Village.

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

A. Chapter 6 Findings:

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

   Rationale: The amendment will not adversely affect implementation of the Regional Plan because the parcels could be developed with the same number of residential units under either Plan Area. The proposed amendment will allow a change in the form of ownership of individual residential units developed on the parcel affected by the amendment. The amendment will permit single family dwellings in the form of condominiums to be developed rather than multiple family dwellings (apartments). In addition, the draft Community Plan has not yet been adopted, so it is not part of the Regional Plan. Therefore, any potential inconsistency between the project and the draft Community Plan does not prevent this finding from being made.

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

   Rationale: Developing the parcels with residential units must comply with applicable provisions of the Regional Plan. No additional development in excess of that established in the Regional Plan is permitted by the amendments.

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

   Rationale: For the reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.

AS/rd

AGENDA ITEM V. B.
Rationale: Not applicable. Project applicants will continue to be subject to the Regional Plan package, including maintenance of applicable air and water quality standards.

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

The recently adopted subdivision and urban boundary amendments are not yet in effect and will not have an effect on the proposed amendment.

Environmental Documentation: Staff has completed an Initial Environmental Checklist (IEC) for the proposed action and recommends a Finding of No Significant Effect (FONSE) because the amendment creates no additional units of use outside of the adopted Regional Plan. As discussed above, developing an eighteen unit residential project on the site requires acquisition of the correct number of residential allocations and development rights and/or the transfer of legally existing residential units. Further, residential use of the site is consistent with surrounding land uses and is not expected to adversely effect the neighborhood.

Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this matter.
MEMORANDUM

January 3, 1995

To: The TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Meeting of the APC and the Capital Financing Committee

The attached information has been reviewed and refined over the last several months by the Capital Financing Committee. Staff and the Committee are looking for APC input on capital financing projects, legislation and funding direction for 1995, and a possible meeting to Washington, D.C. in February.

If you have any questions on this agenda item, please call Jim Baetge at (702) 588-4547.
STAFF REPORT FOR THE CAPITAL FINANCING COMMITTEE

Attached is a rewritten version of the staff report on legislation and funding that was discussed at the December meeting of the Capital Financing Committee.

The following items are included for your discussion and consideration. Staff views these items as "working documents" that will be revised as we further develop our game plan for Lake Tahoe.

1. Legislative and funding direction for 1995.

2. Capital improvement project list that we all agree is highest priority.

3. A list of common statements that can be used to represent Lake Tahoe issues to outside interests.

4. A list of backup documents identifying current and past legislative and funding issues. (The full packet is fairly large. A copy can be made available upon request.)

TRPA staff is taking action on each of the items listed on Attachments 1 and 2. We are requesting assistance from the various partnerships in the Basin to assure success. Following the January Capital Financing Committee meeting, we will be preparing an action document showing how each of the partners is pursuing the program.

As discussed, we will be preparing for a potential visit to Washington, D.C. in February 1995.
FEDERAL LEVEL:

1. Suggest amendments to the Clean Water Act Reauthorization to accomplish the following:
   - Specifically designate the Cove East project and the Spooner to Stateline erosion control project for funding; and
   - Designate Lake Tahoe as a direct recipient of federal section 314 (Clean Lakes) and section 319 funding (Nonpoint Source) funding.

2. Suggest amending the Intermodal Surface Transportation Efficiency Act of 1991 (reauthorization) to designate Lake Tahoe as an MPO.

3. Pursue assistance from Nevada and California delegations directing the postal authorities to implement mandatory home mail delivery at Lake Tahoe.

4. Pursue Army Corps of Engineers reauthorization to fund the Cove East project, as well as the watershed drainage improvements in the Upper Truckee.

(Suggestion was made to write a letter of support for current language in Corps of Engineers Reauthorization and also to consider a request to the Bureau of Reclamation for this same project.)

5. Discuss with Congresswoman Barbara Vucanovich the possible addition of a parking study and start-up implementation for the Route 28 project between Incline and Spooner to be included in the Forest Protection Bill.

6. Suggestion to use the Farm Bill as a vehicle, particularly for forest issues.

7. Items to consider: 1) USFS watershed funding shortfall
   2) Land acquisition is stalled for USFS
   3) Forest health - the Vucanovich bill is for Nevada only

8. Pursue a Vucanovich bill for California forest health. Suggest it include a provision requiring a transit alternative for the Fallen Leaf Lake project.

9. Organize a presentation for California/Nevada Congressional delegation to be presented in D.C.

12/28/94
10. Send a representative to the California delegation breakfast for delegation and key staffers.

11. Reactivate Burton/Santini.

12. Seek a designation for the forests at Lake Tahoe and recognize as nationally significant.

13. Present the water quality program to Region 9 of EPA.

STATE LEVEL:

1. Seek an author for the California and Nevada resolutions in support of a Lake Tahoe bikeway.

2. Support a Nevada Legislative Oversight recommendation to place a $20 million bond on ballot for erosion control and SEZ restoration.

3. Present Tahoe water quality program to the California State Water Resources Control Board.

4. Pursue appointment of a member to the California Transportation Commission.

LOCAL AND REGIONAL ISSUES:

1. Support a resolution from TRPA requesting the Incline General Improvement District, the County of Washoe, and other affected private and public agencies to fund a study of the reestablishment of Third Creek in Incline Village.

2. Prepare a letter to Caltrans and to the California Transportation Commission relative to funding of the Tahoe City Urban Improvement Project and the Brockway Erosion Control Project.

3. Identify procedures for making SRF funds available to Basin projects.
TRPA PRIORITY PROJECTS

Milestones where TRPA can assist and/or lead over the next 18 months (November 1994 to April 1996). Milestones and timeline are subject to change.

EROSION CONTROL

○ Spooner Summit (NDOT)

cost estimate, priority with NDOT, secure funding, develop project solution, review and permit

○ Stateline CP (CSLT)

coordinate solution development and funding, review and permit

○ Cascade Creek (private)

homeowners agreement, cost estimate, assist funding, review and permit

○ Brockway Summit (Caltrans)

solution scoping, priority status, assist filling funding gaps, review and permit

SEZ RESTORATION

○ Cove East (CTC)

assist in solution development, assist in securing funding

○ Tahoe City CP (Placer)

review and permit project, secure funding if gaps

○ Snow Creek (Placer)

assist in development of solution, secure funding if gaps, review and permit

○ Trout Creek (CSLT)

assist RCD in solution development, assist in filling funding gaps, review and permit
Third Creek (Washoe)

- Develop interest and partners, develop concept, cost estimate, secure funding, assist solution development, review and permit (this may exceed the proposed 18 month timeline)

Edgewood Watershed

Compile and record project needs, I.D. land managers/owners, develop concept, MCU with the RCD and Nevada State Lands, develop partnerships, cost estimate, secure funding for project priorities, review and permit projects (this may exceed the proposed 18 month timeline)

Meeks Lumber
CONSISTENT REPRESENTATION ON LAKE TAHOE ISSUES

1. Loss of Lake clarity at a rate of 1.5 feet per year average over the past 15 years.

2. Water supply is the most limiting growth issue at Lake Tahoe.

3. Postal home mail delivery is the single most effective measure for reducing auto trips at Lake Tahoe.

4. Lake Tahoe bike and pedestrian facilities are an important element of future trip reduction and economic development at the Lake.

5. Tahoe is a "model" of sustainable development.

6. Tahoe is a "model" of public policy development through a partnership between the public and private interests.

7. Approximately 30% to 50% of the timber in the Basin is diseased and dying. Most interests in the Basin support timber management strategies necessary to create a healthy forest.

8. Basin "partnerships" are pursuing a list of high priority environmental improvement projects in an effort to achieve the thresholds (list of projects attached).

9. Need a statement about housing costs (comparison) and one on average annual income (comparison).

10. Need a statement about overall recreational usage as compared to Yosemite (or other).

11. As a comparison of usage, the Tahoe Basin receives 23 million visitor days; the California Coast receives 100 million visitor days.

12. Need a visitor profile, such as age, income, etc.

13. Tahoe is one of the ten most pristine lakes in the world.

14. Can we make a statement concerning the diversity of wildlife? vegetation?

15. Tahoe threshold program is comprehensive and unique to the nation.
Exhibits

1. California and Nevada calendars
2. Congressional calendar
3. Clean Water Act reauthorization
4. Intermodal Surface Tran. Act
5. Safe Drinking Water Act reauthorization
6. Corps of Engineers reauthorization (includes language on Cove East)
7. USPS language proposed by Congresswoman Vucanovich (for logging)
8. Status of Burton-Santini program
9. Letter requesting MPO status
10. California and Nevada resolutions in support of Tahoe Basin bikeway
11. Information on CalPAW and/or other bond language for future consideration
12. Nevada Oversight Committee recommendation
14. Forest Health Program Proposal
15. Resolution of 1993 Lake Tahoe Conference on Rail and Transit
16. Designation of Outstanding National Resource Water

Attachments

A. Capital improvement list of projects
B. Mitigation money list for air quality and water quality
C. TRPA letter on Section 319
D. TRPA letter to EPA
E. TRPA letter to NDOT
F. TRPA letter to Senator Bryan (re: home mail delivery)
G. TRPA letter to Senator Raggio

12/7/94
January 3, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Report on the Status of, and the scheduled Governing Board Public Hearing on, the Proposed Amendments to Article VII of the Rules of Procedure Pertaining to the Following: 1) APC Review of Projects for which an EIS has been prepared; 2) Mandatory Presentation of Issues to the APC; and 3) Official Members

Background: In October 1994, the Governing Board and the Governing Board Rules Committee were scheduled to review and adopt a resolution which amended the Rules of Procedure by: 1) Allowing the APC to request (and the Governing Board to approve) that the APC be allowed to review a project for which an EIS has been prepared; 2) Requiring testimony to first be presented to the APC before it is presented to the Governing Board; and 3) Clarifying that the actions of official members of the APC shall not be deemed to be actions that bind their respective agency (see Exhibit "A").

The APC had unanimously recommended the adoption of the amendments to Article VII in Exhibit "A".

Rules Committee Recommendation: The Rules Committee were unable to agree on the amendments and requested that a public hearing be scheduled to discuss the following: 1) Discussion of the cost of amendments to applicants or staff in dollars; 2) Discussion of any delays and cost of amendments in terms of time; 3) Will the amendments make the basin better?; 4) Discussion of the appropriate role of the APC; 5) Should the APC serve the same function as a City/County Planning Commission?; 6) Local vs. TRPA interface (should TRPA items be reviewed by local government first); 7) Flexibility concerning members of APC; 8) Legality of denying members of the public the opportunity to present testimony at the Governing Board; and 9) Legal consequences of saying official members don't bind their agencies.

The Rules Committee felt they needed to receive public input on the above nine items before they could make a recommendation on the proposed Rule Amendments. A public hearing has been scheduled on January 25, 1995, at the North Tahoe Conference Center, during the TRPA Governing Board meeting.

History: A joint Governing Board and Rules Committee and APC meeting was scheduled on August 24, 1994. At that time, a series of concerns were raised
Amendment to Article VII
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concerning the following:

1. The desire of the APC to review the projects which go along with an EIS that the APC was asked to review.

2. The frustration that many individuals and groups were not presenting their testimony to the APC, but were choosing only to raise substantive issues before the Governing Board.

3. The concern that official members of the APC would bind their agency when they took a position on the APC.

If there are any questions regarding this agenda item, please contact R. J. Nicolle, TRPA Agency Counsel, at (702) 588-4547.

Attachment.
Exhibit "A"

ARTICLE VII - ADVISORY PLANNING COMMISSION

7.1. **General:** The Compact provides for the appointment of an Advisory Planning Commission (APC) by the Agency and establishes and sets forth certain functions and duties of the APC relating to the Regional Plan and amendments thereto. In addition, it is contemplated that the APC make recommendations to the Agency respecting matters over which the Agency has jurisdiction and exercises powers.

7.2. **APC Review:** Matters regarding Agency plans and ordinances and other matters the Governing Board determines appropriate for APC consideration shall first be submitted to the APC for review and recommendation. At the time the APC reviews a draft EIS for a project, the APC may request that the Governing Board authorize them to review, and make recommendations on, the project for which the EIS was prepared. The Governing Board may determine that a particular matter is of such urgency that the public interest requires it to act without delay and without review and recommendation of the APC.

7.3. **Recommendations:** The APC shall consider each matter submitted concerning conformity with the Tahoe Regional Planning Compact, as amended, the Regional Plan and the ordinances, rules, regulations and policies of the Agency. Based upon such consideration, the APC shall submit a report and recommendation of the pertinent matters to the Governing Board. The report shall show the vote of the members of the APC and may include the position of the minority, if any.

7.4 **Procedure:** The APC shall be governed by these Rules and Regulations of Practice and Procedure. To the extent practicable, the rules provided herein for the Governing Board shall also govern the APC, but the APC may provide a different time and place of meeting from that set forth herein for the Governing Board and may also adopt different rules in those cases where these rules and regulations are not applicable or would be impracticable for the APC to follow. The APC shall notify the Governing Board in writing of any such rule or regulation which the APC has determined to be inapplicable or impracticable when applied to it and the change or substitute for such rule or regulation adopted by the APC.

7.5 **Transmittal of Reports:** Copies of reports and recommendations made by the APC shall be mailed or delivered to the Governing Board and to every interested party, including the local government affected by the matter reported upon.

7.6 **Consideration by Governing Board:** At the next regular meeting of the Governing Board, or at any special meeting that may be scheduled, the Governing Board shall consider the report and recommendations of the APC. The Governing Board may, on the evidence exhibited before it, desire all significant factual issues and/or information to first be brought before the Advisory Planning Commission. With this policy in mind, the following testimonial policies are adopted:

1) **Applicant testimony** - The Governing Board shall return a matter to the APC
for further discussion or shall refuse to accept testimony from applicants when such testimony concerns significant new factual issues or information, unless such additional testimony could not reasonably have been presented to the APC; and

2) Non-applicant testimony - The Governing Board reserves the right to return a matter to the APC for further discussion, or to refuse to take testimony, whenever individuals (other than applicants) present testimony that raises significant new factual issues, or provides significant new information, at the Governing Board meeting (unless those issues or information could not reasonably have been presented to the APC).

Examples of appropriate basis for presenting significant new factual issues or information at the Governing Board meeting are: 1) significant new information became available after the APC meeting; or 2) the person testifying demonstrates that they could not attend the APC meeting or present their testimony in writing.

7.7 Participation by Governing Board Members: Members of the Governing Board may attend and participate in APC meetings, but their presence shall not be counted in determining whether a quorum is present nor shall Governing Board members be entitled to vote.

7.8 Continuances: The APC may continue to a specific date any matter which it determines lacks sufficient information for proper consideration.

7.9 Meeting Date: Regular meetings of the APC shall be held on the second Wednesday of the month. Should any meeting day fall on a holiday, the meeting shall be held on the next business day thereafter which is not a holiday.

7.10 Quorum and Vote Required: A majority of members (not counting vacant positions) of the Advisory Planning Commission constitutes a quorum for the transaction of the business of the Commission. The quorum shall be calculated on a strictly numerical basis, without regard to the state or entity each Commission member represents. A majority vote of the quorum present is required to take action, without regard to the state of representation.

7.11 Official Members: The votes of official members of APC, including the bi-state lay positions for the USDA Soil Conservation Service and the Tahoe Transportation District, shall not be deemed actions of the agency they represent and shall not be binding in subsequent review, permitting or commenting activities of the agency.