TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on March 27, 1996, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will commence at 9:30 a.m. at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

**GOVERNING BOARD COMMITTEE ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.**

NOTICE IS FURTHER GIVEN that on March 27, 1996, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of the February check register and financial statement; 3) member comments. (Committee: Wynn, Neft, Cole, Heller, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on March 27, 1996, commencing at 8:30 a.m. at the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) mediation in TSPC v. TRPA; 3) member comments. (Committee: Neumann, Miner, Cronk, Sevison, Waldie, Chairman DeLany)

**Date:** March 18, 1996

**By:**

James W. Baetge
Executive Director

**NOTE:** Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

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. PLEDGE OF ALLEGIANCES

II. ROLL CALL AND DETERMINATION OF QUORUM

III. PUBLIC INTEREST COMMENTS (No Action)

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

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

IV. APPROVAL OF MINUTES

V. APPROVAL OF AGENDA

VI. CONSENT CALENDAR (see page 3)

VII. PUBLIC HEARING - (* items include action on the findings plus action on the related ordinances, resolutions, environmental documents, and/or plans.)

A. Amendment of Chapter 22, Height Standards, to Add Provisions Regarding Additions to Existing Buildings*

B. Amendment of PAS 045, Incline Village Commercial (Commercial/Public Service), to Revise Special Policies #5 and #6 to Allow Single Family Dwellings as a Permissible Use When They are Part of a Mixed Use Development and When Affordable Housing Units are Provided as a Part of the Project; Reallocate 10 Residential Bonus Units from PAS 044, Fairway (Residential), to PAS 045*

C. Amendment of PAS 048, Incline Village Tourist (Tourist), to Delete the Existing Special Designations Which Limit the Transfer of Development Right receiving area designation for multi-residential units and the Residential Bonus Unit Incentive Program to Special Area #1; to Reallocate 20 Residential Bonus Units from PAS 044, Fairway (Residential), to PAS 048*
D. Amendment of PAS 100, Truckee Marsh (Conservation), Technical Correction to Add Stream Environment Zone Restoration as a Permissible Use

E. Amendment of Chapter 21, Density, Relative to the Kitchen Unit Limitation for Timeshares

F. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

VIII. PLANNING MATTERS

A. Report on Status of Ski Run Marina Inner Harbor

B. Discussion on Proposed Alternatives To Be Analyzed for the 1996 Threshold Evaluation Report

C. Direction to the Local Government Committee to Consider Effect of Project or Regional Plan Amendment Approvals on Affordable Housing

D. Presentation on Eurasian Water Milfoil

E. Policy Direction to California Resources Agency Regarding Abandonment of Open Space Easements

F. Amendment of the Agreement Regarding the South Lake Tahoe Demonstration Redevelopment Plan for Ski Run/Stateline Areas

IX. ADMINISTRATIVE MATTERS

A. Report on Performance Statistics for the Project Review Division and the Environmental Compliance Division

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report
   1. Receipt of February Financial Statement and Check Register

B. Legal Committee Report
   1. Mediation in TSPC v. TRPA

C. Capital Financing Committee Report

D. Rules Committee Report

E. Shorezone Policy Committee Report

F. Local Government Committee Report
XI. REPORTS

A. Executive Director Monthly Status Report

1. Update on Washington, D.C. Visit

2. Notice of Circulation of the Park Avenue Development Project
   Draft EIR/EIS


B. Legal Division Monthly Status Report

C. Governing Board Members

XII. ADJOURNMENT

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CONSENT CALENDAR

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<th>Item</th>
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<td>1. South Tahoe Area Ground Express (STAGE),</td>
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<td>Maintenance Facility, Public Service Facility</td>
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<td>449 Gonnawabie Road, Washoe County APN 123-146-07</td>
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<td>3. Carl Fair, Meyers Station, New Commercial Buildings and Commercial</td>
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<td>Rebuild, Allocation of Commercial Floor Area, 1341 Highway 50,</td>
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<td>Meyers, El Dorado County APNs 34-331-16 and -17</td>
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<td>4. Douglas County, Cave Rock/Skyland Water Treatment Facility, 1309</td>
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These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.
Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be require to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency’s staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

- Article III (g) Public Law 96-551
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

February 28, 1996

City Council Chambers
South Lake Tahoe, California

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular February 28, 1996, meeting of the
Governing Board of the Tahoe Regional Planning Agency to order at 9:40 a.m. and
led the Board in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Dr. Miner, Mr. Severson, Ms. Neft, Mr. Wynn, Mr. Harper
(for Mr. Bradhurst), Mr. Hime (present for items VII.B,
VIII.A., VIII.B. and X.E.), Mr. Cole, Mr. Chimarusti (for
Mr. Heller), Mr. Stewart (for Nevada Department of
Conservation), Mr. Upton

Members Absent: Mr. DeLancy, Mr. Waldie, Mr. Cronk, Ms. Bennett,
Mr. Neumann

Chairman Upton welcomed Mr. Bob Stewart, the designee for the Director of the
Nevada Department of Conservation and Natural Resources, Mr. Mike Harper for
Washoe County, and Mr. Wayne Chimarusti, for Nevada Secretary of State Dean
Heller. Mr. Hime, the new California Assembly Speaker appointee, had a tire
blow-out on the way to the meeting but would be connected by telephone later
in the meeting for California projects. Mr. Waldie had a medical emergency
earlier in the morning and would not be attending.

III. PUBLIC INTEREST COMMENTS

Mr. Don Kornreich provided the Clerk with copies of a February 1 memo to local
jurisdictions requesting urgent consideration of $20,000 from each of the five
counties to commence study on how to raise local fees, particularly the Basin
impact fee. The $100,000 requested in the legislative packet would not be
available any time soon. The Basin impact fee was the only reasonable way to
get money. Unless TRPA got this going now, it would be two years before
something could be done because of the Nevada legislative schedule. Money was
the most important thing for the Board to focus on now. TRPA was
micromanaging and not really addressing deteriorating water quality and
clarity, increasing traffic volume, and visibility problems. A 1974 financial
feasibility report by McDonald Smart concluded that user charges, another name
for basin impact fee, was the only way to raise enough money to solve the
problems. Mitigation fees and grants provided less than 15 percent of needed
funds to do the job. If TRPA did not assume leadership in this area, other
organizations, like the Transportation Management Associations, would. On the
subject of Burasian milfoil, Mr. Kornreich noted it was potentially as serious
a problem for the Lake’s clarity as sediment.

Executive Director Jim Baetge noted that a discussion on Burasian milfoil
would be placed on the March agenda.
TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

Mr. Wynn agreed that TRPA could not make a substantial change in achieving recreation, scenic and water quality thresholds until it had access to additional funding. TRPA could not get really proactive with the current two to one funding levels currently coming from California and Nevada. More money was needed, and the search for it had to be handled carefully. TRPA should take steps to study it.

Chairman Upton noted that the Capital Financing Committee would take this up during the 1:00 p.m. lunch break. A delegation was going to Washington, D.C. next week and would also be discussing these issues.

IV. APPROVAL OF MINUTES

MOTION by Ms. Neft to approve the January 24, 1996, regular meeting minutes. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells advised that Board member Rex Hime would be patched in by telephone at approximately 10:00 a.m. for action on the California projects. Amendment of the redevelopment plan agreement for Ski Run/Stateline (item X.E.) should be taken up after consideration of the Redevelopment Plan amendments (item VIII.A.) and the project itself (VII.B.). The STFUD presentation on mitigation measures (X.D.) would be taken up at 2:00 p.m. or later, not at 1:30 p.m. as noted on the agenda. The Capital Financing Committee would be meeting during the lunch break at 1:00 p.m.

MOTION by Ms. Neft to approve the agenda as presented. The motion carried unanimously.

VI. CONSENT CALENDAR

Deputy Director Jerry Wells noted that a quorum of Board members was present to act on items 2 through 7. Item 1 (Bugalski IPES appeal) could not be acted on without at least five California members present.

Mr. Cole asked that the Stillwater Cove Homeowners Association resolution of enforcement (item 5) be pulled for discussion and separate action.

Chairman Upton noted that he, Dr. Miner, and Mr. Sevison had earlier in the day discussed the Kline enforcement matter (consent item 7) in the Legal Committee and recommended approval of the resolution of enforcement.

MOTION by Mr. Sevison to approve items 2, 3, 4, 6, and 7 on the consent calendar. The motion carried unanimously.

(Following are items approved on the consent calendar: 2. 1996-2000 List of Additional Recreation Facilities Pursuant to Section 33.6 (Resolution No. 96-4); 3. 1996-2000 List of Additional Public Service Facilities Pursuant to Section 33.5 (Resolution No. 96-5); 4. Tahoe Biltmore, Inc., Temporary Commercial Use, Northwest Corner of Reservoir Drive and Lake View Avenue, Crystal Bay, Washoe County APN 123-053-04; 6. Washoe County Request for Release of Water Quality Mitigation Funds ($26,299) to Pave Amagosa Road;
7. Kline, Resolution of Enforcement, 119 Meadow Drive, Douglas County APN 07-453-03

Stillwater Cove Homeowners Association, Resolution of Enforcement, Washoe County APN 123-051-04 (consent calendar item 5)

Mr. Cole explained he still objected to the settlement because it awarded an illegal act that was committed willfully or as a result of gross negligence and in violation of existing ordinances. He believed the floats should be removed until they could be legally permitted.

Mr. Wynn commented that the homeowners last month suggested that retention of the buoys was the reason they agreed to the settlement. This presupposed the appeal had merit. He was not sympathetic with turning one's back on the fundamental issues of ordinance rules. These buoys were rented for profit.

Mr. Harper concurred that he did not favor awarding an illegal act.

Ms. Stacey Herhusky, representing the homeowners, explained that Stillwater in 1980 obtained a permit for 9 buoys. There were changes in management over the years and additional buoys were installed without the knowledge that permits were required. There was no malice involved. It was an oversight. When the violation was brought to the homeowners' attention, they applied for a permit and paid the fee. They were denied and had an appeal pending. The appeal would be withdrawn if the Board approved the settlement today. The homeowners would pay a $16,000 penalty ($1,000 per buoy), consistent with other illegal buoy penalties, and would apply for a permit for the buoys once the shorezone EIS was certified. There was no guarantee that the buoys would remain. This was an interim measure. Stillwater had a good position should the matter go to litigation. The buoys were not in a fish habitat, and TRPA's own study suggested that buoys were not necessarily harmful to the fish habitat.

Mr. Harold Eastridge, from the Stillwater Homeowners Association, explained there was no charge for use of the buoys. There was a surcharge to the dues structure for homeowners to cover the cost of buoys and their upkeep. There were 46 actual owners in the association; there was a large turnover in ownership and in management, and many owners were not aware that there were buoys that did not have permits. As president of the association, he made application for permits as soon as he realized there were discrepancies between the number of buoys shown by the state and what actually existed. He applied and was denied. Although a staff photo showed the existence of 9 buoys in February of 1991 and a 1994 photo showed 25 buoys, in June or July of 1991 he personally knew there were more than 20 in the field. He had documentation that there were 18 buoys in 1988. Staff's report was in error on the number of buoys in the past.

Mr. Wynn noted that in January the Board voted to authorize staff to use the documentation for the shorezone EIS in the review of projects. It was to be used as an additional piece of information but not as the controlling factor. The document and others found that buoys, while perhaps a scenic issue, did not negatively impact fish. The permit for the buoys was denied based on the fish habitat impacts. If the permit came forth now, it may not be denied. He felt that staff's and the Legal Committee's recommendation was appropriate.
Ms. Herhusky pointed out that the $16,000 penalty would be kept by TRPA even in the event the buoys were ultimately allowed. It was non-refundable. The consideration for entering the agreement was continued use of the buoys for Stillwater Cove. Dropping the chains had the same effect as removing the buoys.

Mr. Chimarusti questioned whether the buoys would be functional with the rising Lake level, or whether the chains would have to be lengthened.

Mr. Eastridge responded that a diver every year checked the chains and lengthened or shortened them as necessary. Some buoy chains were in excess of 100 feet. The association spent between $4000 and $8000 per year in buoy field maintenance.

Agency Counsel R. J. Nicolle advised the Board that the concept of allowing the use to exist was consistent with the previous settlement in the Vennard pier case, a case of an illegal pier in a fish habitat that was permitted to remain pending the outcome of the fish study. The agreement required removal of the pier if it was determined it had a negative impact. There was precedent for a decision of this nature.

Mr. Cole explained that in the spirit of compromise he would vote in the affirmative for the settlement. The record should show his concern, however, with negligent action for monetary gain. He was concerned with the two general perceptions in the public that if a person was willing to pay enough money he could get what he wanted and that it was easier to ask forgiveness than permission. TRPA needed to be very conscious of these very real perceptions in the community.

MOTION by Mr. Sevison to approve the settlement in the Stillwater Homeowners Association matter as proposed by staff. The motion carried unanimously.

VII. PROJECT REVIEW

A. M.S. Dixie II, Passenger Capacity Increase, Zephyr Cove Resort, Douglas County APN 05-010-03

Associate Planner Jim Lawrence presented the staff summary for approval of the proposal to increase passenger capacity of the Dixie II from 360 to 575. In January the Board continued the item because of three concerns: 1) the disposition of M.S. Dixie I; 2) details regarding Travel Systems’ participation in the Coordinated Transit System (CTS); and 3) illegal parking along Highway 50. To address the first concern, staff recommended a condition requiring Travel Systems to submit a schedule to TRPA for removal of the M.S. Dixie I by October 15, 1996.

Mr. Cole questioned a previous condition placed on Joe Thieman and the expansion of the Tahoe Queen requiring removal of old boats before operation of the expanded Queen. Was the Dixie being treated equitably?

Mr. Lawrence responded that his research of the EIS and the permit for the Tahoe Queen did not show a requirement for removal of the vessels. The condition for the M.S. Dixie would require that by October 15, 1996, the
M.S. Dixie I needed to be removed from Lake Tahoe and either stored in a permitted storage facility or removed from the Basin. By August 15, 1996, Travel Systems needed to come to TRPA with an application showing details for removal of the vessel. In the meantime, Travel Systems could continue to pursue use for the vessel; however, that use needed to get Board approval by the September Governing Board meeting. Applicants were being treated equitably. With the concern on the CTS agreement, Travel Systems was required to contribute $10,000 to the CTS fund, would contribute two shuttle buses, and would sign a participation agreement. To the concern regarding illegal parking on Highway 50 during peak summer months, NDOT was willing to put up additional No Parking signs if it received a letter of request from TRPA, Travel Systems, Ltd., and the U.S. Forest Service. During the summer months, Travel Systems would be required to conduct parking surveys to see if the EA transportation projections were being met. If illegal parking continued and it was determined to be a traffic and safety problem, the $10,000 contribution to CTS could be used to purchase parking barriers.

Mr. Dick Glasson, representing Travel Systems, the owner/operator of M.S. Dixie II, repeated his January remarks about savings in vehicle trips, benefits to the elderly and handicapped, and the removal of the old boat absent a new use for it. Travel Systems was happy to be a participant in the CTS and believed the donation was more than generous. He did not feel the Highway 50 parking problem was caused by the Dixie but rather by beach goers. Although highway signs were acceptable, they would have a scenic impact.

Mr. Mike Dill, from Aspen Environmental Services, on behalf of four homeowners in Zephyr Cove and two in Skyline, spoke in general support of the Dixie II expansion but asked that the Board include conditions to address the expanded use of the Zephyr Cove Resort area over time. Accidents occurred every year at this site on Highway 50, and his clients wished to see either additional parking on-site or a crossing guard at the intersection on weekends and peak days. He would like to see parking passes issued to locals or carpoolers so they could access the Resort and not have to cross Highway 50. Because of concerns with the scenic impact of the M.S. Dixie's continued presence in Zephyr Cove, his clients wished to have the Dixie I removed to eliminate a future commercial use for the vessel. If it was true that the Coast Guard had condemned the old boat as unsafe, it should be removed and not allowed to operate in the future. (Mr. Dill distributed a copy of Section 52.2.D of the Code defining "Unserviceable.")

Mr. Chimarusti, who was Board Chairman when the matter first came to the Board, recalled the Board's earlier agreement to allow the Dixie I to remain temporarily while the owners pursued a new use for it. If such a use could not be found, there was to be a schedule for its removal. He did not feel that Mr. Dill's concern regarding the potential for continued use by passengers was warranted.

Chairman Upton noted that the applicant had agreed to remove the boat if a use could not be found by September. There was additional opportunity for comment on such a proposal if it came up. In his estimation, the old boat's capacity was technically zero at this point.
Mr. Harper suggested a crossing guard at a signalized intersection was not warranted. A parking pass did not seem appropriate since his clients lived in the area and could drop their kids off at the beach on the Lake side of the highway.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, suggested there was a representation issue for the Board to be aware of. Mr. Dill did an extensive amount of work for Mr. Thieman, the operator of the Tahoe Queen vessel. Since there were representation issues arising in many contexts, especially in the shorezone, it was important for the Board to be aware of who was representing whom. With regard to the proposal, the League appreciated staff’s and Travel Systems' addressing the concerns raised in January. The CTS participation and the commitment to do something about the parking were excellent improvements. With regard to the removal of the boat, the League always felt the old Dixie should be off the Lake. The problem could be dealt with by adding a condition such that the permit would automatically expire in the event the Dixie was not removed by October 15. While the League agreed there was a safety issue especially with highway parking, the children crossing at the intersection were not on their way to the Dixie. A crossing guard was going too far in terms of putting conditions on this business for a problem that was not its responsibility. This, along with parking management, should be addressed in the context of a master plan for the Zephyr Cove Resort, which the Forest Service was presently preparing.

Mr. Robert McDowell, for the U.S. Forest Service, spoke in favor of staff's recommendation and the proposed staff conditions.

Mr. Joe Thieman, representing himself, spoke in favor of the replacement of the old Dixie with the new Dixie. It benefitted the tour boat business at Tahoe in general. His problem related to equal enforcement of the ordinances. A condition on the new Tahoe Queen required replacement of two existing tour boats in 1983. By the time he got full capacity in 1986, the boats were removed. He was forced to remove the original Miss Tahoe and the Pavilion from the Tahoe Basin before he could operate the Queen at half capacity. He was at half capacity for three seasons and received full capacity in 1986. Travel Systems was now negotiating for a commercial use on the old Dixie from the South Shore, and he felt it was inequitable to come before the Board and suggest the request was for replacement of an old commercial use with a new boat and that the old boat would be retired. The reality was that there was no intention to retire the old boat. He had spent $1 million in an EIR and EIS for the Tahoe Queen; the new Dixie was approved with a one-page Environmental Assessment because it was replacing an existing use. He feared he would be competing against the new Dixie and the old one as well. This was not equitable, and he favored a condition that the old boat be removed before the Dixie II went to full capacity. Although he had raised the issue of continued use of the two boats with the staff when he processed the Tahoe Queen application, he had not explored this with the Board.

Mr. Harper suggested that if the Board had not considered the retention of the two boats at the time the Tahoe Queen was reviewed, it was not appropriate now to punish an applicant who went through a different process.
Mr. Lawrence advised the Board that the incentive for removal of the M.S. Dixie I was the $40,000 security required of the applicant. This security was nonrefundable until the condition was met. If the condition was not met, the permit for the M.S. Dixie II was invalid; the Dixie II could not operate. Staff had contacted the Nevada Highway Patrol, Douglas County Sheriff's Office, and NDOT to discuss the safety issue. They did not see the expansion of the Dixie as a major safety problem.

Mr. Roy Clausen, a retired United Airlines captain, commented that of the two vessels that Mr. Thieman got rid of one went to the North Shore; the other sank.

Mr. Thieman explained that the original Miss Tahoe was taken off the Lake and sold for operation in the mid-west. The Sun Runner was sold in 1979 and was at the North Shore. The two vessels he was forced to remove were the original Miss Tahoe, which was removed from the Lake, and the Pavilion, which was taken to Washington.

Mr. Glasson discussed the differences between the Tahoe Queen and the M.S. Dixie vessels and responded to Board member questions about timing of removal and participation in the CTS.

Agency Special Projects Attorney Susan Scholley responded to questions about the Agency's requirement for applicant participation in the CTS as a mitigation of impacts. It was viewed on a case-by-case basis and was considered appropriate mitigation. The staff had discussed the extent to which participation in the CTS should be formalized as a mitigation measure. It would not apply to all situations. Staff did not agree with Mr. Thieman's remembrance of the environmental review process for the Tahoe Queen. It was not relevant to debate that issue at this point.

Mr. Cole suggested that the questions raised last month were legitimate questions. The new conditions addressed those concerns. He was pleased with the level of participation in CTS and with the signage. He was convinced that the old boat would be dealt with appropriately, one way or another. What Ms. Nason had suggested regarding the expiration of the permit should the disposition of the old boat not be decided was assured in the conditions. All of the concerns raised last month were addressed more than adequately.

MOTION by Mr. Cole to make the findings to increase the capacity of the M.S. Dixie II.

Mr. Chimarusti suggested that, notwithstanding Mr. Glasson's presentation, a reasonable time for disposition of the Dixie I expired this month, as directed by the Board two years ago. On the whole, however, there were a variety of other benefits with the project, and he would support it.

The motion carried unanimously.

MOTION by Mr. Cole to approve the Dixie project with the specified conditions. The motion carried unanimously.
TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

Prior to starting the next agenda item Chairman Upton noted that Rex Hime had now been connected by speaker telephone. Staff had attempted to reach other absent Board members (Mr. DeLanoy, Ms. Bennett, Mr. Waldie, and Mr. Cronk), but they were not available.

Bugalski, IPES Appeal, El Dorado County APN 15-323-13
(Consent Calendar Item 5)

MOTION by Ms. Neft to approve the item. The motion carried unanimously.
(Members present: Cole, Wynn, Sevason, Harper, Neft, Chimarusti, Miner, Hime, Stewart, Upton)

VIII. PUBLIC HEARING

B. Certification of the Bijou/Al Tahoe Community Plan EIR/EIS and Adoption of the Bijou/Al Tahoe Community Plan; Related Amendments to Land Capability Overlays G-17 and G-18 and Plan Area Statement 099 (Al Tahoe) and Plan Area Statement 093 (Bijou); Amendments to the City of South Lake Tahoe Standards and Guidelines; Deletion of Plan Area Statement 098 (Bijou/Al Tahoe); and Amendment of Chapter 33 of the Code and Chapter VII of the Goals and Policies Plan

Principal Planner Gordon Barrett presented the staff’s recommendation for certification of the document; adoption of the Community Plan; and approval of the attendant Code, Plan Area Statement, and Goals and Policies amendments. A February 15 letter from consultant Sue Rae Irelan outlined changes recommended by the APC, and a 2/27/96 handout contained a one-line change dealing with stream zone restoration. Staff felt that all required findings could be made, and all impacts associated with the preferred alternative could be mitigated. Approval had been recommended by the planning team, the APC, the City of South Lake Tahoe Planning Commission, and City and TRPA staffs. The City Council would take up the documents on March 5.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, urged Board adoption of the Community Plan. It was a good plan, and many good things would come out of it. When the Community Plan process was developed, all consensus participants agreed that there was too much commercial development in the Basin, particularly in South Lake Tahoe, for the health of the environment or economy. It was agreed that release of small amounts of commercial floor area would serve as incentive for some improvements and renovations. Unfortunately it had not worked out that way, since the process had been bogged down with many extraneous issues. Allocation of commercial floor space had turned into a drag on renovation, rather than an incentive. People who might otherwise purchase deteriorated commercial for transfer to new projects were dissuaded from doing so by the fact the process would yield some less expensive floor space. Communities were to be asked to make certain substantial commitments to improvements before commercial floor space could be released. That was not the case with this plan where floor space was being released immediately on the grounds that Caltrans did some improvements at El Dorado Beach. The League hoped in the future that this notion of adding to commercial floor space as an incentive for improvements would be abandoned. On the issue of signs, this CP would be subject to the sign ordinance. It was undeniable that the sign situation in the South Lake Tahoe was going downhill. Some of the
TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

new signs were some of the worst offenders. The sign ordinance situation needed to be reviewed again because it was going in the wrong direction. With regard to the government center in the plan, there were good aspects to it and dangers as well. By moving all government agencies into a center, an additional 40,000 ± square feet of vacant commercial floor space would be left behind. This could be detrimental to the goal of renovating deteriorating sections of the City. When the project came in for review, she hoped consideration would be given to asking the government agencies to retire floor space as part of their obligations to move into the project area. Ms. Nason complimented the planning team and the City and TRPA staffs for their work on the plan within the constraints of the flawed CP system. Her criticisms were directed at the system, not how it was being implemented in this particular case.

Mr. Cole disagreed with Ms. Nason on the sign issue and suggested the current situation was an improvement over previous conditions. It took a great deal of time and effort to get sign regulations to their present point. Signs were open to subjective debate.

Since no one else wished to comment, Chairman Upton closed the hearing.

MOTION by Mr. Wynn to certify the Bijou/Al Tahoe Community Plan RIR/KIS. The motion carried unanimously. (Members present: Cole, Wynn, Sevison, Harper, Neft, Chimarusti, Miner, Hime, Stewart, Upton)

MOTION by Mr. Chimarusti to make the findings related to the Bijou/Al Tahoe Community Plan amendment package. The motion carried unanimously.

MOTION by Mr. Chimarusti to adopt the Bijou/Al Tahoe Community Plan and related amendments. The motion carried unanimously.

Mr. Upton read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended by Amending the Regional Plan of the Tahoe Regional Planning Agency; Adopting the Bijou/Al Tahoe Community Plan; Amending Plan Area Statements 098, Bijou/Al Tahoe, 093, Bijou, and 099, Al Tahoe; Amending Land Capability and Plan Area Overlay Maps Relating to the Bijou/Al Tahoe Community Plan and the Affected Plan Area Statements; Amending the Regional Plan Goals and Policies Plan and Chapter 33 of the Code Relating to Commercial Floor Area Allocations; Amending Citywide Standards and Guidelines; and Providing for Other Matters Properly Relating Thereto.

MOTION by Mr. Stewart to adopt Ordinance No. 96-2. The motion carried unanimously.

A. Amendment of South Lake Tahoe Demonstration Redevelopment Plan and Ski Run/Stateline Community Plan

Agency Special Projects Attorney Susan Scholley had several copies of the final version of the South Tahoe Demonstration Redevelopment Plan for Ski Run and Stateline Areas for Board members to review. She reminded the Board of
her detailed presentation to the Board in December; she would not repeat that. Attachment A on page 233 of the packet showed additional changes made to the plan within the last 60 days. The only change of significance was the addition of retail uses to the list of permissible uses in the Community Plan and marina. Attachment C on page 239 (the sequence of events) contained the means and time schedules by which the priority public benefits would be implemented. This was also contained in the redevelopment agreement.

No comments were received during the public hearing. Chairman Upton closed the hearing.

**MOTION** by Mr. Cole to make the findings necessary to amend the redevelopment plan and the Ski Run/Stateline Community Plan. The motion carried unanimously.

**MOTION** by Mr. Cole to adopt Ordinance No. 96-3.

Chairman Upton read the ordinance title into the record:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency, as Amended, by Amending the South Lake Tahoe Demonstration Redevelopment Plan for the Ski Run/Stateline Areas and the Stateline/Ski Run Community Plan; and Providing for Other Matters Properly Relating Thereto.

The motion carried unanimously. (Members voting: Cole, Wynn, Sevison, Harper, Neft, Chimarusti, Miner, Hime, Stewart, Upton)

VII. PROJECT REVIEW

B. South Lake Tahoe Demonstration Redevelopment Project #1, Plan Revision

Mr. Rick Angelocci, Chief of Project Review, noted simulations of the old project and the amended project were on display. The Board certified the supplemental EIR/EIS for this project in December. The project was approved originally in 1989 and included the Embassy Suites hotel at Stateline, which was already constructed, and the Ski Run component. The change in the Ski Run component being reviewed today was not significant enough to modify or justify a recirculation of the EIS. Mr. Angelocci itemized the changes over the earlier approval. The revised project included a 186-unit, two-bedroom/2-bath with kitchen split use occupancy (lock-off) interval ownership structure; a 152 space surface parking lot for the Embassy Vacation Resort; relocation of the Chevron station; construction of 3.03 acres of wetlands; retirement of 315 tourist accommodation units; construction of 16,100 square feet of commercial retail and restaurant floor area and 18,000 square feet of ancillary uses at the Ski Run Marina; construction of a 101-space public parking lot at the marina; construction of a 320 square foot pump house behind the relocated Chevron station. The net reduction in land coverage totaled approximately 433,262 square feet in coverage, 190,000 of which would be SEZ restoration. Mr. Angelocci briefly highlighted the general and special conditions of approval and the entity responsible for their completion (Embassy Vacation Resorts, the South Tahoe Redevelopment Agency, Argosy/Koar, Inc., Ski Run
Marina, Ski Run Chevron, STPUD). He distributed and briefly summarized a February 26 memo and a February 27 memo containing added conditions. The February 27 memo contained a condition for the Ski Run Marina requiring that "construction on the Marina site and related improvements shall not cause any delay or postponement of the Ski Run Remediation Project, TRPA File No. 94-0181 or enforcement of the Stipulated Judgment in People v. EDIC, Lake Tahoe Cruises, et. al.....Ski Run Marina shall make necessary and reasonable accommodations for the implementation of Phase III in their construction schedule and plans." Phase III was the dredging and cleanup of the inner harbor at the marina.

Ms. Scholley responded to questions regarding transportation findings and implementation of the long-term Coordinated Transit System as a substitute for reaching Levels of Service (LOS) goals in the short term.

Mr. Cole expressed concern about the condition regarding TRPA review and approval of building materials and color samples. This was a subjective condition and there may be conflicts. He hoped disagreements would not stall the projects. His other concern related to the submittal of plans and inability for any deviation from those plans. On occasion there may be some insignificant changes, and he hoped staff would be mindful of the need for some latitude and interpretation.

Mr. Hime questioned whether TRPA sign and color regulations were compatible with those of the City.

Mr. Angelocci explained that the condition was to ensure the colors and material were consistent with the scenic analysis and the photo simulations, which were the basis for the EIS finding that there were no significant impacts. For most of the projects coming forward, staff had already seen the colors and materials.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, supported the project and stated the League did, however, have concerns. Because of the size and location of the project, it was important it be aesthetically pleasing as well as incorporating water quality and other improvement measures. Subsequent to the original approval of the predecessor project, a channel was dredged for the Tahoe Queen and a large amount of dredged spoils were dumped all over the marina and beach area. Because of the low water situation, drainage which was to have been treated through the Wildwood water system prior to draining into the Lake was collecting in the marina area. Because of the current high water levels, this runoff was now being washed off into lake Tahoe. It was a filthy and likely highly contaminated situation. A component of the project today included a beautiful new marina building; the problem was that it was to be constructed on top of this existing probably toxic sump. Lahontan and the State Lands Commission had required the Tahoe Queen, which did the dredging, to remediate the situation. A settlement was reached between the State and the Tahoe Queen which at this point was a matter of controversy. The Tahoe Queen had filed recently to get out of the remediation on the grounds that because the lake cleanup could not take place because of high water they were excused from any remediation, including the remediation of the inner marina. The League recommended, therefore, that TRPA require implementation of a remediation plan to assure that at least the inner marina be cleaned up this
summer in conjunction with the construction of the marina building. The League was not suggesting this be made a condition of the Redevelopment Project but that next month the Board schedule consideration of imposing a remediation plan on the site requiring the Queen to clean up the inner marina. Ms. Nason presented more information on the agreement and the Tahoe Queen challenge.

Mr. Angelocci advised that TRPA had issued a permit to do the three phases of the remediation work - both the inner harbor work and that proposed in the Lake. The permit stated that it was not a requirement that the three phases be completed in a particular order. Phase III, the inner harbor work, could proceed with acknowledgement of the permit. What Ms. Nason was suggesting was that TRPA had issued a permit that allowed the Tahoe Queen to do the work; it did not require the harbor cleanup. Staff had taken the position that TRPA would let the Attorney General's office and the property owner deal with the violation. Once it came to resolution, staff would review the proposed settlement and issue a permit. She was requesting that TRPA step this up and treat the situation as a remediation action.

Ms. Scholley explained that Chapter 9 of the Code gave the Board authority to request a voluntary action plan be prepared to resolve a situation for which a problem assessment had been adopted by the Board. The Agency also had the ability to require a mandatory action plan for a situation for which a problem assessment had been adopted by the Board. If the Board wished to pursue this, it would require notice to the property owner and going through the Code requirements. Under the Nevada Open Meeting Law provisions, the Board needed to be careful about prejudging or taking conceptual action on a remedial action plan. Ms. Scholley presented a history of the situation as presented to her by the California AG's office. A lawsuit was filed in 1987 by the AG because dredging was done by the Tahoe Queen without a permit from State Lands and Lahontan. Agreement was reached in a 1995 stipulated judgment which contained three phases of work. Phases I and II contemplated going into the lake, because water was low, and removing dredged spoils. Phase III called for dredging out the inner harbor. Phases I and II could now not be done because of the high lake level. The AG's office was in the process of filing a motion to compel enforcement of the judgment and completion of Phase III. Lake Tahoe Cruises (Tahoe Queen) was arguing that Phase III did not need to be done until after completion of Phases I and II, and Phases I and II could not be done. Ms. Scholley presented more information on participants, property ownerships in the area, and the security and fines.

Mr. Wynn suggested that in the preparation of a settlement agreement there likely was a stipulation of the facts. If there were such facts, these could be the facts on which a complaint could be based. The information in the investigation and the findings could serve as the basis for TRPA to assert new jurisdiction in the matter. The AG's case would provide the evidence.

Ms. Scholley agreed that if TRPA decided to proceed it would do so as an existing nuisance problem. There was likely a lot of environmental review in the AG's process and staff could access that. The new condition 4. of Special Conditions of Approval for Ski Run Marina (memo dated February 27) was meant to insure that constructing the new marina village on the site would not become an impediment to the inner harbor dredging. As part of the inner
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harbor dredging they would possibly need a dewatering site up on the land side and truck access. Staff did not want a situation where a permit issued to the marina would lead to a resulting disagreement between the property owner and the tenant over whose permit took precedence. Staff wanted to ensure that marina village construction would not become an impediment or another excuse for delaying implementation of the inner harbor dredging.

Ms. Judith Von Klug, Redevelopment Manager, noted that this discussion was all based on secondhand information; there was a very complicated history here involving three state agencies. She did not think it was fair or appropriate for the Board to be put in the position of dealing with this issue now. She preferred that the Board examine and sort out the problem in the future. To link this marina situation and the half information to the construction of this project was not fair. There were pieces to the project that were all interconnected; holding up a portion of the project could totally throw off the whole financial plan for the project. Ms. Von Klug presented more information on the interaction of the parts of the project, suggesting it was not a case of slicing off a portion of the project for later consideration. It was an integrated project with many components. Ms. Von Klug presented more historical background and discussed bonding and the toxic site. If the project did not proceed at this point it would not go forward at all.

Mr. Brian Veit, for Veit Associates, noted it was difficult to listen to the testimony and potential solutions without hearing all positions and all sides. The League was putting pressure on the marina and the marina owners to get the situation taken care of. The current owners of the marina did not cause the dredging to occur. The appropriate agencies and parties were involved in the appropriate mechanism to get the situation resolved. He fully supported the League’s intentions in this, and discussions on the situation could have been held long before this point. There was nothing to stop the League from getting involved in assisting the AG, State Lands, Tahoe Cruises and EDIC in solving the problem.

Mr. Upton closed the hearing.

MOTION by Mr. Cole to make the findings for approval of the South Lake Tahoe Redevelopment Project. The motion carried unanimously. (Members voting: Wynn, Sevlin, Harper, Neft, Chimarusti, Miner, Hime, Stewart, Cole, Upton)

Mr. Angelocci clarified that staff recommended approval of the conditions in the packet plus the conditions distributed in the February 26 and 27 memos. The marina project would not impede in any way the cleanup of the marina.

MOTION by Mr. Cole to approve the project with the revised conditions. The motion carried unanimously.

X. PLANNING MATTERS

E. Amendment of the Agreement Regarding the South Lake Tahoe Demonstration Redevelopment Plan for Ski Run/Stateline Areas

Ms. Scholley distributed a revised Draft #3 of the memorandum clarifying and interpreting obligations under the redevelopment plan for purposes of project
implementation. Staff had not completed negotiations on the agreement as yet and there may be a reservation of rights provision for the League regarding the marina issue. If there was a need later on to segment out that portion of the project, it may be a provision of the final draft of the agreement. The Board needed to understand that.

Mr. Cole advised he could not agree to this reservation of rights provision because of the overall impact on the project. This could put a cloud on the recent approval and the City's bond financing.

Ms. Scholley responded that if the City was not satisfied with the agreement and the reservation of rights it would not sign the agreement. There would be no agreement. The problem was that the details had not been worked out, and holding up the amendment to the agreement to the March meeting would be a 30-day delay. In any case, the League had the authority because of the statute of limitations to sue over the marina issue any time between this meeting and 60 days.

Mr. Upton explained he would prefer approving the agreement without qualification and directing staff to take some course of action using whatever powers it could bring to bear to deal with the specific issue that was raised.

Mr. Wynn suggested that the facts of the situation were contained in the substantial record in California proceedings. The Board had instructed staff to examine those proceedings and to report on what appropriate action could be taken by TRPA - independent of anything else. TRPA had done what it was required to do to the fullest extent.

Mr. Cole noted there were also other authorities dealing with this issue, notably the AG's office, that had primary responsibility.

Ms. Scholley explained that the reason this matter was coming to the Board was because TRPA had signed in 1989 and 1990 a second amended redevelopment agreement with a different set of agreements than what was in the Code, the Plan and the recently approved project. She had a Board-signed contract and a project that did not conform. The approval was conditioned on getting an executed amendment to the agreement that was consistent with Chapter 15, the redevelopment plan, and the project conditions. TRPA's condition on the projects would not allow Embassy Vacation Resorts or the marina to start construction until TRPA was released from the old agreement. Ms. Scholley noted that Ms. Mason had just advised her that the League would not need a reservation of right clause because the League could simply refuse to sign the amended agreement. Neither she nor the City liked the reservation of right clause; it may not be necessary. She asked that the Board authorize the Chairman and Legal Counsel to work out the final agreement for signature.

Chairman Upton asked that the Board give staff, Agency counsel, and the chairman the authority necessary to put the agreement together. There were enough parties with veto authority and enough recognition of the importance of the project that agreement would be reached. In that spirit he urged the Board to propose a motion.
Ms. Scholley explained that the other parties to the agreement—the project proponents, the City, and possibly the AG and League—had been discussing side agreements between themselves that would not bind TRPA relative to loan facilitation. The final agreement may be longer.

**MOTION** by Mr. Cole to authorize legal counsel and the chairman to sign the agreement.

Mr. Chimarusti asked for more information in the agreement and references made in the draft to the commitment toward the Loop Road.

Ms. Scholley explained that the draft in the packet referred to the Loop Road, the Montreal Extension and alternative circulation patterns as being 10 years out and being modified. This provision was inconsistent with TRPA's plans. The draft distributed today acknowledged that the Loop Road and other projects or schedules had been modified or deferred. It stated that CTS was being substituted for Loop Road acquisition because the implementation priorities were focusing on transit. The City was continuing, however, to acquire right-of-way for the Loop Road. A specific percentage target being tied to construction of the redevelopment project was, however, being taken out of the redevelopment agreement.

Mr. Chimarusti reminded the Board that TRPA had previously made representations to the leaders of the Nevada Legislature regarding completion of the Loop Road in California. He was concerned there would be serious problems in Nevada if TRPA's position were to deviate significantly from support for the Loop Road concept. Delays in completion of the Loop Road on the California side were going to cause difficulties with the Nevada Legislature. TRPA needed to be prepared for that.

Ms. Scholley explained that the Park Avenue project would involve improvements to the Loop Road. It was going forward.

Mr. Cole asked if the motion included authorization with the reservation of rights or not. Would this need to be included if, in fact, the veto was essentially available anyway?

Chairman Upton explained that it was authorization as required. It was fairly clear from the discussion that the Board did not like the reservation of rights concept. It was unlikely that the City would accept it. The City and the League would have to agree so this could get done.

Mr. Chimarusti suggested that inclusion of the language should not make any difference. Because of the timing concerns, if the Board gave Ms. Scholley and Chairman Upton authority to sign an agreement with a reservation of rights, then they had that authority. The City still had its decision-making power as to whether it wanted to sign the agreement with or without the reservation of rights. At least Agency Counsel and the Chairman would be in a position of signing.

Mr. Chairman explained that the Board was not deciding whether there would be a reservation of rights. All the Board was doing was predetermining that, as far as TRPA was concerned, it had total flexibility.
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Ms. Nason, for the League to Save Lake Tahoe, explained the League had no desire to hold up either the hotel or the marina project. It would not hold these projects hostage to cleaning up the inner marina. The League intended to see the inner marina cleaned up, however that needed to happen. There were a variety of mechanisms available, one of which was Chapter 9 provisions of the Code. TRPA was the agency charged with protection of Lake Tahoe. Even if TRPA did not move forward, there were other remedies, i.e. citizen suits under the Clean Water Act, for example. The League did not intend to hold up the project; it did intend to get the marina cleaned up, however it needed to be done.

The motion carried unanimously.

Ms. Scholley advised that staff would bring a status report to the Board in March on how to proceed. If something could be scheduled for action, staff would do so. Otherwise, staff would provide a status report and explain how the process would proceed.

Chairman Upton thanked Mr. Hime for staying on the line during these California items. Mr. Hime hung up.

The meeting recessed for a lunch break from 1:05 p.m. until 2:20 p.m.

(Members present for the afternoon session: Sevison, Harper, Neft, Chimarusti, Miner, DeLanoy, Stewart, Cole, Upton)

X. PLANNING MATTERS


STPUD General Manager Bob Baer presented a computerized slide program updating the Board on improvements since March 1995, the District’s area of jurisdiction and facilities, realignment of portions of the A-line, modifications to the B-line, improvements to the collection system and pump stations. He also addressed preventive maintenance goals at various pump stations, sewer line improvements and mitigation measures, and enhancement projects designed to protect Lake Tahoe. Mr. Baer responded to Board member questions.

C. Workshop on the Environmental Improvement Program and a Demonstration of Erosion Control Needs Assessment

Senior Planner Carl Hasty used an overhead projector to describe the program designed to achieve environmental thresholds. Staff had identified public and private projects which would assist in accomplishing thresholds. At the Board’s direction, staff was utilizing interest from mitigation funds for water quality planning, and staff had been mapping into the Geographic Information System (GIS) problem areas in all Basin subdivisions. Work was underway to get groups of people or entities together to fund and implement the top 50 projects. The Basin mapping program allowed TRPA to visually integrate and show threshold needs regarding water quality, scenic
improvement, transportation, fisheries, and other factors. Mr. Hasty showed samples at different mapping scales identifying capital improvement needs and problems in portions of Douglas County and Washoe County. TRPA could now show visually what needed to happen, where improvements were needed. The focus was not confined to Plan Area Statement boundaries. This tool was the centerpiece for real-time monitoring and provided a mechanism to track completed projects. Staff would be making a formal proposal shortly to core agencies in the Basin to make TRPA’s GIS the regional GIS. It was expensive to operate each system separately, and combining efforts would be cost effective and more efficient. TRPA was working now on the potential for putting information on the internet.

Mr. Baetge pointed out that this program would serve as TRPA’s new 208 Water Quality Plan.

Ms. Neft suggested this information would be of great assistance to the local jurisdictions if they could access it on the internet.

Mr. Hasty explained that staff would be working on this over the next year.

Mr. Harper explained that Washoe County’s GIS system was ten years old; it cost $8 million and had an annual support budget of $250,000–$300,000. It was a neverending cost. The County was looking at the internet and researching the possibility of the GIS reading other data base systems. TRPA should look at this as an option instead of having the GIS be the only data system. It was a major cost, but the capability was tremendous and the information could be used in so many ways.

VIII. PUBLIC HEARING (continued)

C. Bicycle Master Plan for the Lake Tahoe Region

Associate Planner Bridget Mahern noted the plan was sent out in the packet materials. A year ago TRPA met with local planners to gather information on bicycle facilities throughout the Region. At that time TRPA committed to having some kind of bike facility around the Lake by the year 2000. This would be a combination of Class I, II, and II facilities. Many groups, including TTREC and TCORP, had been involved in this effort. Over the past year in working with Caltrans and NDOT in ways they could provide assistance, it was brought to TRPA’s attention that the projects needed to be identified in a bicycle master plan in order for the departments of transportation to consider them as part of a highway system. As an example, for Caltrans to consider a bike trail as part of its upcoming project along Highway 28 in the North Shore to the Stateline, it needed to be identified in an adopted bicycle master plan. The current plan was originally drafted in the summer of 1993 but was never officially adopted. The document was circulated extensively and comments received had been incorporated. It had been reviewed by Caltrans and NDOT. Ms. Mahern briefly highlighted the contents of the plan and distributed additional pages of changes to be incorporated into the plan. The APC reviewed the document and its recommended changes had been addressed. TRPA was relying in this plan on the environmental documentation completed for the 1992 RTP/AQ Plan. All facilities proposed in the plan either were identified in the Regional Transportation/Air Quality Plan or were referenced. Staff felt the environmental documentation for the RTP/AQP was sufficient for this
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plan. Each of the specific projects would be required to complete further appropriate environmental documentation. The document was a fluid one, and further changes would be made. Ms. Mahern responded to Board member questions on the importance of both class I and class II bike paths, the deletion of IVGID and substitution of Washoe County as the implementing agency for bike paths in Washoe County, cost of hard coverage purchase, and information provided by loaned Caltrans staff.

No one wished to speak during the public hearing. Chairman Upton closed the hearing.

MOTION by Ms. Neft to approve Resolution No. 96-6 adopting the Bicycle Master Plan for the Lake Tahoe Region as amended by the handout. The motion carried unanimously.

Chairman Upton recessed the TRPA Board meeting and convened the RTPA.

IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. Reprogramming of FY 1993-94 Section 18 Funds

Associate Planner Bridget Mahern explained that in 1994 the Board approved programming of an allocation of Section 18 funds to the Tahoe Transportation District (TTD) for the lake-lapper service. Since then, the start-up date for that service had been pushed back, and the request today was to reprogram those funds to be used for the South Shore trolley service. It would be to reimburse the Transportation Management Association (TMA) for operating dollars for the summer of 1995. The funds needed to be obligated right away. The Finance Committee recommended approval.

Mr. Seviston noted that the staff summary referred to both North and South Shore trolleys; the resolution referred only to South Shore trolleys. Ms. Mahern responded that the resolution was to cover both North and South Shore trolley service.

MOTION by Dr. Miner to adopt RTPA Resolution No. 96-1. The motion carried unanimously.

Chairman Upton adjourned the RTPA meeting and reconvened the TRPA meeting.

VIII. PUBLIC HEARING (continued)

D. Draft SIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

Associate Planner Coleen Shade advised that the comment period was discussed by the Governing Board's Shorezone Policy Committee meeting on February 27. Staff had received several requests to extend the comment period indefinitely. The Policy Committee felt that because of the partnership process there was no need to close the process at this time. At some time, however, there would be a need for closure so that staff could review the feedback and prepare the final document through the partnership process. The date decided on by the four Board members at the Policy Committee was June 1, 1996. The comment
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period was to have closed March 27 but would be extended to June 1. Staff had received 23 letters of comment at this point, which was not as good a response as desired. There were a lot of stakeholders who had not commented on the document.

Deputy Director Jerry Wells advised that there was direction given to staff on the June 1 extension by the Policy Committee. Staff would take that as sufficient authorization to extend the date.

Chairman Upton noted that by consensus the date would be extended.

Mr. Kornreich suggested that, if the Board was going to keep revising the deadline for comments, it should give notice to the public. This would only be fair to those who spent a lot of time late last year preparing comments for submittal.

Mr. John Vennard noted he had given his comments to Coleen Shade. He asked Ms. Schade whether, at this point in time, it was possible for TRPA to say when or even if new piers would be allowed in Crystal Bay.

Ms. Shade responded that the answer was "no." At this point in time, since the Agency was going through the consensus process, it had no idea of the outcome.

Mr. Upton noted there were preliminary views within the document but there was no answer yet.

Ms. Mary Gilanfarr, for the Tahoe Sierra Preservation Council, noted she would not be presenting lengthy comments at this time. The Council had not yet submitted comments in writing and was very upset at first reading of the document. The Council was trying to participate now in the consensus process and get its views aired in a positive way so that there would be positive results. She did not feel much was to be gained by tearing apart the document. Others had done that. It was not difficult to do so. The Council would like to contribute to a positive result rather than more mudslinging.

Since no one else wished to speak, Chairman Upton closed the public hearing.

X. PLANNING MATTERS

A. Finding Douglas County Has Demonstrated a Commitment to Assume Its Fair Share Responsibility to Provide Low and Very Low Income Housing

Senior Planner Kelly Berger presented the recommendation of the Local Government Committee that the finding be made that Douglas County had committed its fair share to provide low and very low income housing. Douglas County's draft master plan had a healthy section defining the housing element and a section on affordable housing. This set forth the base criteria and existing conditions report required for the finding. The report had been sent back to the consultant for some rewrite on a longer range affordable housing plan. The Committee recommended that this finding be in effect through December this year, the same recommendation made for the other jurisdictions.

Mr. Berger responded to Board member questions on the criteria to be met to
make the findings. TRPA has hired a consultant to work on an affordable housing needs assessment, the basis for the December revisit of the issue Basinwide.

MOTION by Mr. Severson to approve the recommendation of the Local Government Committee that the finding be made that Douglas County had made a commitment to assume its fair share responsibility for low and very low income housing. The motion carried unanimously.

B. Status Report on Home Mail Delivery

Mr. Cole commented that the Postal Service was not doing enough to encourage home mail delivery. It had backed off because of costs and was not doing the things it had originally indicated it would do. There was no question that the benefits were well documented, and it needed to be pursued. TRPA needed to do whatever was necessary to get home mail delivery in effect.

Associate Planner Bridget Mahern explained that a meeting had been scheduled for March 21 with officials from the U.S. Postal Service and a group on the North Shore to explore home mail delivery. There was no home mail delivery in Alpine Meadows, and the impacts were felt within the Tahoe Basin. The issues on the South Shore could be brought up at the same meeting. Home mail delivery was not available at all in Douglas and Placer Counties. In the South Shore it was available but the Postal Service had not pushed it.

Mr. Upton asked that the discussion be broadened and that the meeting be moved in the afternoon to the South Shore if possible to meet with a South Shore delegation. It was really a time and motion problem and a question of working with the individual property owners to locate the post and the mail box for installation. One option was to look at the lease status of the postal buildings to see if there was a way to tie implementation dates with the expiration of the leases. The station at the Y was to have closed 2-1/2 years ago.

Ms. Mahern advised that Nevada had passed a resolution urging implementation of home mail delivery in the Tahoe Basin. This was forwarded on to the Postal Service. The district manager for this area was located in Las Vegas. A letter of response from the Postal Service came back to TRPA indicating home mail delivery was too difficult in the Tahoe Basin.

Chairman Upton asked staff to return to the Board in April with an update.

Mr. Chimarusti suggested the Postal Service had to be hit in the pocket book. It was a budget issue. And maybe it would mean working through a Senator or Congressman to see what could be done to get this moving.

XI. ADMINISTRATIVE MATTERS

A. Report on MOUs Delegating Review and Approval to Local Jurisdictions - in the packet material

B. Report on MOUs Regarding Exempt Activities - in the packet material

D. Appointment of Board Member to Fill Vacancy on Rules Committee

Chairman Upton asked that new Board member Rex Hime be appointed to the Rules Committee.

MOTION by Dr. Miner to approve appointment of Rex Hime to the Rules Committee. The motion carried unanimously.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. FINANCE COMMITTEE REPORT

1. Receipt of January Financial Statement and Check Register

MOTION by Ms. Neft to receive the January financial statement and check register as recommended by the Finance Committee. The motion carried unanimously.

2. Funding of Deep Water Plant Study

Deputy Director Jerry Wells explained that the 1991 threshold evaluation recommended completion of a deep water plant investigation. It was a question of a water quality indicator connected to the amount of light reaching the bottom of the Lake. These plants grew at 100 to 105 feet. TRPA had an opportunity to use $3,000 from fines and forfeitures as seed money to work with a university back east to do the study.

Ms. Neft noted that the Finance Committee had recommended approval.

Mr. Sevison suggested contacting the Tahoe Conservancy to see if funds were available from its wildlife fund for this effort.

MOTION by Mr. Sevison to approve the $3,000 to be used as seed money for the deep water plant study. The motion carried unanimously.

C. Capital Financing Committee Report

Committee Chairman Cole advised that the final legislative packet was completed and would be delivered in Washington next week. It was short, sweet, and to the point. He encouraged all members to review it. The Committee also discussed the creation of a revolving loan fund to help facilitate projects that all agreed were projects that TRPA had previously approved or that fell within TRPA's realm of influence. The idea was to access funds through this revolving fund to facilitate them. It would require matching funds. Hopefully the legislative packet would help get some of the needed revenues. The $20 million bond issue was discussed by the Committee, and Mr. Wynn was putting his Mirage organization behind the effort to see that it got approved in Nevada.
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Mr. Stewart noted that in addition to Mirage getting behind the bond issue Mr. Wynn had questioned who else would get involved. There was a need to get the visual support so the public would vote for bond.

Mr. Cole agreed and stated there was especially a need for this in Northern Nevada. The League to Save Lake Tahoe had also agreed to participate and urge its members to vote in favor.

D. Rules Committee - no meeting

E. Shorezone Policy Committee Report - no meeting

Mr. Sevison advised that a discussion on Burasian milfoil would be brought to the Board in the next month.

XIII. REPORTS

A. Executive Director Monthly Status Report

Executive Director Jim Baetge announced that the Nevada Legislative Oversight meeting had been rescheduled for March 4 at the IVGID offices. Staff would attend and be prepared to make presentations and answer questions on the $20,000 bond, Highway 28 improvements, and capital improvements.

B. Legal Division Monthly Status Report


C. Governing Board Members

Dr. Miner asked that the Board members be given the staff telephone extensions. Easier public access to the voice mail system would be a user friendly step.

Mr. Baetge responded that staff would take a look at the system.

Mr. Upton noted that a meeting with California Assemblyman Kalooogian would be set up in the next month.

Mr. Sevison advised that his replacement on the Board in March would be Placer County Supervisor Rex Bloomfield.

XIV. ADJOURNMENT - The meeting adjourned at 3:50 p.m.

Respectfully submitted,

Julie D. Frame
Clerk to the Governing Board
This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, written materials submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: South Tahoe Area Ground Express (STAGE) Maintenance Facility Expansion

Application Type: Public Service Facility Expansion

Applicant: City of South Lake Tahoe

Applicant's Representative: Brad Vidro, City of South Lake Tahoe

Agency Planner: Vanessa Mongeon, Associate Planner

Location: 1663 Shop Street, City of South Lake Tahoe

Assessor’s Parcel Number/Project Number: 32-312-14/950642

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: This project involves the construction of additional maintenance facilities and expanded parking for the STAGE bus system. Currently, the STAGE Maintenance Facility is inadequate for the parking and maintenance of the 38 buses in operation, there are only parking spaces for 15 buses onsite. The Area Transit Management (ATM), which operates STAGE, currently leases another site to park the remaining buses. The project proposal includes an additional 3,005 square foot maintenance building with a maintenance bay and a wash bay, additional bus parking, additional employee parking, and a Best Management Practices (BMPs) plan. The proposed additional employee parking is to provide adequate parking for employees onsite, which does not currently exist.

Site Description: The project site is located in the City of South Lake Tahoe at 1663 Shop Street. The land capability for the project area is class 7 and the average natural slope is 1 - 4 percent. The project site, APN 32-312-14, will be included with the two adjacent parcels to the north, APNs 32-312-08 and 32-312-09, and will be considered one project area for land coverage purposes. The project area will be approximately 60,000 square feet. Currently, the project area has two existing maintenance buildings and paved areas for employee and bus parking on APNs 32-312-08 and 32-312-09. Access to the site is from Shop Street.

Issues: The proposed project involves a public service addition involving over 1,000 square feet of floor area and over 3,000 square feet of land coverage. Therefore, the project requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances.

/VM
03/11/96

CONSENT CALENDAR ITEM NO. 1
Staff Analysis:

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. **Plan Area Statement:** The project is located within Plan Area 113, Industrial Tract. The Land Use Classification is Commercial-Public Service and the Management Strategy is Redirection. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed STAGE Maintenance Facility expansion, which is a public service facility, is listed as an allowed use in this Plan Area.

C. **Building Height:** The allowable height for the maintenance building is 30’0”. The proposed height of the maintenance building is 28’9” which meets the requirements of Chapter 22 of the TRPA Code of Ordinances.

D. **Land Coverage:**

1. **Land Capability Districts:**

   The verified land capability district, for the 60,000 square foot project area, is Class 7.

2. **Allowable Land Coverage:**

   Class 7: 60,000 s.f. x 30% = 18,000 square feet

3. **Existing Land Coverage:**

   | Buildings          | 6,224 square feet |
   | Walkway/Paving     | 25,983 square feet|
   | **Total:**         | 32,207 square feet|

4. **Proposed Land Coverage:**

   | Buildings          | 9,229 square feet |
   | Walkway/Paving     | 37,327 square feet|
   | **Total:**         | 46,556 square feet|
5. **Excess Land Coverage:**

   Class 7  
   14,207 square feet

6. **Excess Land Coverage Mitigation:**

   The applicant will be required to mitigate the excess land coverage within the project area in accordance with Chapter 20.5 of the TRPA Code of Ordinances. The applicant will be required to transfer in 14,349 square feet of land coverage to implement the project. Transferred land coverage is not subject to the excess land coverage mitigation program.

**E. Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 20, and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. **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.**

   (a) **Land Use:** The proposed use is an allowed use in the applicable plan area statement. The applicant will be required to apply both temporary and permanent Best Management Practices (BMPs) to the entire project area.

   (b) **Transportation:** No additional vehicle trips will be created as a result of the project. Currently, during peak times, the STAGE Maintenance Facility has approximately 30 employees, 22 of which are drivers, which generates 104 daily vehicle trips. This number of vehicle trips will remain the same with the expanded maintenance facility. In addition, there are 10 vehicle trips per week attributed to the shuttling of buses to and from a leased site, which provides additional parking for the STAGE bus fleet. The expanded onsite bus parking will eliminate those 10 vehicle trips per week. The current number of employees employed by STAGE will remain the same, the additional employee parking is to provide adequate onsite parking for the current conditions.

   (c) **Conservation:** There are no sensitive plants or species of interest within the project area. The STAGE Maintenance Facility Expansion will not be visible from any Scenic Roadway or Shoreline Unit.
(d) **Recreation:** The project does not involve any recreation facilities or uses.

(e) **Public Service and Facilities:** This project has been added to the TRPA Five-Year Public Service Facilities List.

(f) **Implementation:** This project does not require any allocations of development.

2. **The project will not cause the environmental threshold carrying capacities to be exceeded.**

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

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

(Refer to paragraph 2, above.)

4. **The project is on the list of additional public service facilities if required pursuant to Section 33.5.**


5. **There is no feasible alternative that would reduce land coverage.**

The existing land coverage is the minimum necessary to provide adequate maintenance facilities and parking for the STAGE Bus System. The additional coverage is being created by a 3,005 square foot maintenance building, expanded bus parking, and expanded employee parking. The project has been designed to minimize land coverage by including a one-way circulation pattern and utilizing planters throughout the project area.

6. **If, the project, because of its unusual configuration or service requirement, requires special consideration.**
The additional maintenance building, bus parking, and employee parking will provide the necessary maintenance area to service the STAGE bus fleet. This is the only maintenance and storage yard for the STAGE bus system.

7. **The facility serves the needs of persons other than those who are, or will be, residents of the land in question.**

This facility is owned by the City of South Lake Tahoe and serves the residents of the South Lake Tahoe Area.

8. **When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.**

The proposed project is not visible from Lake Tahoe or major arterials, scenic turnouts or public recreation areas. The proposed project will not extend above the forest canopy or ridgeline.

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**P. Required Actions:** Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record:

I. **A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.**

II. **A motion to approve the project, based on the staff summary, subject to the following conditions:**

1. The Standard Conditions of Approval listed in Attachment Q.

2. Prior to commencement of construction the following special conditions of approval must be satisfied:

   (a) **The site plan shall be revised to include:**

      (i) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."
(ii) Temporary erosion control structures located downslope of the proposed construction area.

(iii) Vegetation protective fencing around the entire construction site.

(b) The security required under Standard Condition 1.2 of Attachment Q shall be determined upon the applicant's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.

(c) The permittee shall mitigate excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area 5, Upper Truckee.

(d) Applicant shall transfer 14,349 square feet of coverage to this parcel. All transferred coverage shall be from land capability class 1 through 7 or any IPES score lot; and be located within Hydrologic Area 5, Upper Truckee (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure).

(e) The permittee shall provide engineered calculations demonstrating that the proposed water runoff infiltration systems for the project area are adequate for a 20 year, 1 hour storm. All storm water runoff from paved areas shall be pre-treated for sand and grease removal prior to discharge into an infiltration system. Details of the infiltration systems shall be included on the submitted plans.

(f) The permittee shall record a TRPA-approved deed restriction stating that Assessor's Parcel Numbers 32-312-08, 32-312-09, and 32-312-14 shall be considered one project area for land coverage purposes or the permittee shall consolidate the parcels into one legal lot of record pursuant to applicable city subdivision ordinances and state subdivision laws.

(g) The applicant shall submit five (5) sets of final construction drawings and site plans to TRPA.
(h) The permittee shall provide a permanent maintenance schedule for the BMPs within the project area.

(i) The permittee shall demonstrate that the project meets, but does not exceed, the minimum necessary parking requirements as outlined by the City of South Lake Tahoe Standards and Guidelines for parking.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Vickers Residential Garage Addition

Application Type: Residential, Single Family Dwelling Addition, Special Use Determination

Applicant: Fred H. Vickers

Applicant’s Representative: Gary Taylor

Agency Planner: Vanessa Mongeon, Associate Planner

Location: 449 Gonowabie Road, Crystal Bay, Nevada

Assessor’s Parcel Number/Project Number: 123-146-07/950434

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing the addition of a detached two-car garage which will provide two onsite parking spaces. Currently, there is inadequate onsite parking for two vehicles. The applicant will be required to transfer land coverage onto the site to build the garage. The parcel is located in Plan Area Statement 34 (Crystal Bay) and the area is identified as a potential avalanche zone. The applicant has submitted a report to TRPA, prepared by a qualified avalanche specialist, Larry Heywood, which concludes that, "it is unlikely that the property has been or will be overrun by snow avalanches." The conclusions of this report are attached as Exhibit A. As a condition of approval, TRPA is requiring that the applicants record a deed restriction holding TRPA harmless and indemnifying TRPA in the event of avalanche damage to the property. Excavation for the proposed garage addition will be in excess of 5 feet and a Soils/Hydrologic Report application has been submitted and approved by TRPA staff. The conclusions from this approval are included in the project conditions of approval.

Site Description: The parcel has an average slope of 28 percent and is situated in a residential neighborhood which is within Scenic Shoreline Unit #23. The parcel is located on the lower portion of Gonowabie Road and parking and access are from Gonowabie Road. The existing development consists of a two-story single family dwelling and an existing parking area which is half onsite and half in the right-of-way of Gonowabie Road. The parcel has 1,746 square feet of existing coverage and the allowable coverage is 75 square feet; therefore, the parcel is in excess of the allowable land coverage. However, pursuant to TRPA Code of Ordinances, Section 20.3.B(7), the applicant may transfer in coverage for public safety reasons.

/VM
03/12/96

CONSENT CALENDAR ITEM NO. 2

13
Vickers Residential Garage Addition
Page 2

Issues: The proposed project involves an expansion of a single family dwelling in a potential avalanche zone and is identified as a special use, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. **Scenic Impact:** The project will be visible from the waters of Lake Tahoe (Scenic Shoreline Unit 23). Both the scenic quality ratings are in attainment, however, the ratings did drop when last reviewed in 1991. This project is not expected to contribute to a decline in the scenic quality ratings. The project, as conditioned, will include dark colors and materials which blend into the natural background.

2. **Land Coverage Transfer:** The existing site is non-conforming to land coverage standards. The proposed project is only possible through the transfer of 390 square feet of additional land coverage to the project area. Chapter 20 of the TRPA Code of Ordinances provides for a transfer of coverage for compliance with public safety laws. The existing parking provided for the single family dwelling does not meet minimum TRPA parking standards (two onsite parking spaces). In addition, Washoe County has issued a letter stating that "This request was made on the premise that Gonzowable is a very narrow roadway; that only one off-street parking space is available onsite; that your cars must be parked on the edge of the narrow roadway impeding Washoe County snow removal maintenance and creating a hazard during winter months." The proposed transfer of coverage is the minimum necessary to provide access as required by local ordinances.

Staff Analysis:

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. **Plan Area Statement:** The project is located within Plan Area 34 (Crystal Bay). The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (single family dwelling) is listed as a special use.
C. **Land Coverage:**

1. **Land Capability District:**
   The land capability district of the project area is class la. The total project area is 7,529 square feet.

2. **Existing Coverage:**
   Total: 1,746 square feet

3. **Proposed Coverage:**
   Total: 2,136 square feet

4. **Allowed Coverage:**
   Class la Area: 75 square feet

5. **Coverage Mitigation:**
   Based on the above coverage figures, the existing project area contains 1,671 square feet of excess land coverage. In order to mitigate the existing excess land coverage, the applicant shall be required to pay a mitigation fee, or reduce existing land coverage offsite. The transfer of 390 square feet of land coverage to the site for public safety purposes is not subject to the excess coverage mitigation fee.

D. **Building Height:** Based on a 28 percent cross-slope retained across the building site, and a 6:12 roof pitch, the maximum allowed height for the proposed building is 37 feet 2 inches. The proposed building has a maximum building height of 22 feet.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6 and 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. 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.
   (a) **Land Use:** The applicant will be required to apply both temporary and permanent Best Management Practices (BMPs) to the entire project area. The proposed addition is a special use in the Plan Area Statement.
(b) Transportation: There is no evidence that the project will adversely affect implementation of the Transportation Element of the Regional Plan.

(c) Conservation: The project is visible from State Highway 28, which is in scenic attainment. The project is not expected to have a negative impact to the visual rating, as conditioned. There are no known cultural resources, special interest species, or sensitive or uncommon plants within the project area. The project will require a transfer of land coverage to provide two off-street parking spaces.

(d) Recreation: This project does not involve any recreation facilities or uses.

(e) Public Service and Facilities: The project does not require any additions to existing public services or facilities.

(f) Implementation: This project does not require any allocations of development.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

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

(Refer to paragraph 2, above.)

4. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The addition of a two-car garage to the property will not increase density and is not considered an intensification of use. Several single family dwellings in the neighborhood have two-car garages.
5. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The applicant will be required to apply temporary and permanent BMPs to the project area to protect the applicant's property and the neighboring properties. This project, by providing two onsite parking spaces, is expected to help reduce the identified hazards of Washoe County snow removal operations on Gonowable Road.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The project is providing an accessory use to the primary use of the single family dwelling. Other single family dwellings in the Plan Area Statement have garages. The project is not located within a community plan, or specific or master plan.

F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record:

I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

II. A motion to approve the project, based on the staff summary, subject to the following conditions:

1. The Standard Conditions of Approval listed in Attachment R.

2. Prior to commencement of construction the following special conditions of approval must be satisfied:

   (a) The site plan shall be revised to include:

      (1) Existing land coverage:

      Residence 1,063 square feet
      Paving 209 square feet
      Decks/Paths 474 square feet
      Total 1,746 square feet
(ii) Proposed land coverage:

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<tr>
<td>Residence</td>
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(iii) Excess land coverage shall indicate 1,671 square feet.

(iv) The notation referencing the propane tank, which states, "remove and relocate coverage" shall be removed from the site plan.

(v) Temporary erosion control structures located downslope of the proposed construction area.

(vi) Vegetation protective fencing around the entire construction site.

(b) The security required under Standard Condition A.3 of Attachment R shall be $1,500. Please see Attachment J, Security Procedures.

(c) The permittee shall mitigate excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Area 9, Agate Bay.

(d) Applicant shall transfer 390 square feet of coverage to this parcel. All transferred coverage shall be from land capability district 1a and within Hydrologic Area 9, Agate Bay. (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)

(e) The final construction drawings shall have notes indicating conformance to the following design standards for color and roofs:

(1) **Color:** The color of this structure shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber, and sand.
(2) **Roof:*** Roofs shall be composed of nonglare earthenode or woodtone materials that minimize reflectivity.

The final colors and materials shall be submitted to TRPA for review and approval. The colors and materials shall match the existing single family dwelling.

(f) The applicant shall submit three (3) sets of final construction drawings and site plans to TRPA.

(h) The permittee shall record a TRPA approved deed restriction which holds TRPA harmless and indemnifies TRPA in the event of an avalanche destroying property on this parcel.

(3) The applicant shall arrange an onsite meeting with a member of the TRPA Ground Water Technical Advisory Committee (GWTAC) to observe the deepest point of the foundation excavation. Should evidence of ground water be observed, then the applicant shall be required to revise the addition so the foundation will not inhibit ground water flows, or convert subsurface flows to surface flows.

(4) The permittee shall record a TRPA approved deed restriction which holds TRPA harmless and indemnifies TRPA in the event of an avalanche destroying property on this parcel.

(5) No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.

(6) Excavation equipment shall be limited to the foundation footprint to minimize site disturbance.
EXHIBIT "A"

Gary Taylor
P.O. 1715
Crystal Bay, NV 89402

June 28, 1995

Re. Avalanche Hazard Evaluation
Residence 449 Gonowbaie Rd
Crystal Bay, Nevada

INTRODUCTION

This letter discusses the results of the avalanche hazard evaluation I performed for the residence located at 449 Gonowbaie Rd, Crystal Bay, Nevada; APN 123-146-07. The study methods included terrain analysis, vegetation analysis, aerial photo interpretation and local climate effects.

TERRAIN ANALYSIS

The results of the terrain analysis indicates the site is located on the east side of a north-south trending ridge at an elevation of 6500 ft. The north-south ridge is situated perpendicular to the prevailing winter storm. This can produce heavy snow deposition on the lee (east) side slopes.

The area above the study site is characterized by a gentle hillside with moderate to dense forest cover. Slope angle measurements average 18 degrees to the top of the ridge at 7000 ft. elevation. The steepest slope angle measured above the highway was 25 degrees. This was a short pitch located near the top of the ridge in dense forest cover.

Snow slab avalanches originate on a wide variety of terrain. The main requirement is steepness. Dangerous slab avalanches are most likely to start on slopes in the 30 to 45 degree range. For slopes of less than 30 degrees, shear stress on the bed surface is not enough to cause shear failure and avalanching.

VEGETATION ANALYSIS

The effects of avalanches on forest depends on the geomorphic situation, size of avalanche, type of snow and other factors. During an avalanche large enough to damage established trees damage is caused not only by the impact by the snow, but also by included debris such as broken trees and rock from higher up the slope. Damage may extend from starting zone to runout area. Smaller avalanches may merely tilt or break small trees and lateral branches along a trimline up to several feet above the ground level.
The plant species and size present on a site indicate the frequency of avalanching. Paths which avalanche frequently have few or no large trees and these are badly damaged. Some large avalanches occur infrequently, but devastatingly, on slopes which, prior to the slide, were covered in fir and pine forest. There can be evidence of former avalanches, however, in the form of damaged or fallen trees or stands of forest younger than the mode for the area.

The vegetation analysis of the study site, as well as, the hillside above it to the top of the ridge showed no evidence of physical damage from snow avalanches.

**AIR PHOTO ANALYSIS**

United States Forest Service aerial photos dated 1939, 1951, and 1983 were used analysis the effects of snow avalanches on the study site. These photos are available in stereo pairs. This allows the user to identify in considerable detail changes to locations studied. Specific trees can be identified and changes to the landscape between photos can also be seen.

For the purpose of this study the photos were used to identify changes in vegetation due to avalanche events. Although the photos show changes to the area due to logging and human interference, there is no evidence from the photos suggesting snow avalanches have effected the study site.

**CONCLUSIONS AND RECOMMENDATIONS**

The results of the avalanche hazard evaluation, based of terrain analysis, vegetation analysis, and aerial photo analysis, indicate it is unlikely the study site APN 123-146-07 has been, or will be, overrun by snow avalanches. This study is based on reasonably foreseeable snow and weather conditions.

I trust this provides the information you need at the time; however, if you have any questions, please contact me.

Yours very truly,

Larry Heywood
Avalanche Specialist
P.O.Box 222
Homewood, Ca. 96141
(916) 525-7571

21
Project Name: Meyers Station

Application Type: New Commercial Buildings & Commercial Rebuild

Applicant: Carl Fair

Applicant's Representative: Sue Rae Irelan

Agency Planner: Kathy Canfield, Associate Planner

Location: 1341 Highway 50, Meyers, El Dorado County

Assessor's Parcel Numbers (APN)/Project Number: APN 34-331-16 & 17/950779

Staff Recommendation: Staff recommends approval of the proposed project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing to construct two new commercial buildings within the Meyers Community Plan, West Meyers District. The project includes modifying an existing commercial building (Building C), constructing a new one-story 3,264 square foot office building (Building B), and constructing a new two-story, 3,575 square foot commercial building (Building A). The applicant anticipates Building A to be a real estate office, Building B to contain a government office and Building C to be retail and a deli. The project area also includes an enclosed garage and a 30-space parking lot.

Site Description: The site is located between Navahoe Drive and Apache Drive along Highway 50 in Meyers. The site contains an existing commercial building and associated dirt parking. The commercial building is currently vacant. The site is relatively flat and contains several mountain juniper trees which will be preserved as required by the Meyers Community Plan.

Issues: The proposed project involves an allocation of commercial floor area and a transfer of commercial floor areas, which therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project related issues are:

1. Commercial Floor Area: This project proposes the addition of 7,358 square feet of commercial floor area. El Dorado County has recommended that this project receive 2,000 square feet of commercial floor area for each of the two parcels within the project area (a total of 4,000 square feet of commercial floor area). The project area contains 1,271 square feet of commercial floor area and the applicant proposes to transfer the remaining needed commercial floor area (3,358 square feet) to the site.

/kc 3/15/96
The commercial floor area allocation and transfer are consistent with the Meyers Community Plan.

2. **Traffic/Air Quality:** The applicant has submitted a traffic analysis to evaluate the potential traffic and air quality impacts of the project as required by Chapter 93 of the TRPA Code of Ordinances. The traffic analysis will be made available at the Governing Board hearing and at TRPA. The analysis reaches the following conclusions:

* **Vehicle Trip Generation:** This project could result in 938 additional daily vehicle trip ends (dvte) which is defined by the TRPA Code of Ordinances as a significant increase. This trip rate assumes a "worse-case" scenario using a convenience market rate for all proposed retail space (Building C).

* **Ingress/Egress:** The applicant has proposed a single driveway for access to the project area, consistent with the guidelines of the Meyers Community Plan. The driveway consists of a one-way entrance and a two-way exit with a planting median separating the directions. The applicant has provided evidence that the proposed driveway width is consistent with Caltrans requirements in accordance with Subsection 24.2.C(4) of the TRPA Code of Ordinances.

* **Parking:** The project area proposes 33 parking spaces including three spaces located within the proposed garage. The Meyers Community Plan does not address the number of parking spaces required for projects. The interim TRPA parking standards provide that the local jurisdiction parking standards apply to the project. As a condition of project approval, the applicant will be required to demonstrate that the proposed parking meets El Dorado County requirements.

* **Vehicle Miles Travelled (VMT):** The project proposes an increase of 6,988 VMT based on 938 additional dvte. This increase represents a total of 0.36% of the total estimated 1,957,635 VMT for the Lake Tahoe Basin.

* **Level of Service (LOS):** The LOS was analyzed utilizing existing plus project peak-hour volumes. The intersections analyzed were U.S. Highway 50 and North Upper Truckee Road, Hopi Avenue, State Route 89 and Pioneer Trail. The LOS for all roadway intersection evaluated remained unchanged.

* **Mitigation Measures:** The applicant shall be required to mitigate all additional dvte. In lieu of all or a portion of the mitigation fee, the applicant has the option of providing transportation and circulation improvements identified in the Meyers Community Plan in an equal or greater amount of the required mitigation fee. TRPA
approval of such alternative mitigation must be demonstrated prior to final acknowledgement of the TRPA permit. The applicant has also proposed to restripe the highway adjacent to the project to a two-way left-turn lane if Caltrans approval can be obtained.

3. **Scenic:** The project is visible from Scenic Roadway Unit 36 which is not in attainment. The project proposes to include architectural features, building colors and material and landscaping consistent with the Meyers Community Plan. The applicant has proposed wood and stone siding, shingle roof, natural logs for rails and posts and earthen tones for trim. The buildings include porches, roof pitches greater than 6:12, natural building materials and earthen tones colors. By incorporating these items, the applicant is addressing the concerns outlined in the TRPA Scenic Quality Improvement Program and is meeting the requirements of the Meyers Community Plan.

**Staff Analysis:**

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. **Community Plan:** The project is located within the Meyers Community Plan, West Meyers District. The Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. Agency staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed uses (eating and drinking places, general merchandise stores professional offices, and government offices) are allowed uses for the West Meyers District.

C. **Land Coverage:**

1. **Land Capability District:**

   The verified land capability district for the project area is class 5 which allows 25% land coverage.

2. **Allowable Land Coverage:**

   Base Allowable: 50,000 square feet x 25% = 12,500 square feet
   Maximum permitted by Community Plan regulations: 25,000 square feet
3. **Existing Onsite Land Coverage:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>1,221 square feet</td>
</tr>
<tr>
<td>Deck/Steps</td>
<td>300 square feet</td>
</tr>
<tr>
<td>Transformer Pad</td>
<td>20 square feet</td>
</tr>
<tr>
<td>Dirt Driveway/Parking</td>
<td>2,638 square feet</td>
</tr>
<tr>
<td><strong>Total Onsite</strong></td>
<td>4,179 square feet</td>
</tr>
</tbody>
</table>

4. **Proposed Onsite Land Coverage:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building A:</strong></td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>3,171 square feet</td>
</tr>
<tr>
<td>Porch</td>
<td>1,132 square feet</td>
</tr>
<tr>
<td>Ramp</td>
<td>84 square feet</td>
</tr>
<tr>
<td><strong>Building B:</strong></td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>3,264 square feet</td>
</tr>
<tr>
<td>Porch</td>
<td>288 square feet</td>
</tr>
<tr>
<td>Ramp</td>
<td>322 square feet</td>
</tr>
<tr>
<td><strong>Building C:</strong></td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>1,790 square feet</td>
</tr>
<tr>
<td>Porches/Steps</td>
<td>300 square feet</td>
</tr>
<tr>
<td>Ramp</td>
<td>172 square feet</td>
</tr>
<tr>
<td>Walks</td>
<td>124 square feet</td>
</tr>
<tr>
<td>Trash Enclosure</td>
<td>100 square feet</td>
</tr>
<tr>
<td>A/C Parking</td>
<td>13,214 square feet</td>
</tr>
<tr>
<td>Bike Rack</td>
<td>36 square feet</td>
</tr>
<tr>
<td><strong>Total Proposed</strong></td>
<td>23,997 square feet</td>
</tr>
</tbody>
</table>

5. **Land Coverage Mitigation:**

The applicant will be required to mitigate the proposed land coverage up to the allowable coverage for the project area (12,500 square feet). Section 20.3.B(2) of the TRPA Code of Ordinances allows commercial facilities within adopted community plans to transfer land coverage up to 50% of the project area. The applicant has proposed to use this provision. The transferred land coverage is not required to be mitigated. Separate TRPA review and approval of the land coverage transfer(s) is required.

D. **Building Height:**

<table>
<thead>
<tr>
<th>Building A:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cross Slope</td>
<td>1%</td>
</tr>
<tr>
<td>Roof Pitch</td>
<td>9:12</td>
</tr>
<tr>
<td>Allowable Height</td>
<td>35'0&quot;</td>
</tr>
<tr>
<td>Proposed Height</td>
<td>29'9&quot;</td>
</tr>
<tr>
<td>Building</td>
<td>Cross Slope</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Building B</td>
<td>1%</td>
</tr>
<tr>
<td>Building C</td>
<td>1%</td>
</tr>
<tr>
<td>Garage</td>
<td>1%</td>
</tr>
</tbody>
</table>

**E. Required Findings:** The following is a list of the required findings as set forth in Chapters 5, 20 and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. **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.**
   
   a. **Land Use:** The proposed uses for the project area are allowable uses for the West Meyers District of the Meyers Community Plan. Surrounding land uses include residential and vacant land to the south, Meyers Visitor Center and vacant land to the west, commercial and public service to the east and vacant land to the north.
   
   b. **Transportation:** The project will generate a "worse-case" 938 additional daily vehicle trip ends (dvte). The applicant will be required to mitigate all additional dvte created by the project.
   
   c. **Conservation:** The project area is visible from Scenic Roadway Unit 36 which is not in attainment. The applicant has proposed design standards and guidelines outlined in the Meyers Community Plan. These standards and guidelines are consistent with the Scenic Quality Improvement Program. There are no known special interest species, sensitive or uncommon plants or cultural resources within the project area. The site contains several Western Juniper trees which the Community Plan identifies as significant and the applicant has proposed to preserve.
d. **Recreation:** An existing bicycle path is located in the Caltrans right-of-way. This project does not propose any modifications to the bicycle path, other than safety signs, or any other recreation uses or facilities.

e. **Public Service and Facilities:** This project does not require any additions to public services or facilities. Prior to acknowledgement of the permit, the applicant will be required to demonstrate that basic services are available to the project area.

f. **Implementation:** Pursuant to Section 33.3.C of the TRPA Code of Ordinances, El Dorado County has recommended that an allocation of 4,000 square feet of commercial floor area (2,000 for each parcel) be issued to the project. The remaining amount of needed commercial floor area will be transferred to the site as a required match to the allocations.

2. **The project will not cause the environmental threshold carrying capacities to be exceeded.**

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

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

(Refer to paragraph 2, above.)

4. **The relocation is to an equal or superior portion of the parcel or project area.**

All relocated land coverage is within land capability district 5.

5. **The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.**

The applicant has submitted a landscape plan demonstrating areas of removed land coverage will be revegetated.
6. The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3, from any higher numbered land capability district.

All land coverage to be relocated is within land capability class 5.

7. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The applicant has submitted photographs of the project area. The photographs demonstrate that the proposed buildings will not extend above the forest canopy or block a ridgeline.

F. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record.

I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental impact.

II. A motion to approve the project, based on the staff summary subject to the following conditions:

A. This project permits the construction of two new commercial buildings, a modification to an existing commercial building and construction of associated parking areas.

B. The Standard Conditions of Approval listed in Attachment Q.

C. Prior to TRPA acknowledgement of the permit, the following special conditions of approval must be satisfied:

1. The site plan shall be revised to include:

   a. The following revised land coverage calculations:

   Proposed Onsite Land Coverage:

   Building A:
   Building: 3,171 square feet
   Porch: 1,132 square feet
   Ramp: 84 square feet

   Building B:
   Building: 3,264 square feet
   Porch: 288 square feet
   Ramp: 322 square feet
Building C:

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<td><strong>23,997 square feet</strong></td>
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</table>

b. Existing offsite land coverage.

c. Proposed offsite land coverage.

d. Location of bicycle rack and access. The bicycle rack shall have access that is not through a landscaped area. Please note that any modifications may affect land coverage and the land coverage calculations shall be adjusted accordingly.

e. Location of all exterior building and parking area lighting. All exterior lighting shall be in conformance with Section B.4 of the Meyers Community Plan Design Guidelines.

f. A notation shall be added to the trash enclosure that the trash facility will be "bear-proof" as noted in Section B.2.1 of the Meyers Community Plan Design Guidelines.

g. Parking barriers adjacent to the rear parking area maneuvering area adjacent Building B.

h. Location of snow storage areas.

i. A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices."

j. A detail of the proposed flag pole as shown on the landscape plan. The height shall conform to Chapter 22 of the TRPA Code of Ordinances. The pole shall be painted a dark, non-reflective color and any proposed lighting shall be directed downward.

2. A water quality mitigation fee of $10,401.25 shall be paid to TRPA. This fee is based on the creation of
8,321 square feet of additional base allowable land coverage.

3. The permittee shall submit a $18,760 air quality mitigation fee. This fee is based on the generation of 938 additional daily vehicle trip ends. In lieu of all or a portion of the mitigation fee, the applicant may provide transportation and circulation improvements identified in the Meyers Community Plan in an equal or greater amount of the required mitigation fee. TRPA approval of such alternative mitigation must be demonstrated prior to final acknowledgement commercial permit.

4. The security required under Standard Condition I.2 of Attachment Q shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, enclosed with permit.

5. The permittee shall pay an offsite coverage mitigation fee assessed at $5.00 per square foot for the creation of all impervious coverage in the public right-of-way.

6. The permittee shall transfer 11,497 square feet of land coverage to the project area. All transferred land coverage shall be from land capability districts 1 through 5 or any IPES parcel, be located within Hydrologic Area 5, and be existing hard land coverage. All land coverage transfers shall require separate TRPA review and approval. (Please note that all land coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)

7. The permittee shall transfer 3,358 square feet of commercial floor area to the project area. All transfers shall require separate TRPA review and approval.

8. The permittee shall provide evidence from Caltrans and El Dorado County Department of Transportation that they support the additional parking area runoff infiltration in the right-of-way.

9. The permittee shall provide a cooperative maintenance agreement between Caltrans, El Dorado County Department of Transportation and the permittee for the drainage basin located in the right-of-way adjacent to the project area. TRPA review and approval of the agreement is required prior to acknowledgement of the permit.
10. The permittee shall provide evidence from El Dorado County that the proposed parking meets the local jurisdiction requirements.

11. The permittee shall submit a boundary line adjustment application for the incorporation of the U.S. Highway 50 non-operational right-of-way into the project area. TRPA approval of the boundary line adjustment is required prior to acknowledgement of the permit.

12. The permittee shall provide a detailed construction protection plan for the existing Western Juniper tree adjacent to Building A. The plan shall include proposed foundation excavation and potential root system interference of the tree.

13. The permittee shall record a deed restriction permanently consolidating the two affected parcels to one project area. TRPA approval as to form of the deed restriction is required prior to recordation. Evidence of recordation is required prior to acknowledgement of the permit.

14. The permittee shall provide evidence that all basic services are available for the project area.

15. The permittee shall indicate natural grade and finished floor elevations on the final construction drawings relative to the contours shown on the site plan.

16. The permittee shall provide color and material samples for the proposed buildings for TRPA review and approval.

17. The fully enclosed garage as proposed requires commercial floor area. The permittee shall revise the design of the garage to prohibit the enclosure of a structure. If redesign is not desired, the applicant shall transfer commercial floor area in the amount of the gross square footage of the garage area to the site.

18. The submitted landscape plan shall be revised to include:

a. Extend landscaping along the Highway 50 frontage in front of Buildings A and C and along the north property line adjacent to Building C.

b. The incorporation of native tree species including aspen, cottonwood, and other large deciduous trees in accordance with the Meyers Community Plan. The use
of these trees will aid in the goal to provide a
common landscape theme along the Highway 50 frontage.

c. Removal of the notation that the sign planter will be
three feet high. The sign planter detail is
different from sign plan which states a two-foot high
planter is proposed.

19. The permittee shall provide a temporary and permanent
irrigation plan for the project area. Temporary
irrigation shall be provided until landscaping has become
established. Permanent irrigation shall be provide for
all deciduous plants.

20. The permittee shall provide direction and safety signage
for the ingress/egress driveways and bike path. Direction
arrows shall painted on the driveways and stop lines shall
be painted on the bike path.

21. The permittee shall provide a detailed grading and
revegetation plan for the infiltration basin adjacent to
Highway 50. The revegetation shall be consistent with the
plantings completed for the Pat Lowe Bicycle Trail
project.

22. The sign plan shall be revised to include:

a. Material of freestanding sign face. The sign shall
be metal, concrete, wood, or sign foam in accordance
with the Meyers Community Plan. Reflective surfaces
are not permitted.

b. Maximum sign area for the freestanding sign not to
exceed 30 square feet for the sign located 5 feet
from the property line as indicated on the site plan.
Scaled, dimensioned sign area calculations shall be
provided. The proposed freestanding sign exceeds the
allowable 30 square feet of area.

c. The proposed angle of the freestanding sign faces to
each other.

d. Height shall be calculated in accordance with the
Chapter 2 of the Code of Ordinances definition of
sign height for a freestanding sign. Height is
measured from the curb grade of the street to the
highest point of the sign structure. A freestanding
sign located 5 feet from the property line with a
planter is permitted 8 feet in height. The elevation of the curb grade shall be provided.

e. Removal of proposed floodlights located within the planter. All sign lighting must be directed downward.

f. Reduction of height for the building sign for Building A. The Meyers Community Plan sign standards allow for a height of 20 feet or a height equal to the height of the second floor windows, whichever is less. To take advantage of this provision, the permittee must also demonstrate that the proposed sign is painted, or appears to be painted, directly on to the building.

g. Removal of building sign from either the north or west elevation for Building A. Building signs are only permitted on building faces with building frontage. Building frontage is defined in Chapter 2 of the TRPA Code of Ordinances as the two-dimensional surface that contains an entrance open to the public. The west elevation of Building A does not meet this requirement. Section 26.10.E of the Code does allow for transfer of building sign area, however, all sign area must be transferred, two signs are not permitted.

h. The notation for Building B building sign area shall be revised to reflect the area stated on the elevation drawings.

i. Scaled height of the building sign for Building B. The sign height shall not exceed 15 feet.

j. Elevation drawings for Building C and sign plan are inconsistent in sign area. All plans need to be consistent.

k. Building C west elevation sign shall not exceed 15 feet in height. Scaled height shall be shown on the final drawings.

l. Demonstration that Building C north elevations signs will be painted directly on the building, or will have the appearance of being painted directly on the building.
m. Proposed sign lighting for all proposed building
   signs. All lighting shall be directed downward.

23. The permittee shall indicate the type of TRPA approved
    woodstove, fireplace insert, or zero clearance fireplace
    to be installed in Building A.

24. The permittee shall provide a restriping plan for the
    U.S. Highway 50 turn lanes in accordance with Caltrans
    approval.

25. The permittee shall submit five sets of final construction
    drawings and site plans to TRPA.

D. All proposed porches and decks are not considered commercial
   floor area by TRPA. No display, dining or other commercial
   activities shall be permitted in these areas.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Cave Rock/Skyland Water Treatment Facility

Application Type: Public Service, Special Use Determination

Applicant: Douglas County

Applicant's Representative: Roger Gilmore, Gilmore Engineering

Agency Planner: Jim Lawrence, Associate Planner

Location: 1309 U.S. Highway 50, Douglas County

Assessor's Parcel Number: 03-141-01

Staff Recommendation: Staff recommends approval of the project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing to construct a 2,340 square foot water treatment facility to serve the Cave Rock and Skyland water districts. The proposed height of the building is approximately 20 feet 6 inches. The purpose of the facility is to bring water treatment into conformance with the Safe Drinking Water Act regulations for surface water purveyors. Previously, Cave Rock and Skyland had separate water treatment facilities. The proposed project will result in one water treatment facility for both districts.

Site Description: The proposed water treatment facility will be located at the corner of U.S. Highway 50 and Cave Rock Drive, which is approximately 1/2 mile south of the Cave Rock tunnel. Adjacent land use to the south is commercial and residential development is to the east and west.

Presently, the parcel is vacant, level and consists of little vegetation. The previous use on the parcel consisted of a gas station and convenience store (former "Cave Rock Manny's site"). The buildings were removed from the site in the late 1980's and the underground gas tanks were removed in 1990. As a consequence, there is presently 5,000 square feet of banked land coverage associated with the parcel.

Issues: The proposed project involves a special use, an addition of over 1,000 square feet of public service floor area and over 3,000 square feet of land coverage, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

/JL
3/13/96
1. **Scenic Quality:**

The proposed project is visible from Scenic Roadway Unit 30 and Scenic Shoreline Unit 27. The roadway unit is in attainment with TRPA scenic quality thresholds, however, the shoreline unit is not in attainment. Staff has determined that the project, as conditioned, is consistent with the scenic quality threshold. The proposed building is designed to be compatible with the adjacent residential and commercial structures. The project will also involve landscaping, screening and painting of an existing white retaining wall, removal of a block wall, and partial restoration of the natural topography of the site. The existing white retaining wall is approximately 13 feet tall and is highly visible from the highway and Lake.

2. **Excavation/Hydrology:**

The proposed project will require a 6 foot excavation. The applicant has submitted a soils/hydrologic report which demonstrates that no interference or interception of groundwater will occur as a result of the excavation. In addition, there are no mature trees that will be damaged as a result of the excavation. Conditions of approval will ensure that the excavated material will be disposed of consistent with Subsection 64.5 of the TRPA Code of Ordinances.

**Staff Analysis:**

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) and soils/hydrology report in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC and soils/hydrology report will be made available at the Governing Board hearing and at TRPA.

B. **Plan Area Statement:** The project is located within Plan Area 63, Lincoln. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed use (Local Public Health and Safety Facilities) is listed as a special use.

C. **Land Coverage:**

1. **Land Capability District:**

   The land capability district of the project area is land capability 1a. The total project area is 7,807 square feet.

2. **Existing Coverage:**

   There is 5,000 square feet of land coverage banked on the parcel.

_/JL__
3/13/96

**CONSENT CALENDAR ITEM 4**
3. **Proposed Land Coverage:**

Building and Concrete Pads 2,436 square feet  
Wall 160 square feet  
Paving/Parking 1,372 square feet  

**Total Land Coverage:** 3,968 square feet

4. **Allowed Coverage:**

The allowable land coverage for the parcel is 78 square feet.

5. **Coverage Mitigation:**

The applicant will be required to mitigate excess land coverage on the parcel consistent with Chapter 20 of the TRPA Code of Ordinances. Excess land coverage may be mitigated with either an excess coverage mitigation fee or reduction of banked land coverage on the parcel.

D. **Building Height:** The maximum allowed height for the proposed building is 28 feet and 5 inches. The building is proposed to be 20 feet 6 inches.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6 and 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. **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.**

   (a) **Land Use:** The proposed use (Local Public Health and Safety Facilities) is listed as a special use within the applicable Plan Area. There is commercial development adjacent to the south and the proposed project will not alter this land use. The water treatment facility has been designed to minimize the height of the structure (20 feet 6 inches) and to be compatible with residential uses in the vicinity.

   (b) **Transportation:** The proposed water treatment facility will not result in an increase of daily vehicle trip ends (dvte) or vehicle miles traveled (vmt) because the facility will only require periodic visits to the facility for maintenance purposes.

   (c) **Conservation:** The proposed project will be visible from Shoreline Unit 23 and Roadway Unit 30. The project involves landscaping, screening and painting of the existing 13 foot tall, white retaining wall, and partial restoration of the northeast portion of the site to natural topography. Staff has reviewed the proposed scenic mitigation and determined that the project is consistent with the TRPA scenic thresholds. There
are no sensitive plants or special interest species associated with the project site.

(d) Recreation: The proposed project does not have any impacts on recreational use in the Lake Tahoe Basin.

(e) Public Service and Facilities: The proposed project is necessary to ensure compliance with the Safe Drinking Water Act for the Cave Rock and Skyland water districts. The project is included in TRPA’s Five-Year List of Public Service Facilities, 1995-1999.

(f) Implementation: The proposed project does not involve the allocation of any units of use. The project is included in TRPA’s Five-Year List of Public Service Facilities, 1995-1999.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

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

(Refer to paragraph 2, above.)

4. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed water facility is necessary to serve the residents in the surrounding area and to ensure compliance with the Safe Drinking Water Act. The facility is of the same scale as commercial development adjacent to the south and the building has been designed to be compatible with residential development in the vicinity. The building will be 20 feet 6 inches in height and will consist of 2,340 square feet of floor area.

5. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

CONSENT CALENDAR ITEM 4

/SL  
3/13/96
The applicant will be required to install Best Management Practices (BMPs) within the project area to protect the land, water, and air resources of both the project area and the surrounding area. In addition, the facility is necessary to comply with the Safe Drinking Water Act.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project is designed to provide safe drinking water to the residents in the Skyland and Cave Rock area. The proposed project will not alter the residential and commercial development in the area. The project is not within an adopted community, specific or master plan.

F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record:

I. A motion based on this staff summary, for the findings contained in Section F above, and a finding of no significant environmental effect.

II. A motion to approve the project, based on the staff summary, subject to the following conditions:

1. The Standard Conditions of Approval listed in Attachment Q.

2. Prior to commencement of construction the following special conditions of approval must be satisfied:

   A. The security required under Standard Condition 2 of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan, landscape plan and related cost estimate.

   B. The permittee shall mitigate excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 3.

      (1) The excess coverage mitigation fee shall be calculated as follows:

         Estimated Project Construction Cost x .0125

      (2) Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed use the following formula:
Excess coverage mitigation fee (per formula (1), above) divided by $5.00 per square foot.

C. The permittee shall provide a landscape plan and fertilizer management plan in accordance with the standards required in Sections 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA review and approval. The landscape plan shall include additional vegetation along the north and west property lines.

D. The applicant shall submit color and material samples for the proposed building (including planters, existing retaining wall and guardrails) to TRPA. The colors and materials shall be approved by TRPA prior to acknowledgement of the permit.

E. The permittee shall submit three (3) sets of final construction drawings and site plans to TRPA.

3. The architectural design of this project shall include elements that screen from public view all external mechanical equipment and refuse enclosures. The materials used for screening shall be approved by TRPA prior to installation.

4. All excavated material shall be disposed of at a location approved by TRPA.
To: TRPA Governing Board

From: TRPA Staff

Subject: Proposed Amendment of Chapter 22, Height Standards, to Permit Additional Building Height for Certain Existing Buildings

Proposed Action: Governing Board adoption of the proposed Chapter 22 amendment (Attachment A) to permit additional height for certain existing buildings.

Staff Recommendation: Staff recommends that the Governing Board conduct the scheduled public hearing on the matter and, based on its outcome, approve the proposed amendments and adopt the amending ordinance.

Advisory Planning Commission Recommendation: The APC recommended approval of the proposed amendment unanimously at the March 13, 1996, public meeting.

Background: In September, 1995, the TRPA Governing Board directed staff to pursue possible amendments to Chapter 22 of the Code of Ordinances to allow for additions to certain existing buildings which would allow greater height than that currently permitted by Table A. The proposed amendment would allow additions to existing buildings when specific site planning and design criteria relative to the maintenance of the Scenic Resource thresholds and Community Design policies can be met.

Currently, height is measured from the lowest point of natural grade to the top of the highest ridge. Problems for applicants occur when an addition is proposed above the low point of their building. Because height is measured from the existing low point, the addition, even if it is proposed to be less than the existing building height, may be greater in height than that permitted by Table A. Other problems occur when the addition creates a new low point, and although the addition by itself may conform to the height standards, by creating a new low point, the existing building becomes more non-conforming to the ordinance.

Discussion: Staff is proposing an amendment to the height ordinance (see Attachment A) that addresses both of the situations described above. The proposed amendment will facilitate projects located on steep slopes and will allow stepping of development along the slope which is consistent with the TRPA Design Guidelines. The proposed amendment will also facilitate projects located on less steep slopes where the development extends for a great length across the property (one example of this would be a school).
Memorandum to Governing Board
Proposed Amendment to Chapter 22
Height Standards
Page 2

In order for an applicant to utilize this proposed Subsection of the Code, addition will not be visible from a TRPA scenic resource. This finding is more stringent than other height findings with respect to protecting Scenic Resource thresholds. It not only includes Lake Tahoe and the principal highways around the Lake, but also recreation areas and bike trails (i.e., scenic threshold viewsheds). Other findings require that the building was legally existing prior to the effective date of the proposed amendment, that the use is a permissible use in the Plan Area or Community Plan, that the building height is consistent with the surrounding area, and that architectural techniques be applied to the building to reduce the visual impact of the height. Any proposed addition will be limited to one story and an applicant is only permitted to apply this Subsection of the Code to the project area one time.

Environmental Documentation: Staff has completed an Initial Environmental Checklist (IEC) for the amendment and proposes a Finding of No Significant Effect (FONSE) based on the following:

1. The Community Design policies are expected to be met by requiring projects to meet Section 22.7 findings (1), (2) and (8) which require architectural and site planning techniques to minimize a building's impact on the surrounding area and preserve lake and mountain views. These findings state that the building will not extend above a ridgeline or forest canopy, that the addition is consistent with the surrounding development and that the height at any two corners of the proposed addition does not exceed 90% of the total building height. Please refer to Section 22.7 findings in Attachment B for the exact wording.

2. The Scenic Resources thresholds will be maintained by only allowing these additions when they are not visible from a TRPA-designated scenic resource. In order for a project to utilize this proposed amendment, the project cannot be visible from Lake Tahoe, the highways within the Lake Tahoe Basin, including Pioneer Trail, or Recreation Areas and Bike Trails.

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

A. Chapter 6 Findings:

1. 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.
The proposed amendment, including the specific findings, will be consistent with the Goals and Policies. The proposed findings include the provisions that the addition does not extend above the forest canopy or ridgeline, that the addition is consistent with the surrounding development, and that the addition will not be visible from a TRPA-designated scenic resource. The proposed amendment will be the most advantageous to parcels with steep slopes and is consistent with the Goals and Policies. The amendment will allow stepping of development along the slope which is consistent with the Design Guidelines. Only projects which are permissible uses in the Plan Area Statement or Community Plan would be eligible to utilize this amendment. All other development standards (such as land coverage) would continue to be applicable to the project. The proposed amendment would apply to additions to existing buildings only.

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

The Community Design policies will be met by requiring the project to meet Section 22.7 findings (1), (2), and (8) which require architectural and site planning techniques to minimize a building’s impact on the surrounding area (see Attachment B). Any addition will be limited to one-story which is more restrictive than the Goals and Policies provision of limiting buildings to two-stories. The Scenic Resources thresholds will be maintained by restricting this provision to building additions which are not visible from a TRPA-designated scenic resource to utilize the amendment.

3. 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(g) of the Compact, the project meets or exceeds such standards.

All projects must continue to implement the Regional Plan package, including maintenance of applicable air and water standards.

4. The Regional Plan, as amended, achieves and maintains the thresholds.

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

B. Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings be made prior to amending the Code. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:
1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

For the reasons stated in Findings A.1 and A.2 above, the proposed amendment is consistent with attainment or maintenance of the thresholds.

2. One of the following findings:

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

b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or

d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or

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

f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

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

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

   (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
Memorandum to Governing Board
Proposed Amendment to Chapter 22
Height Standards
Page 5

Staff recommends Finding b for the following reasons:

Currently, applicants can propose an addition to their building which can have a separation of inches and be considered a separate building. Height is then calculated as a separate structure. This amendment allows for better design and function of the buildings by allowing for them to be connected. This will encourage buildings to be stepped along the slope which is consistent with the TRPA Design Guidelines. The amendment will only be available to a project area one-time and the addition will be limited to one-story. The additions will only be permitted in areas not visible from a designated scenic resource.

Required Action: In order to implement the proposed amendment the Governing Board must take the following actions:

1. A Finding of No Significant Effect and the Chapter 6 and Ordinance 87-8 findings as set forth above; and

2. A motion to adopt the implementing ordinance.

Staff will begin this item with a brief presentation. If you have any questions or comments on this matter, please contact Kathy Canfield at (702) 588-4547.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 96-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES RELATING ADDITIONAL HEIGHT FOR CERTAIN EXISTING BUILDINGS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00  Findings

1.10  It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, by amending Chapter 22 of the Code of Ordinances relating to additional height for certain existing buildings, in order to further implement the Regional Plan and Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20  The Advisory Planning Commission ("APC") conducted a noticed public hearing and recommended adoption of the amendments. The Governing Board has also conducted a noticed public hearing on the amendments. Oral testimony and documentary evidence were received and considered.

1.30  The provisions of this ordinance have been found not to have a significant environmental 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 of Ordinances and Article V(g) of the Compact, and the findings required by Section 2.40 of Ordinance 87-8. As to the Ordinance 87-8 findings, the Board finds that those findings were supported by a preponderance of the evidence in the record.

1.50  The Board further finds that the amendments as adopted hereby continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental thresholds 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 22 of the Code

Chapter 22 is hereby amended to add a new Section 22.9 as follows:

22.9 Additions to Existing Buildings: When an addition is proposed to an existing building which results in height greater than that permitted by Table A, the height of the addition may be calculated in accordance with Subsections 22.9.A and B, below. The height provisions of Section 22.9 may be utilized one-time only within a project area. A subsequent project in the same project area shall calculate height from the original low point. Projects using this Section are not eligible to apply under the Exempt or Qualified Exempt provisions of Chapter 4 of the Code.

22.9.A For Additions At Or Above the Low Point of An Existing Building, the height of the addition may be calculated as if the addition is a separate structure if findings (1) through (5) of Subsection 22.9.C can be made. The height of the addition shall not exceed the maximum height permitted by Table A.

22.9.B For Additions Below The Low Point of An Existing Building, the height of the addition may be calculated as if the addition is a separate structure if findings (1) through (5) of Subsection 22.9.C can be made. The maximum height shall not exceed the maximum height permitted by Table A, less the difference between the existing and proposed low points of the structure.

22.9.C Findings: The following is a list of findings applicable to this Section:

(1) Findings (1), (2) and (8) as set forth in Subsection 22.7;

(2) The addition is not visible from a TRPA-designated scenic threshold travel route, the wafer of Lake Tahoe, a public recreation area, or a bicycle trail contained in the 1993 Lake Tahoe Basin Scenic Resource Evaluation;

(3) The existing use is a permissible use in the plan area statement or community plan;

(4) The existing building was legally existing prior to May 26, 1996; and

(5) The addition is no more than story.
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 or the amendments adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance or the amendments 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 March 27, 1996, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John R. Upton, Chairman
Tahoe Regional Planning Agency
22.7 List Of Findings: The findings required in this chapter are as follows:

(1) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

(2) When outside a community plan, the additional height is consistent with the surrounding uses.

(3) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

(4) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

(5) That portion of the building which is permitted the additional height, is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

(a) The horizontal distance from which the building is viewed;

(b) The extent of screening; and

(c) Proposed exterior colors and building materials.

(6) The building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed.

(7) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

(8) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

(9) When viewed from a TRPA scenic threshold travel route, the additional height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.
March 15, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Plan Area Statement 045, Incline Village Commercial (Commercial/Public Service), to Revise Special Policies #5 and #6 to allow Single Family Dwellings as a permissible Use When they are Part of a Mixed Use Development and when Affordable Housing Units are Provided as a Part of the Project; Reallocate 10 Residential Bonus Units from PAS 044, Fairway (Residential), to PAS 045

Proposed Action: The applicant is proposing an amendment to Plan Area Statements 045 and 044 in Incline Village for the purpose of developing a "detached" 6-unit condominium complex, restricting two of the units to affordable housing (refer to Exhibits A and B for Plan Area Statements). The application involves the reallocation of 10 Residential Bonus Units from PAS 044, Fairway, to PAS 045, Incline Village Commercial and the following revisions to Special Policies #5 and #6 of PAS 045:

Policy #5: Single-family dwellings shall only be allowed in the plan area when they are part of a mixed use development and when they consist of attached units which share common walls, and when 25 percent of the project is in affordable housing.

Policy #6: Residential bonus units may only be used for the construction of residential units when they are part of vertically-oriented mixed use or if 25 percent of the residential units in the project are developed as affordable housing. Vertically-oriented mixed use refers to a building type that provides two or more of the major land use classifications listed in the Regional Plan, one of which must be commercial use, such as ground floor retail, with residential above.

Staff and APC Recommendation: The APC recommended, on a vote of 9 to 8, to table this amendment until the Community Plan for this area is adopted and the Washoe County Affordable Housing Study is complete, or until the June APC meeting, whichever occurs first. The concern of those APC members that voted to table this matter is that the amendment may not conform to these pending plans or programs. There were APC members that were comfortable supporting
Amendment of Plan Area 045, Incline Village Commercial (Commercial/Public Service) and Plan Area 044, Fairway
Page 2

staff's recommendation, however, there were also APC members that said they would not vote to recommend approval of this amendment because they did not believe the intent of the Multi-Use Residential Incentive Program was to provide bonus units for single family residences.

Staff recommends that if the governing Board elects to go forward with this matter that the amendment include the reallocation of 10 residential Bonus Units from PAS 044 to PAS 045 and the amendment of the language in Special Policies #5 and #6 to add a provision that allows single family dwellings in PAS 045 when they are part of a mixed-use or when 25 percent of the proposed project is in affordable housing. However, staff is not in support of revising the language to omit the requirement of "attached units which share common walls." (See Exhibit A for Staff recommended plan area language).

Background: The applicant's stated purpose for the amendments is to develop a 6-unit detached condominium project which would include two affordable housing units on APN 132-231-14. Currently, based upon a very recent (10/95) amendment of PAS 045, single-family dwellings are allowed as a permissible use only when they are part of a mixed use and consist of attached units which share common walls (condominium). The rational for adding Single Family Dwellings as a permissible use to this Plan Area was the potential ability to decrease trips when the Single Family Dwellings are attached (see page 3 for further discussion).

The applicant's parcel, which is approximately 0.65 acres, is vacant. The parcel is mapped Land Capability Class 6, subject to verification. The following is a list of the adjacent land uses:

North: With the exception of two vacant parcels (proposed for residential), all the properties to the north are commercial retail/offices

West: All the parcels are commercial retail/offices

South: All the parcels are multi-family condominiums, with the exception of the bowling alley

East: The parcels are public service (Incline Middle School)

See Exhibit B for map of surrounding land uses.

Current Washoe County zoning on the subject parcel has changed from C2 (Retail/Wholesale) to a "Special Plan Area" designation, which means that permissible uses will be consistent with the community plan.

Discussion: In evaluating proposed plan area amendments, staff uses a three-step procedure. The first step is to determine whether a mistake was made in mapping the original plan area boundaries and assigning permissible uses to the area. The second step is to determine whether something has changed in terms of character at this location or pattern of land use to
warrant amending the list of permissible uses. The third step is to determine whether the amendment to the Plan Area would change land use patterns such that attainment and maintenance of environmental thresholds is improved or enhanced.

Staff recommends, based on the above three-step procedure, to add the incentive for affordable housing to this plan area. However, there have been no changes in land use patterns, nor will omitting the existing “attached” unit language improve TRPA’s ability to attain or maintain thresholds. PAS 045 in a Community Plan Area. The Draft Final Community Plan designates PAS 045 as a Preferred Affordable Housing Area (PAHA) and has special policies for use of Multi-Residential Bonus Units.

The purpose for establishing community plan areas is to concentrate commercial uses in a core area thus reducing Vehicle Miles Traveled (VMT). In October 1995, the TRPA Governing Board adopted Special Policies #5 and #6 to allow single family dwellings as a mixed use with commercial uses in Plan Area 045 as a way to further this goal by allowing another residential use, though limited, into this area which has the potential to further reduce VMT through Transit Oriented Development. By locating trip producers (residential, tourist units) close to trip attractions (commercial, public service, recreation uses), VMT will be reduced.

For example, multiple-family dwellings are currently a permissible use in PAS 045. Based on TRPA’s trip table, apartments generate 6.47 trips per dwelling unit compared to 5.86 trips per occupied dwelling unit for condominiums. Detached single family dwellings generate 10.00 trips per unit. By adding attached single family dwellings (condominiums) as a permissible use in this Plan Area it will generate less trips than the existing permissible residential uses.

TRPA staff also recommends that 10 bonus units be transferred from PAS 044, Fairway to PAS 045. The Draft Final of the Incline Village Commercial Community Plan has designated 045 as a Preferred Affordable Housing Area. PAS 044 seems a logical area to reallocate Residential Bonus Units from because it is not currently designated a Preferred Affordable Housing Area, nor is it in the Draft Final of the Community Plan. Although PAS 045 is a community plan area in which commercial development is to be focused, allowing for limited mixed (commercial/residential) uses and affordable housing will incrementally contribute to attaining and maintaining environmental thresholds at this particular site, and in fact, has the potential to decrease trips and reduce VMT.

The following is a list of findings that must be made for all plan area amendments.

**Findings:** Prior to amending the plan area statement, TRPA must make the following findings.
Chapter 6 Findings

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

   **Rationale:** The proposed amendment is consistent with the Plan Area Statement because residential is a permissible use in this Plan Area. This Plan Area amendment is consistent with recommendations made in the Community Plan Final Draft which include designating this Plan Area as a Preferred Affordable Housing Area.

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

   **Rationale:** Staff's proposed PAS amendment will not cause the environmental thresholds to be exceeded. Any project that is proposed as a result of this amendment will be required to meet land coverage requirements, scenic quality standards, and water quality standards. In addition, the staff recommended PAS amendments have the potential to provide the opportunity to decrease vehicle trips and vehicle miles traveled by providing new residential uses closer to commercial uses, decreasing the need for longer vehicle trips, and providing the opportunity for non-vehicular trips.

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:** The proposed amendment itself will have no negative effects on air or water quality. Any project that is proposed as a consequence of this plan area amendment will be required to analyze traffic and trip increases based on the type and extent of project. Any project proposed based on this amendment would also be required to comply with all Code standards as they pertain to water quality, including impact mitigation. Therefore, amending Plan Area Statement 045 by adding the new special use and reducing the PAS 044 bonus units by ten will have no negative impact on federal, state, and local air or water quality standards. Potentially, the ability to attain and maintain air quality standards will be enhanced by using the mixed use concept and bringing trip origination uses closer to trip generating uses.

AGENDA ITEM NO. VII.B.
4. **Finding:** That the Regional Plan, as amended, achieves and maintains the thresholds.

**Rationale:** See Findings 1 and 2 above.

**Chapter 13 Findings**

1. **Finding:** The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B (Land Use) and 13.5.C (Special Designations).

**Rationale:** The land use designation for PAS 045 is Commercial/Public Service. Adding attached single family dwellings as a permissible use when in conjunction with a mixed use or an affordable housing project is consistent with the Plan Area and current surrounding mixed uses. PAS 045 is a community plan area. The proposed amendment is a form of Transit Oriented Development standard, which the draft community plan advocates. PAS 045 is also designated as a Transfer Development Right receiving area for multi-residential units. This is consistent with Transit Oriented Development standards.

**Environmental Documentation:** Based on the above analysis and the completion of an initial environmental checklist (IEC), staff proposes a finding of no significant effect (FONSE). This type of mixed use, attached single family dwellings/commercial, is consistent with the existing surrounding uses. Potentially VMT will be reduced by requiring single family dwellings to be attached and part of a mixed-use or affordable housing project.

Staff will begin this item with a brief presentation. If you have any questions or comments regarding this agenda item, please contact Coleen Shade at (702) 588-4547.
045 -- INCLINE VILLAGE COMMERCIAL

PLAN DESIGNATION:

Land Use Classification
COMMERCIAL/PUBLIC SERVICE

Management Strategy
MITIGATION

Special Designation
PRELIMINARY COMMUNITY PLAN AREA

TDR RECEIVING AREA FOR:
1. Multi-Residential Units
2. Existing Development

SCENIC RESTORATION AREA

MULTI-RESIDENTIAL INCENTIVE PROGRAM

DESCRIPTION:

Location: This is a split planning area encompassing the commercial areas in the center of Incline. The Village Center Area is on the west side; the Village/Highway 28 area is on the east. This area is located on the TRPA maps G-3 and H-3.

Existing Uses: The west area has a small shopping center, an elementary school and miscellaneous commercial uses. The east area includes the high school, the intermediate school, several small shopping centers, offices and service industry uses. The area is 75 percent built out.

Existing Environment: The lands are 20 percent SEZ and the rest are classified low hazard. The land coverage is 50 percent plus an additional 15 percent disturbed.

PLANNING STATEMENT: These two areas should continue to serve the commercial and other service needs of the Incline area.

PLANNING CONSIDERATIONS:

1. This area is identified as a scenic problem area.

2. Public input has indicated a possible need for some mini-parks in the central Incline area.

3. This would be a suitable location for a major transit facility.

4. Scenic Roadway Unit 22 is within this Plan Area and is targeted for scenic restoration as required by the scenic threshold.

5. State Route 28 within this Plan Area is proposed to be expanded to four lanes as part of the second phase set forth under Goal #1, Policy #1 of the Regional Highway System Subelement of the Goals and Policies Plan.
SPECIAL POLICIES:

1. Plan Areas 045, 046, 048, and portions of 044 shall be considered as part of the core area for the Incline Village Community Plan.

2. Passive recreational uses (parks) should be considered in the Community Plan for this area.

3. Assess the possibility of locating a major transit facility in this area.

4. Special siting considerations and use limitations shall apply along Highway 28 (Special Area #1). Industrial uses, wholesale/storage uses and similar uses should be located outside this area.

5. Single-family dwellings shall only be allowed in the plan area when they are part of a mixed use development or 25% of the project is in affordable housing and when they consist of attached units which share common walls.

6. Residential bonus units may only be used for the construction of residential units when they are part of a vertically-oriented mixed use or when 25% of the project is in affordable housing. Vertically-oriented mixed use refers to a building type that provides two or more of the major land use classifications listed in the Regional Plan, one of which must be a commercial use, such as ground floor retail, with residential above.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area.

Residential
- Single-family dwellings (S), employee housing (A), multiple family dwelling (S), multi-person dwelling (S), nursing and personal care (S), and residential care (S).

Tourist Accommodation
- Bed and breakfast facilities (A), hotel, motels, and other transient dwelling units (A), timeshare (hotel/motel design) (A), and timeshare (residential design) (S).

Commercial
- Auto, mobile home and vehicle dealers (A), building materials and hardware (A), eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (A), general merchandise stores (A), mail order and vending (A), nursery (A), outdoor retail sales (S), service stations (A), amusements and recreation services (S), privately owned assembly and entertainment (S), outdoor amusements (S), animal husbandry services (A), auto repair and service (S), broadcasting studios (A), business support services (A), contract construction services (A), financial services (A), laundries and dry cleaning plant (A), personal services (A), professional offices (A), repair services (A), sales lots (S), schools - business and vocational (A), secondary storage (S), food and kindred products (S), fuel and ice dealers (S), industrial services (S), printing and publishing (A), small scale manufacturing (S), storage yards (S), vehicle and freight terminals (S), vehicle storage and parking (S), warehousing (S), and wholesale and distribution (S).
Public Service
Churches (A), collection stations (S), regional public health and safety facilities (S), health care services (S), cultural facilities (A), day care centers/pre-schools (S), government offices (A), hospitals (A), local assembly and entertainment (A), local post office (A), local public health and safety facilities (A), membership organizations (A), publicly owned assembly and entertainment (S), pipelines and power transmission (S), schools - kindergarten through secondary (A), and social service organizations (A), transit stations and terminals (S), transportation routes (S), and transmission and receiving facilities (S).

Recreation
Day use areas (A), participant sports facilities (A), outdoor recreation concessions (S), riding and hiking trails (S), and visitor information center (S).

Resource Management
Reforestation (A), sanitation salvage cut (A), thinning (A), tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

Special Area #1: The following list of permissible uses is applicable in Special Area #1.

Residential
Multiple family dwelling (A), nursing and personal care (A), employee housing (A), and residential care (A).

Tourist Accommodation
Same as General List.

Commercial
Auto, mobile home and vehicle dealers (S), building materials and hardware (S), eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (A), general merchandise stores (A), mail order and vending (A), nursery (A), outdoor retail sales (S), service stations (A), amusement and recreation services (S), privately owned assembly and entertainment (S), animal husbandry services (S), broadcasting studios (A), financial services (A), health care services (A), personal services (A), professional offices (A), repair services (S), schools - business and vocational (A), secondary storage (S), printing and publishing (S), small scale manufacturing (S), and vehicle storage and parking (S).

Public Service
Churches (A), cultural facilities (A), day care centers/pre-schools (S), government offices (A), hospitals (S), local assembly and entertainment (A), local post office (A), local public health and safety facilities (A), membership organizations (A), publicly owned assembly and entertainment (S), regional public health and safety facilities (S), social service organizations (A), pipelines and power transmission (S), transit stations and terminals (S), transportation routes (S), and transmission and receiving facilities (S).
**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Multiple Family Dwelling</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Multi-person Dwelling</td>
<td>25 people per acre</td>
</tr>
<tr>
<td>Nursing and Personal Care</td>
<td>25 people per acre</td>
</tr>
<tr>
<td>Residential Care</td>
<td>25 people per acre</td>
</tr>
<tr>
<td>Employee Housing</td>
<td>As per limitations above</td>
</tr>
<tr>
<td><strong>Tourist Accommodation</strong></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>5 units per site</td>
</tr>
<tr>
<td>Hotel, Motel and other Transient Units</td>
<td></td>
</tr>
<tr>
<td>- with less than 10% of units with kitchens</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>- with 10% or more units with kitchens</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Timeshare</td>
<td>As per the limitations set forth in this table</td>
</tr>
</tbody>
</table>

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 40 20 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 60 CNEL. The maximum community noise equivalent level for the Highway 28 corridor is 60 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

- SUMMER DAY USES 0 PAOT
- WINTER DAY USE 0 PAOT
- OVERNIGHT USES 0 PAOT

**IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 28 corridor. (To be completed.)
044 -- FAIRWAY

PLAN DESIGNATION:

Land Use Classification  RESIDENTIAL
Management Strategy     MITIGATION
Special Designation     TDR RECEIVING AREA FOR:

    1. Multi-Residential Units (SA #1 only)
    2. Existing development

MULTI-RESIDENTIAL INCENTIVE PROGRAM
(Special Area #1 only)

DESCRIPTION:

Location: This area is the golf course area located between Highway 28, Village Boulevard and Country Club Drive. It is located on TRPA maps H-2 and H-3.

Existing Uses: The primary use is mixed residential including a large golf course. This area is 70 percent built out.

Existing Environment: The land capability in this area is 70 percent low hazard with 30 percent SEZ. The land coverage is 15 percent plus an additional 15 percent disturbed.

PLANNING STATEMENT: This area should continue as residential, with secondary uses being recreation and tourist.

PLANNING CONSIDERATIONS:

1. The stream environment zone (Third Creek) has been substantially altered by road placement, single family unit development, and golf course construction.

2. Overuse of fertilizer on the golf course is of concern.

3. The road crossing at Tahoe Boulevard poses a partial barrier to fish migration on the northwest tributary of Third Creek.

4. There are diversions on Incline Creek and on the northwest tributary for golf course ponds.

5. The crossing at Village Boulevard and the northwest tributary of Incline Creek is a barrier to upstream migration of fish.

6. Scenic Roadway Unit 22 borders this Plan Area.

7. State Route 28 within this Plan Area is proposed to be expanded to four lanes as part of the second phase set forth under Goal #1, Policy #1 of the Regional Highway System Subelement of the Goals and Policies Plan.
SPECIAL POLICIES:

1. Stream zone and fishery restoration should be encouraged.

2. Special Area #1 along Northwood and the golf course should be considered for inclusion in a Community Plan for Incline.

3. Multi-residential units permitted in Special Area #1 may be converted to residential timeshare uses. The conversion of such units shall not be counted under the tourist accommodation allocation limitations if they were originally counted under the residential allocation limitations.

4. The development of commercial facilities on vacant parcels in Special Area #1 shall be limited to the parcels abutting Northwood.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area (except as noted for special area #1).

Residential

Single family dwelling (A).

Public Service

Churches (S), cultural facilities (S), local public health and safety facilities (S), public utility centers (S), pipelines and power transmission (S), transit stations and terminals (S), transmission and receiving facilities (S), transportation routes (S), publicly owned assembly and entertainment (S), and day care centers/pre-schools (S).

Recreation

Cross country skiing courses (A), day use areas (S), and golf courses (A).

Resource Management

Reforestation (A), sanitation salvage cut (A), thinning (A), and tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), and structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), and SEZ restoration (A), run-off control (A), and SEZ restoration (A).

Special Area #1: The following list of permissible uses is applicable in Special Area #1.

All the uses listed on the General List plus the following additions:

Residential

Employee housing (A), multiple family dwellings (A), nursing and personal care (A), and residential care (A).

Tourist Accommodation

Hotel, motels, and other transient dwelling units (S), timesharing (hotel/motel design) (S), and timesharing (residential design) (S).
Commercial
Eating and drinking places (S), food and beverage retail sales (S), general merchandise stores (S), nursery (S), amusements and recreation services (S), financial services (S), health care services (S), personal services (S), and professional offices (S).

Public Service
Government offices (S), membership organizations (S), public assembly and entertainment facilities (S), schools - kindergarten through secondary (S), and social service organizations (S).

Recreation
Participant sports facilities (S) and sport assembly (S).

Resource Management
Same as General List.

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwellings</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Residential Care</td>
<td>25 persons per acre</td>
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<td>Nursing and Personal Care</td>
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</tbody>
</table>

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 80 **50** units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area, including the Highway 28 corridor, is 55 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES **0 PAOT**  WINTER DAY USE **0 PAOT**  OVERNIGHT USES **0 PAOT**
 IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 96

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED; AMENDING PLAN AREA STATEMENTS 044, FAIRWAY, AND 045, INCLINE VILLAGE COMMERCIAL, BY REVISIONING SPECIAL POLICIES RELATING TO SINGLE FAMILY USES AND REALLOCATING MULTI-RESIDENTIAL BONUS UNITS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, which ordinance relates to the Regional Plan, by amending Plan Area Statements 044 and 045 by amending Special Policies relating to single family uses and by reallocating ten multi-residential bonus units from PAS 044 to PAS 045, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 The Advisory Planning Commission ("APC") held a public hearing on the amendments and recommended continuance of the amendments. The Governing Board conducted a noticed public hearing on the amendments. Oral testimony and documentary evidence were received and considered at those public hearings.

1.30 These amendments have been determined not to have a significant effect on the environment and are therefore 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 6.4 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the environmental thresholds 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 Plan Area Statements 044 and 045

Subsection 6.10(2) of Ordinance No. 87-9, as amended, is hereby further amended to add subparagraph (tt) as follows:

Section 3.00  Interpretation and Severability

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

Section 4.00  Effective Date

The provisions of this ordinance shall be effective immediately pursuant to Subsection 13.7.A.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held March 27, 1996, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

March 15, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Plan Area Statement 048, Incline Village Tourist (Tourist), to Delete the Existing Special Designations Which Limit the Transfer of Development Right Receiving Area Designation for Multi-Residential Units and the Residential Bonus Unit Incentive Program to Special Area #1; to Reallocate 20 Residential Bonus Units from PAS 044, Fairway (Residential), to PAS 048

Proposed Action: In order to construct a detached 33-unit condominium complex utilizing transferred development rights and bonus units on Washoe County APNs 127-030-23 and 24, the applicant proposes to revise the Special Designations in PAS 048 by omitting the Special Area #1 requirement for Transfer of Development Right receiving area and the Multi-Residential Incentive Program. In addition, the applicant proposes to amend the maximum number Residential Bonus Units in PAS 044, Fairway, and PAS 048, Incline Village Tourist, by reallocating 20 bonus units from PAS 044 to PAS 048.

Staff and APC Recommendation: Staff and APC recommend approval of the amendments based upon the required findings attached to this staff summary. However, dialogue should be initiated for the purpose of discussing the Regional Plan’s intended purpose for the Residential Bonus Unit program and its current use. In addition, this proposal has the potential to “eat” into affordable housing headroom in the Incline Village area. PAS 048 is a designated Preferred Affordable Housing Area (PAHA). Special Policy #3 states that this Plan Area is a preferred site for affordable housing for employees of businesses located in this Plan Area. (See Susan Scholley’s attached memos to APC dated February and May 1993). The APC voted 15 to 2 in favor of the proposed amendments. The two members who voted against the amendment had concerns regarding the original intent of the Multi-Residential Incentive Program and the use of Bonus Units for Single Family Residences.

Background: The applicant proposes to revise the Special Designations in PAS 048 and reallocate 20 residential bonus units from PAS 044 to 048. The purpose for this amendment is to allow the applicant to construct a 33 unit detached condominium project, thus developing single family residences with multi-residential bonus units.
Currently, single family dwellings are a permissible use throughout PAS 048. PAS 048 is a Transfer of Development Right (TDR) area for existing development and, in Special Area #1 only, multi-residential units. In addition, the Multi-Residential Incentive Program (residential bonus units) is currently only applicable within Special Area #1.

Multi-residential bonus units may be approved for use only on parcels located in plan areas or community plans designated as eligible for the Multi-Residential Incentive Program and comply with the number of residential bonus units assigned to the particular plan area. Pursuant to Chapter 13, a maximum of 1,600 multi-residential bonus units are assigned to plan areas throughout the Region.

The applicant, Tennis Club Estates, Inc., proposes to utilize the remaining existing residential units from Bitterbrush. Under Chapter 35 the applicant could earn up to 150 bonus unit points which would be awarded as the existing residential units are retired. The applicant proposes to combine them with the remaining 189 bonus unit points still being held for future reassignment from Country Club Villas. This would create a total sum of 339 bonus unit points. Using a multiplier of .67 as required in Code subsection 35.2.C(3) (Post-1987 Projects proposing subdivision of units), the total number of bonus units proposed to be transferred is 22. A total of 90 bonus units were reserved in PAS 048 (Special Area #1). However, 80 of the bonus units have been used or are being reserved for the Sierra Nevada College dorms. Currently there are only 10 bonus units remaining in PAS 048. With the additional 20 allocated residential bonus units, there will be a total of 30 residential bonus units available in 048. However, it should be noted that the applicant is only transferring in 22.71 residential bonus units.

Therefore, the applicant’s project proposal has three main issues that need to be resolved: 1) the applicant needs the ability to transfer in existing development and associated bonus units to APNs 127-030-23 and 24 which are outside Special Area #1; 2) the applicant has a greater number of bonus units than the remaining number of bonus units allocated to this plan area; and 3) the applicant requests the reallocation of 20 residential bonus units from PAS 044 to PAS 048.

To resolve the first issue the applicant requests that TRPA revise the Special Designation language that limits the transfer of development rights for multi-residential units and the Multi-Residential Incentive Program to Special Area #1 (please refer to Exhibit A for plan area statement revisions). This can be accomplished by removing "(Special Area #1)" which is found in two places on page 1 of PAS 048.

The second issue, additional residential bonus units required, can be combined and resolve with the third issue, reallocation of 20 bonus units from PAS 044. PAS 044 was originally assigned 90 residential bonus units. Currently there are 67 residential bonus units left.

90

CS/rd
03/15/96

AGENDA ITEM NO. VII.C.
Revising the PAS 048 to remove the restrictions of Special Area #1 and increase the number of residential bonus units allowed are both in conformance with the current draft of the community plan for this area.

The applicant's proposal is consistent with current adjacent land uses which are as follows:

North: The Visitor's Center (public) and the Lakeside Tennis Complex
West: Both parcels are public service (IVGID Recreation Center and Incline Middle School)
South: The parcel is public Service (IVGID Incline Park and Recreation Center
East: The parcels are high density multi-family condominiums, with the exception of the commercial office/restaurant and tennis complex

There are only four vacant parcels, not owned by Nevada State Lands, remaining in PAS '048. Two of the parcels are proposed in the application for the 33-unit condominium complex. The remaining two are preliminarily earmarked for multiple-family residential and commercial/professional offices.

According to the applicant, Washoe County has changed the zoning in this area from C2 (Retail/Wholesale) to a "Special Plan Area" designation, which means that permissible uses will be consistent with the Community Plan.

APNs 127-030-23 and 24 were included as potential development in the original VMT estimate of 1.9 million. This calculation did not take into consideration reduced vehicle trips attributable to persons able to walk to the nearby middle school, adjacent recreational, and commercial facilities in the vicinity of the subject APNs. Additionally, no reduction was taken to reflect the fact that 33 households in a medium density multi-family setting reduces the impacts that would result from 33 single family residences in a low density residential neighborhood.

Discussion: In evaluating proposed plan area amendments, staff uses a three-step procedure. The first step is to determine whether a mistake was made in mapping the original plan area boundaries and assigning permissible uses to the area. The second step is to determine whether something has changed in terms of character at this location or pattern of land use to warrant amending the plan area. The third step is to determine whether the amendment to the Plan Area would change land use patterns such that attainment and maintenance of environmental thresholds is improved or enhanced.

Staff is of the opinion that the requested amendments can be supported by both the second and third steps above. With the preparation and pending adoption of community plan in this area that supports these amendments and the near build-out of Special Area #1 land use patterns have changed. Though indirectly, reallocating additional residential bonus units and allowing them to go anywhere in PAS 048 will assist TRPA attain and maintain thresholds by finally retiring the Bitterbrush remaining existing development and transferring them to APNs 127-030-23 and 24.
Another point that may be brought up for discussion is the reallocation of residential bonus units from PAS 044 to other plan areas. PAS 044 has not been designated as a preferred plan area for affordable housing. So at this time, the reallocation of bonus units out of PAS 044 is not an issue.

The following is a list of findings that must be made for all plan area amendments. In addition, there are findings that must be made when a plan area eligible for community plan area designation is affected.

Findings: Prior to amending the plan area statement, TRPA must make the following findings.

Chapter 6 Findings

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

Rationale: The proposed amendments consistent with the Plan Area Statements because the ultimate use of the parcel is residential and this use is currently a permissible use. Further, the project will not adversely affect implementation of the Regional Plan. By transferring the residential units from the Bitterbrush project area, permanently retiring and restoring building sites, to centrally located PAS 048 assists TRPA in its objectives for reducing VMT and reducing development on high hazard lands.

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

Rationale: The requested proposed PAS amendment will not cause the environmental thresholds to be exceeded. Any project that is proposed as a result of this amendment will be required to meet land coverage requirements, scenic quality standards, and water quality standards. In addition, the staff recommended PAS amendments have the potential to provide the opportunity to decrease vehicle trips and vehicle miles traveled by providing new residential uses closer to commercial uses, decreasing the need for longer vehicle trips, and providing the opportunity for non-vehicular trips. The reallocated residential bonus units and expanded Multi-Residential Incentive Program area facilitates the final transfer of existing development rights from the Bitterbrush development.
2. 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: The proposed amendment itself will have no negative effects on air or water quality. Any project that is proposed as a consequence of this plan area amendment will be required to analyze traffic and trip increases based on the type and extent of project. Any project proposed based on this amendment would also be required to comply with all Code standards as they pertain to water quality, including impact mitigation. Therefore, amending Plan Area Statement 048 by revising the Special Designation language and reallocating twenty residential bonus units will have no negative impact on federal, state, and local air or water quality standards.

3. Finding: That the Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: See Findings 1 and 2 above.

Chapter 13 Findings

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B (Land Use) and 13.5.C (special designations).

Rationale: The land use designation for PAS 048 is Tourist. The proposed condominium project is consistent with current surrounding existing land uses. PAS 048 is a community plan area. The proposed amendment is consistent with the draft community plan.

Environmental Documentation: Based on the above analysis and the completion of an initial environmental checklist (IEC), staff proposes a Finding of No Significant Effect (FONSE). This plan area amendment is in keeping with and is consistent with the existing surrounding land uses.

Staff will begin this item with a brief presentation. If you have any questions or comments regarding this agenda item, please contact Coleen Shade at (702) 588-4547.
048 -- INCLINE VILLAGE TOURIST

PLAN DESIGNATION:

Land Use Classification                  TOURIST
Management Strategy                     MITIGATION
Special Designation                     PRELIMINARY COMMUNITY PLAN AREA

TDR RECEIVING AREA FOR:

1. Existing Development

2. Multi-Residential Units (Special Area #1 only)

PREFERRED AFFORDABLE HOUSING AREA

MULI-RESIDENTIAL INCENTIVE PROGRAM

(Special Area #1)

DESCRIPTION:

Location: This area is located east of the commercial area around the Hyatt Hotel and is found on TRPA maps H-3 and H-4.

Existing Uses: The area contains some condominiums, a resort and racquet club, some retail commercial use, a hotel casino, and an IVGID beach and recreation area. There are large tracts of undeveloped land. The area is 65 percent built out.

Existing Environment: The area is 60 percent low hazard and 40 percent SEZ. This area has the ability to provide extra SEZ treatment functions. The shorezone tolerance district is 7. The land coverage is 30 percent plus an additional ten percent disturbed.

PLANNING STATEMENT: This area should continue to provide a mixture of resort recreation services and accommodations for the region.

PLANNING CONSIDERATIONS:

1. There is limited public access to the beach and boat ramp.

2. No boat fueling facilities exist in this area.

3. There is a possible site for SEZ treatment facilities.

4. Both Third and Incline Creeks provide migratory fish habitats and the lake habitat is tentatively designated for habitat restoration. Road culverts act as barriers to upstream migration.

5. Scenic Roadway Unit 22 and Scenic Shorezone Unit 23 are within this Plan Area. The entire roadway unit is targeted for restoration as required by the scenic threshold, however, this portion of the roadway unit has been identified as having acceptable quality.
6. State Route 28 within this Plan Area is proposed to be expanded to four lanes as part of the second phase set forth under Goal #1, Policy #1 of the Regional Highway System Subelement of the Goals and Policies Plan.

SPECIAL POLICIES:

1. Expansion of public recreation opportunities in the shorezone should be considered where lawful and feasible.

2. Plan Areas 045, 046, 048, and portions of 044 shall be considered as part of the core area for the Incline Village Community Plan.

3. This area is a preferred site for affordable housing for employees of businesses located in this Plan Area.

4. Placement of facilities lakeward of high water should avoid impacts to upstream migration of spawning fishes.

5. Expansion of residential uses should be limited to the Highway 28/ Country Club Boulevard area. (Special Area #1)

6. Multiple family units permitted in Special Area #1 may be converted to timeshare (residential design). The conversion of such units shall not be counted under the tourist allocation limitations if they were originally counted under the residential allocation limitations.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area (except as noted for special area #1).

Residential

Multiple family dwelling (S) and single family dwelling (S), and multi-person dwellings (S).

Tourist Accommodation

Bed and breakfast facilities (A), hotel, motels, and other transient dwelling units (A), timeshare (hotel/motel design) (S), and timeshare (residential design) (S).

Commercial

Auto, mobile home and vehicle dealers (S), building materials and hardware (S), eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (A), general merchandise stores (A), mail order and vending (A), nursery (S), outdoor retail sales (S), service stations (A), amusements and recreation services (S), gaming-nonrestricted (A), privately owned assembly and entertainment (S), outdoor amusements (S), animal husbandry services (S), broadcasting studios (A), business support services (A), contract construction services (S), financial services (A), health care services (A), personal services (A), professional offices (A), repair services (A), schools - business and vocational (S), secondary storage (S), small scale manufacturing (S), and vehicle storage and parking (S).

PAS 048 -- INCLINE VILLAGE TOURIST
Page 2
Public Service

Cemeteries (S), churches (A), cultural facilities (S), day care centers/pre-schools (A), government offices (A), local assembly and entertainment (A), local post office (A), local public health and safety facilities (A), membership organizations (A), publicly owned assembly and entertainment (S), regional public health and safety facilities (S), schools - kindergarten through secondary (S), social service organizations (A), pipelines and power transmission (S), transit stations and terminals (S), transportation routes (S), and transmission and receiving facilities (S), and schools-college (S).

Recreation

Day use areas (A), recreation center (S), participant sports facilities (A), sport assembly (S), beach recreation (A), boat launching facilities (S), cross country skiing courses (A), outdoor recreation concessions (A), marinas (S), riding and hiking trails (S), rural sports (S), snowmobile courses (S), and visitor information center (S).

Resource Management

Reforestation (A), sanitation salvage cut (A), thinning (A), and tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

Special Area #1: The following list of permissible uses is applicable in Special Area #1.

Residential

Employee housing (S), multiple family dwelling (A), nursing and personal care (A), employee housing (A), residential care (A), and single family dwelling (A), and multi-person dwelling (S).

Tourist Accommodation

Same as General List.

Commercial

Eating and drinking places (A), food and beverage retail sales (A), professional offices (A), personal services (A), nursery (A), general merchandise store (S), amusements and recreation services (S), privately owned assembly and entertainment (S), financial services (A), and health care services (A).

Public Service

Same as General List.

Recreation

Same as General List.

Resource Management

Same as General List.

Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.
Tolerance District 7

Primary Uses: Water oriented outdoor recreation concessions (A), beach recreation (A), water borne transit (A), tour boat operations (A), safety and navigation facilities (A), marinas (S), and boat launching facilities (S).

Accessory Structure: Buoys (A), piers (A), fences (S), boat ramps Structures(A), breakwaters or jetties (S), shoreline protective structures (S), and water intake lines (A).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

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<td>Single Family Dwelling</td>
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<tr>
<td>Multiple Family Dwelling</td>
<td>15 units per acre</td>
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<td>Nursing and Personal Care</td>
<td>25 people per acre</td>
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<td>Residential Care</td>
<td>25 people per acre</td>
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<tr>
<td>Employee Housing</td>
<td>15 units per acre</td>
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<tr>
<td>Multi-Person Dwelling</td>
<td>25 people per acre</td>
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<tr>
<td>Tourist Accommodation</td>
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<tr>
<td>Bed and Breakfast</td>
<td>5 units per site</td>
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<td>Hotel, Motel and other Transient Units</td>
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<td>-with less than 10% of units with kitchens</td>
<td>40 units per acre</td>
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<tr>
<td>-with 10% or more units with kitchens</td>
<td>15 units per acre</td>
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<td>Timeshare</td>
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**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Special Area Plan Area is 110 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 55 CNEL. The maximum community noise equivalent level for the Highway 28 corridor is 55 CNEL.
ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USES 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

PLAN DESIGNATION:

Land Use Classification
RESIDENTIAL

Management Strategy
MITIGATION

Special Designation
TDR RECEIVING AREA FOR:

1. Multi-Residential Units (SA #1 only)
2. Existing development

MULTI-RESIDENTIAL INCENTIVE PROGRAM
(Special Area #1 only)

DESCRIPTION:

Location: This area is the golf course area located between Highway 28, Village Boulevard and Country Club Drive. It is located on TRPA maps H-2 and H-3.

Existing Uses: The primary use is mixed residential including a large golf course. This area is 70 percent built out.

Existing Environment: The land capability in this area is 70 percent low hazard with 30 percent SEZ. The land coverage is 15 percent plus an additional 15 percent disturbed.

PLANNING STATEMENT: This area should continue as residential, with secondary uses being recreation and tourist.

PLANNING CONSIDERATIONS:

1. The stream environment zone (Third Creek) has been substantially altered by road placement, single family unit development, and golf course construction.
2. Over use of fertilizer on the golf course is of concern.
3. The road crossing at Tahoe Boulevard poses a partial barrier to fish migration on the northwest tributary of Third Creek.
4. There are diversions on Incline Creek and on the northwest tributary for golf course ponds.
5. The crossing at Village Boulevard and the northwest tributary of Incline Creek is a barrier to upstream migration of fish.
6. Scenic Roadway Unit 22 borders this Plan Area.
7. State Route 28 within this Plan Area is proposed to be expanded to four lanes as part of the second phase set forth under Goal #1, Policy #1 of the Regional Highway System Subelement of the Goals and Policies Plan.
SPECIAL POLICIES:

1. Stream zone and fishery restoration should be encouraged.

2. Special Area #1 along Northwood and the golf course should be considered for inclusion in a Community Plan for Incline.

3. Multi-residential units permitted in Special Area #1 may be converted to residential timeshare uses. The conversion of such units shall not be counted under the tourist accommodation allocation limitations if they were originally counted under the residential allocation limitations.

4. The development of commercial facilities on vacant parcels in Special Area #1 shall be limited to the parcels abutting Northwood.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area (except as noted for special area #1).

Residential

- Single family dwelling (A).

Public Service

- Churches (S), cultural facilities (S), local public health and safety facilities (S), public utility centers (S), pipelines and power transmission (S), transit stations and terminals (S), transmission and receiving facilities (S), transportation routes (S), publicly owned assembly and entertainment (S), and day care centers/pre-schools (S).

Recreation

- Cross country skiing courses (A), day use areas (S), and golf courses (A).

Resource Management

- Reforestation (A), sanitation salvage cut (A), thinning (A), and tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), and structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), and SEZ restoration (A), runoff control (A), and SEZ restoration (A).

Special Area #1: The following list of permissible uses is applicable in Special Area #1.

All the uses listed on the General List plus the following additions:

Residential

- Employee housing (A), multiple family dwellings (A), nursing and personal care (A), and residential care (A).

Tourist Accommodation

- Hotel, motels, and other transient dwelling units (S), timesharing (hotel/motel design) (S), and timesharing (residential design) (S).
Commercial

Eating and drinking places (S), food and beverage retail sales (S), general merchandise stores (S), nursery (S), amusements and recreation services (S), financial services (S), health care services (S), personal services (S), and professional offices (S).

Public Service

Government offices (S), membership organizations (S), public assembly and entertainment facilities (S), schools - kindergarten through secondary (S), and social service organizations (S).

Recreation

Participant sports facilities (S) and sport assembly (S).

Resource Management

Same as General List.

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
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<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwellings</td>
<td>15 units per acre</td>
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<tr>
<td>Residential Care</td>
<td>25 persons per acre</td>
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<tr>
<td>Nursing and Personal Care</td>
<td>25 persons per acre</td>
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<tr>
<td>Tourist Accommodation</td>
<td></td>
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<tr>
<td>Hotel, Motel and Other Transient Units</td>
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<td>15 units per acre</td>
</tr>
<tr>
<td>Timeshare</td>
<td>As per the limitations set forth in this table</td>
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</table>

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is **50** units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area, including the Highway 28 corridor, is **55 CNEL.**

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 0 PAOT

PAS 044 -- FAIRWAY
Page 3
IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

PROPOSED ACTION: The proposed action is to reconsider Chapter 43 as it relates to multi-residential bonus units and allocations. The provision adopted at the January Board meeting reads:

"(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.

RECOMMENDATION: Staff recommends that the Board conduct a public hearing on the issue of subdividing (or not subdividing) projects which received multi-residential bonus units or multi-residential allocations. Staff does not recommend any amendments to the ordinance.

BACKGROUND: Chapter 35, Bonus Unit Incentive Program, implements several policies from the 1986 Goals and Policies. Excerpts from the Land Use and Implementation Elements of the 1986 Goals and Policies are attached as Exhibit A. In summary, the 1600 additional multi-residential units are artificially created residential development rights. When the 1986 Plan was adopted there was a recognition of the difficulty of acquiring and retiring vacant parcels to assemble development rights for projects. Therefore, a pool of residential development rights was created (hence the term "bonus unit"). The bonus units are distributed based on a scoring system which rewards retirement of parcels and implementation of mitigation programs and favors affordable and employee housing projects. Chapter 35 spells out the scoring system to be used in assigning bonus units. Section 35.2 is attached as Exhibit B. The Plan Area Statements designate which plan areas are eligible to receive bonus units and how many. A sample plan area statement is attached as Exhibit C and the applicable sections are marked in the margin.

Subsection 33.2.C of Chapter 33 states that TRPA may set-aside some portion of the annual allocations for use with the bonus units for multi-residential projects. There are no regional plan policies relating to this code provision. To date TRPA has never reserved any portion of the annual
allocations for multi-residential development. Several counties have designated a portion of the allocations as multi-residential but the county designation would not affect the allocations' status under Chapter 43.

**DISCUSSION:** Attached as Exhibit D is a memorandum from Gregg Lien presenting the arguments in favor of allowing projects built with multi-residential bonus units or multi-residential allocations to subdivide into single family units.

In the workshops held on the subdivision ordinances, the restriction on the subdivision of projects receiving multi-residential bonus units was controversial. Staff's position is that the restriction is intended to protect the titled purpose of the multi-residential 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.

Gregg Lien also now argues that multi-residential allocations reserved by the Governing Board should not be restricted from subdividing. Staff opposes that amendment on the same bases as the bonus units. There is not a lack of condominiums or single family residences in the Region. There is a lack of multi-residential units and rental stock. There is also a lack of low cost housing. Making multi-residential bonus units and allocations available for new single family development will only exacerbate these problems.

Lien's arguments that only subdivided units are profitable may well be true but there was not any "agreement" in the regional plan to create bonus units to make condominium development more profitable. Property owners who wish to build multiple densities on their property may use bonus units. Subdividing multiple densities was not guaranteed in the 1984 or 1986 regional plan and was in fact prohibited by the Compact in 1980 while the regional plan was being developed.

Gregg Lien's argues that certain areas of Incline Village are only appropriate for townhouse condominiums and that the assignment of bonus units to those plan areas shows that townhouse condominiums are the "only conceivable" use of the bonus units. That is not true. The multiple density parcels are not currently subdivided and are permitted multiple density using bonus units. If they want to subdivide the units then they can do so by transferring in development rights from vacant parcels or existing development. The 1972 TRPA and County zoning are irrelevant. Many things have changed since then including allocations, density, coverage, and height.

The Granlibakken example is a poor one since Granlibakken is already considered subdivided and the first seven units already approved (in 1989) without the need for development right transfers. The assignment of bonus units to that plan area was not necessary.

**ACTION REQUESTED:** Based on the public hearing and discussion on this item,

2/11/93
/ses
the Governing Board should direct staff to bring back specific amendments for action next month or should direct staff to leave the ordinance as adopted. If the Board wishes to act on the proposed amendment in February, then staff will prepare the necessary findings and ordinance.
The foregoing requirements shall be depicted on Plan Area Statement Maps, which shall designate areas available for development according to the various land use classifications. Areas depicted on these maps shall reflect a reasonable projection of the amount of land available for the specific uses allowed in that area for the life of the Plan. The Plan Area Statement Maps shall be coordinated with other TRPA maps to permit ready determination of the constraints on development and the location of other relevant information including:

Stream Environment Zones (SEZs)
SEZ Restoration Programs
Capital Improvement Programs
Stream Habitat Quality
Historical Sites
Public Facilities Development Programs
Wildlife Habitat
Special, Sensitive, and Uncommon Plants
Fish Habitat
Transportation Corridors
Special Interest Species Areas
Land Capability
Sending and Receiving Areas for Transfer of Development Rights

5. ALL PLAN AREA STATEMENTS, COMMUNITY PLANS, OR OTHER SPECIFIC PLANS ADOPTED BY THE AGENCY SHALL SPECIFY THE TOTAL ADDITIONAL DEVELOPMENT WHICH MAY BE PERMITTED WITHIN THE REGION, NOT TO EXCEED THE LIMITATIONS SET FORTH IN A, B, C, D, AND E, BELOW. RECONSTRUCTION AND RELOCATION OF EXISTING DEVELOPMENT ARE NOT CONSIDERED ADDITIONAL DEVELOPMENT. (SEE DEVELOPMENT AND IMPLEMENTATION PRIORITIES SUBELEMENT FOR GROWTH MANAGEMENT AND TRANSFER OF DEVELOPMENT PROVISIONS.)

The Environmental Impact Statement prepared for this Plan analyzed impacts based on defined development parameters which are integrated into this Plan. It is the intent of this Policy to insure that these parameters are incorporated, both individually and cumulatively, into the Land Use Element. These limitations shall be expressed in appropriate land use regulations, such as zoning, use limitations, floor area limitations, allocation limits and other such regulations. For the purposes of this Plan, the development regulated is categorized as residential, tourist accommodation, commercial, recreation, public service, and resource management.

A. RESIDENTIAL: EACH UNDEVELOPED LEGAL PARCEL EXISTING AT THE TIME OF THE ADOPTION OF THIS PLAN (ESTIMATED AT APPROXIMATELY 16,000), UNLESS OTHERWISE RESTRICTED, HAS A DEVELOPMENT RIGHT OF ONE RESIDENTIAL UNIT, EXCEPT WHERE ADDITIONAL DEVELOPMENT RIGHTS ARE ACQUIRED PURSUANT TO GOAL #2, POLICY 2, OF THE DEVELOPMENT AND IMPLEMENTATION PRIORITIES, OR ACQUIRED PURSUANT TO GOAL #3, POLICY 2, OF THE DEVELOPMENT AND IMPLEMENTATION PRIORITIES SUBELEMENT. THE NUMBER OF ADDITIONAL MULTI-RESIDENTIAL UNITS FOR IDENTIFIED AREAS SHALL BE SPECIFIED BY PLAN AREA STATEMENTS, COMMUNITY PLANS, OR OTHER SPECIFIC PLANS. THE TOTAL NUMBER OF MULTI-RESIDENTIAL ADDITIONAL UNITS PERMITTED SHALL NOT EXCEED 1600 ADDITIONAL UNITS FOR THE 20-YEAR LIFE OF THIS PLAN. (SEE GOALS #2 AND #3 OF THE DEVELOPMENT AND IMPLEMENTATION PRIORITIES SUBELEMENT FOR MORE DETAIL.)
5. Prior Approvals (4-7)--are allocations which shall be assigned to properties located in land capability districts 4 - 7 which received a TRPA conditional approval for a single-family residence prior to August 27, 1983, but which did not receive a TRPA permit before May 1, 1984.

D. California jurisdictions shall be authorized to issue all the 1983 allocations when notified by TRPA. As applications are processed and permits issued by TRPA, conditions shall be imposed so that no more than 50 percent of the allocations issued are authorized to start construction in those jurisdictions in either of the first two years.

E. Nevada jurisdictions shall be authorized to issue all the case-by-case allocations when notified by TRPA. As permits are issued by TRPA, conditions shall be imposed so that no more than one-third of the permits issued are to be authorized to start construction in those jurisdictions in either of the first two years.

F. A total of 1,600 additional multi-residential units shall be available for the 20 year life of this Plan as bonus units in conjunction with transfer of development rights or other Agency incentive programs designed to attain the goals and objectives of this Plan. Except for affordable housing as defined in the Housing Subelement, these multi-density residential units shall be included in the allocation limitations above (see Land Use Subelement, Goal #2, Policy 5).

G. Unused allocations may be added to a jurisdiction's successive years allocations, through 1991. A residential development policy beyond year 1991 shall be considered at an appropriate time in the future.

3. A MAXIMUM OF 200 ADDITIONAL TOURIST ACCOMMODATION UNITS MAY BE PERMITTED DURING THE FIRST TEN YEARS OF THE PLAN.

(See Goal #3, Policy 2 of the Development and Implementations Priorities Subelement.)

4. A MAXIMUM OF 400,000 SQUARE FEET OF ADDITIONAL GROSS COMMERCIAL FLOOR AREA MAY BE PERMITTED DURING THE FIRST TEN YEARS OF THE PLAN. DEVELOPMENT OF ADDITIONAL COMMERCIAL FLOOR AREA SHALL BE ALLOCATED AS FOLLOWS:

Commercial development poses a particularly difficult problem in terms of demands on transportation systems. Controlling the rate of new commercial development will minimize these impacts and provide an opportunity for transportation systems to keep pace.

A. THE AMOUNT OF ADDITIONAL COMMERCIAL FLOOR AREA ALLOWED WITHIN A COMMUNITY PLAN FOR THE FIRST TEN YEARS OF THE REGIONAL PLAN SHALL BE 360,000 SQUARE FEET. SEVENTY-FIVE PERCENT OF THAT AMOUNT SHALL BE DISTRIBUTED TO LOCAL JURISDICTIONS BY ORDINANCE BASED ON RECOMMENDATIONS OF APC AND THE LOCAL JURISDICTIONS, CONSIDERING SUCH FACTORS AS AVAILABLE WATER AND SEWAGE DISPOSAL SERVICE, THE INVENTORY OF POTENTIALLY DEVELOPABLE PROPERTIES, AND ANTICIPATED NEEDS. TRPA SHALL THEN FURTHER ALLOCATE THOSE AMOUNTS TO COMMUNITY PLANS AS PART OF THE COMMUNITY PLANNING PROCESS. (SEE GOAL #2, POLICY 6, OF THE LAND USE SUBELEMENT.)
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**Goal #3**

Encourage consolidation of development through separate transfer of development rights and transfer of land coverage programs.

**Policies**

1. **Transfers of Residential Development Rights to Parcels in Areas Designated as Receiving Areas in Plan Area Statements May be Permitted.** The number of development rights that may be transferred is limited to one unit for undeveloped parcels, or to the number of residential units existing on a developed parcel.

   A. **Residential Development Rights May be Transferred with Approval of TRPA.** Residential development rights transferred from undeveloped parcels may only be exercised on a receiving parcel, upon receiving a residential allocation in accordance with the provisions regarding those allocations.

   B. **As Provided in Goal #2 of This Subelement and Goal #2 of the Land Use Subelement, Up to 1,600 Bonus Units May be Granted to Parcels for Multi-Residential Units in Conjunction with Transfer of Development Rights from Other Parcels or Other Agency Incentive Programs.** Ordinances shall establish detailed provisions which shall provide for bonuses of varying amounts in relation to a right transferred or implementation of an agency incentive program, depending on the public benefits being provided by the project. More bonuses shall be granted for projects within community plans than for those outside CFS. Other benefits to consider shall include the extent of coverage planned, transportation improvements, water quality improvements, and scenic improvements. More bonuses shall be granted for projects designed to house local residents at median income or below.
May 3, 1993

To: TRPA Advisory Planning Commission

From: Susan E. Scholley, Special Projects Attorney

Subject: Amendment of Chapter 35, Bonus Unit Incentive Program, and Chapter 43, Subdivision Standards, Relative to Multi-Residential Bonus Units and Allocations

PROPOSED ACTION: The proposed action is to amend Chapter 43 to permit a limited number of multi-residential bonus units to be subdivided over the next four years and to make a related amendment to Chapter 35 which changes the number of points needed for bonus units if the residential project is to be subdivided and is not low cost housing.

STAFF RECOMMENDATION: Staff recommends the proposed action with the caveat that the number of multi-residential bonus units available for subdivision for the next four years be limited to 200 units.

PROPOSED AMENDMENTS: The proposed amendments are as follows:

Chapter 43 amendments:

43.4.C Multi-residential Bonus Units and Allocations: Multi-residential projects which received development rights ("bonus units") 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 units except as follows:

(1) Affordable housing projects using multi-residential bonus units may be permitted to subdivide subject to the restrictions in Subsection 43.4.D below. Multi-residential bonus units assigned to affordable housing projects shall be exempt from the limitations in subparagraph (2) below.

(2) For the period ending December 31, 1996, no more than 200 multi-residential bonus units shall be approved for subdivision. Bonus units shall be deemed used and counted against this limitation at the time of subdivision approval. The number of multi-residential bonus units eligible for subdivision after December 31, 1996, if any, shall be reviewed in conjunction with the proposed 1997-2001 residential allocations.

Ses/ 5/3/93
Amendment of Chapter 35, Bonus Unit Incentive Program and Chapter 43 Page 2

43.4.D Affordable Housing: Subdivision 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 Low Cost Housing: Subdivision of low cost housing projects, as defined in Subsection 41.2.F and subject to the limitation in subparagraph 43.4.C(2) above, may be permitted provided TRPA finds that the resultant use qualifies as low cost housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to low cost housing.

Chapter 35 amendments

35.2.C Determination of the Number of Bonus Units:

(1) ...
(2) ...
(3) Post-1987 Projects Proposing Subdivision of Units: In order to subdivide a post-1987 multi-residential project which does not meet the standards for low cost housing as defined in Subsection 41.2.F, the score received pursuant to Subsection 35.2.D shall be multiplied by a factor of .67.

BACKGROUND: The APC made recommendations on the new ordinances for subdividing post-1987 projects in January of 1993. At that time staff recommended, and the APC concurred, that projects using multi-residential bonus units should not be permitted to subdivide. At the Governing Board hearing, the Board adopted the proposed ordinances as recommended by the staff and APC but agreed to reconsider the prohibition on subdividing multi-residential bonus units.

At the February hearing, the Board did not amend the ordinances but directed staff to present information regarding the need for multi-residential housing and the current housing situation. Further, the Board was divided regarding the appropriateness of a limited exemption.

Because the staff is recommending amendments to Chapter 43 (and related amendments to Chapter 35), the matter has been brought back to the APC for its input and recommendation.

DISCUSSION: Based on the testimony at the Board hearings and discussions with the attorney for the Tahoe-Sierra Preservation Council, staff is prepared to recommend a limited and short-term exception from the current prohibition on subdividing multi-residential units. The change in staff’s recommendation is based on the limited number of multi-residential bonus units made available for subdivision, which is 200 out of the total of 1600. The new recommendation is also based on the exemption being limited to four years so that TRPA can reassess the need and situation in four years as part of the
next five-year review and allocation table.

Also, the recommended amendments completely exempt affordable housing units from the limitations on subdivision. Subdivision of affordable housing units, provided they remain affordable, is consistent with the intent of the plan and ordinances to provide affordable housing for rent or sale. Finally, the amendment to Chapter 35 increases the number of points a project must earn for bonus units which are to be subdivided and which do not qualify as low-cost housing. Currently ten points are currently required for each bonus unit. The proposed multiplier of .67 would translate into a requirement of 15 points for each bonus unit.

Although staff hoped to reach a negotiated compromise with the Preservation Council on this issue, the Council does not concur in the limitation of 200 bonus units for the next four years. Initially they had proposed a total exemption of 400 units over the next fifteen years and they continue to advocate a larger exemption. Their research found that the number of units in Incline Village which were in areas already substantially subdivided and mapped for multiple units under the Incline Village Master Plan is approximately 260.

Given these numbers and the limited number of allocations in each jurisdiction, TRPA staff continues to recommend a "go slow" approach to exempting multi-residential bonus units from the prohibition on subdividing. The recommended number of 200 represents 17% of the total allocations for the next four years and 77% of the Incline Village parcels which the Preservation Council identified as the problem.

The 1983 EIS on the Regional Plan and the more current TRAG study found a lack of low cost housing in the Region. The Preservation Council does not dispute the existence of the problem. Staff believes that the provision of the four year period and the recommended 200 units represent an appropriate compromise. Furthermore, committing more units up front will limit the discretion of the Agency in the future should it be able to, or wish to, take a more aggressive approach toward housing problems.

If there are any questions regarding this item, please contact Susan Scholley at (702) 588-4547.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 96—

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED; AMENDING PLAN AREA STATEMENTS 044, FAIRWAY, AND 048, INCLINE VILLAGE TOURIST, BY DELETING SPECIAL DESIGNATIONS AND REALLOCATING MULTI-RESIDENTIAL BONUS UNITS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, which ordinance relates to the Regional Plan, by amending Plan Area Statements 044 and 048 by deleting Special Designations relating to multi-residential units and by reallocating 20 multi-residential bonus units from PAS 044 to PAS 048, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact and Regional Plan.

1.20 The Advisory Planning Commission ("APC") held a public hearing on the amendments and recommended adoption. The Governing Board conducted a noticed public hearing on the amendments. Oral testimony and documentary evidence were received and considered at those public hearings.

1.30 These amendments have been determined not to have a significant effect on the environment and are therefore 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 6.4 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the environmental thresholds 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 Plan Area Statements 044 and 048

Subsection 6.10(2) of Ordinance No. 87-9, as amended, is hereby further amended to add subparagraph (rr) as follows:

Section 3.00  Interpretation and Severability

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

Section 4.00  Effective Date

The provisions of this ordinance shall be effective immediately pursuant to Subsection 13.7.A.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held March 27, 1996, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency
March 15, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Plan Area Statement 100, Truckee Marsh (Conservation) to Add Stream Environment Zone Restoration as a Permissible Use

Proposed Action: Staff proposes to amend Plan Area Statement 100, Truckee Marsh, to add SEZ Restoration as a Permissible Use. Please see Attachment A for proposed language changes.

Staff Recommendation: Staff recommends that the Governing Board make the Chapter 6 and Chapter 13 findings and adopt the ordinance amending PAS 100 to add SEZ restoration as a permissible use.

Advisory Planning Commission Recommendation: The Advisory Planning Commission unanimously voted to recommend approval of the plan area amendment to the Governing Board. There was a question of why the SEZ restoration was assigned a Special Use and not an Allowed Use. The management strategy for conservation areas, such as PAS 100, is maximum regulation. Designated conservation areas typically are strictly regulated to ensure preservation and enhancement of the existing environment. Therefore, SEZ restoration in these areas has been designated a Special Use. All other plan areas that do not have this maximum regulation designation allow SEZ Restoration as an Allowed Use.

Background: The California Tahoe Conservancy (CTC) is in the process of preparing the plans for a major stream environment zone restoration project called Cove East, targeted for the Truckee Marsh. The Truckee Marsh is predominantly located in PAS 100 (See Attachments B and C). During the early planning process, the CTC notified TRPA that SEZ Restoration is not a permissible use. In order for the CTC to follow through with the Cove East Project, the PAS 100 use list needs to be amended to allow SEZ Restoration as a permissible use.

This is a staff-initiated plan area amendment developed in cooperation with the CTC.

Discussion: In evaluating proposed plan area amendments, staff uses a three-step procedure. The first step is to determine whether a mistake was made in assigning permissible uses to the area. The second step is to determine whether something has changed in terms of character at this location...
or pattern of land use to warrant amending the list of permissible uses. The third step is to determine whether the amendment to the Plan Area would change land use patterns such that attainment and maintenance of environmental thresholds is improved or enhanced.

Staff recommends, based on the above three-step approach, to amend the permissible use list. Upon review of PAS 100, staff has determined that an omission was made in the original plan area statement during the drafting phase. SEZ Restoration should have been included on the list of permissible uses. It was inadvertently omitted from the list.

PAS 100 was created to encompass the stream environment zone adjoining Upper Truckee River from Lake Tahoe to a point just below the airport and along Trout Creek north of Pioneer Trail (see Attachments B and C).

The land classification for PAS 100 is conservation and the area is classified as an SEZ. Marsh and deciduous riparian vegetation are the predominant vegetation. Such vegetation present in PAS 100 includes alder and willows which indicate the presence of an SEZ. Over 30 percent of the land area of the Lake Tahoe Basin is drained by the Truckee River, which runs through PAS 100. The Planning Statement of PAS 100 calls for this area to be managed primarily for its natural values including those management practices which contribute to the quality of fish and wildlife habitats, support dispersed recreation, and maintain the nutrient catchment capacity of the stream environment zone.

Special Policies 1 through 4 of PAS 100 call for SEZ and wildlife habitat restoration in the Truckee Marsh (such as the Cove East project). In order to proceed with any SEZ restoration such as Cove East, the permissible use list will have to be amended. The project involves restoration of degraded wetland and river corridor at the mouth of the Upper Truckee River for water quality and wildlife enhancement purposes and construction of recreation improvement. The river channel and surrounding riparian corridor were substantially altered through construction activities approximately 30 years ago. This disturbance resulted in significant loss of wildlife and fisheries habitat and degradation of water quality.

Restoration will include reclamation of over 40 acres of the Upper Truckee River wetland and reconstruction of over 3,000 feet of the Upper Truckee River for wildlife habitat and water quality improvements. Recreation improvements could substantially increase public access to an expansive 1,400 foot beach along Lake Tahoe's South Shore.

This project has the potential to be the most comprehensive and significant wetland restoration and water quality improvement project ever undertaken at Lake Tahoe.

Findings: Prior to amending the plan area statement, TRPA must make the following findings.

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Memorandum to Governing Board  
Amendment of PAS 100, Truckee Marsh  
Page 3

Chapter 6 Findings

1. **Finding:** The project will not cause the environmental thresholds to be exceeded.  
   **Rationale:** The proposed PAS amendment will not cause the environmental threshold to be exceed. Any project that is proposed as a result of this amendment will be required to meet all land coverage, scenic quality and water quality standards. In fact, the amended plan area statement will provide the opportunity to work towards meeting TRPA's SEZ Restoration Threshold by restoring sensitive wetlands in the Region. This will enhance SEZ Threshold attainment.

2. **Finding:** Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.  
   **Rationale:** The proposed amendment itself will have no negative effects on air or water quality. Providing SEZ Restoration as a permissible use in PAS 100 will allow for restoration projects that will enhance water quality. Any project that is proposed as a consequence of this plan area statement will be required to comply with all aspects of the TRPA Code of Ordinances. Potentially, the ability to attain and maintain water quality standards will be enhanced by allowing SEZ restoration projects in this plan area.

3. **Finding:** The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amend and maintains the thresholds.  
   **Rationale:** See Findings 1 and 2 above.

4. **Finding:** The Regional Plan, as amended, achieves and maintains the thresholds.  
   **Rationale:** See Findings 1 and 2 above.

Chapter 13 Findings

1. **Finding:** The amendment is substantially consistent with the plan area designation criteria in subsection 13.5.B (Land Use) and 13.5.C (Special Designations).
Memorandum to Governing Board
Amendment of PAS 100, Truckee Marsh
Page 4

Rationale: The land use designation for PAS 100 is Conservation and Special Policies of PAS 100 call for stream zone restoration in various locations of the PAS. The management of the PAS calls for maintaining the natural values of the plan area statement. Amendment of the permissible use list to add SEZ Restoration will help achieve the policies state in Plan Area Statement 100.

Based on the above analysis and the completion of an Initial Environmental Checklist (IEC), staff proposes a finding of No Significant Effect (FONSE). The amendment to the plan area statement is administrative in nature and does not constitute a project approval. All projects will still have to comply with all aspects of the Regional Plan. Furthermore, the amendment will help TRPA work towards meeting its SEZ Restoration Threshold.

Staff will begin this item with a brief presentation. If you have any questions or comments regarding this agenda item, please contact John Hitchcock at (702) 588-4547.
100 -- TRUCKEE MARSH

PLAN DESIGNATION:

Land Use Classification: CONSERVATION
Management Strategy: MAXIMUM REGULATION
Special Designation: NONE

DESCRIPTION:

Location: This is the stream environment zone adjoining the Upper Truckee River from Lake Tahoe to a point just below the airport and along Trout Creek north of Pioneer Trail. The boundaries of this area are depicted on Agency maps G-17, G-18 and G-19.

Existing Uses: This area has limited use due to poor drainage. Recreational uses include rafting, bird watching, cross country skiing, hiking, fishing, and some sunbathing along the shoreline of Lake Tahoe. Grazing of livestock occurs in the meadow areas. 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.

Existing Environment: This area is classified as SEZ. Marsh and deciduous riparian vegetation dominate the vegetative composition. Excellent habitat exists for a wide variety of different wildlife species. Bald eagles use the area in the fall and winter months. Habitats for Rorippa subumbellata are found on the beach. The shorezone tolerance district is 1.

PLANNING STATEMENT: This area should be managed primarily for its natural values including those management practices which contribute to the quality of fish and wildlife habitats, support dispersed recreation, and maintain the nutrient catchment capacity of the stream environment zone.

PLANNING CONSIDERATIONS:

1. Commercial and residential uses infringe upon the stream environment zone.
2. Highway crossings over the Upper Truckee River and Trout Creek restrict the natural functioning capacity of the SEZ.
3. Important wildlife habitat adjoins the airport.
4. Parking problems are created by people wishing to raft on the Upper Truckee River.
5. Dogs from nearby residential areas harass wildlife.
6. Fish habitat in the Upper Truckee River and Trout Creek has been degraded by sediment deposition.
7. Many fishes from the lake migrate up the streams to spawn.
8. There are localized problems of bank slumping and erosion.
9. Access to Barton Beach is extremely limited.
10. Cold Creek is diverted to create Lake Christopher.

11. This area is impacted by the airport transportation corridor.

12. Cattle are occasionally released into the meadow areas when the meadows are saturated with water.

13. Approximately 150 acres adjacent to the Tahoe Keys may be transferred to public ownership pursuant to a litigation settlement.

14. The future status of a Caltrans right-of-way through this area is uncertain.

15. The Agency Wildlife Map identifies waterfowl habitat in the area, and the USFS has identified this area as bald eagle habitat.

**SPECIAL POLICIES:**

1. Stream zones should be restored where Highway 50 crosses the Upper Truckee River and Trout Creek.

2. Stream environment zones should be restored in the vicinity of the crossings of Trout Creek at Highway 50 and at Black Bart Road.

3. Banks along both creeks should be stabilized.

4. Instream habitat should be improved through artificial creation of deep pools and removal of obstructions.

5. The Upper Truckee Marsh should be buffered from other, more intensive land use areas.

6. Final determination by the city on the long term use and maintenance of Lake Christopher should include consideration of SEZ restoration and relocation of Cold Creek to its original channel.

7. Grazing of livestock should be conditional upon the use of acceptable management practices.

8. The diversion structure used to irrigate the Upper Truckee Meadow south of Highway 50 should be eliminated.

9. Wildlife habitat improvement projects, to include waterfowl nesting platforms, should be undertaken for the Upper Truckee Marsh.

10. New roadway alignments through stream environment zones are to be discouraged.

11. No new uses should be approved that would degrade the high scenic quality of Shoreline Unit No. 33 or contribute to the further degradation of Roadway Unit No. 35.

12. Developed facilities adjacent to the view corridors along Highway 50 at the Upper Truckee River and Trout Creek shall be addressed in the South Y Community Plan to improve the scenic quality rating of these areas.

13. The Upper Truckee River should be designated as a catch and release fishery.

14. This is a high priority area for land coverage removal.
PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area.

- **Public Service:** Transportation routes (S), pipeline and power transmission (S), and public utility centers (S).
- **Recreation:** Riding and hiking trails (S) and cross country skiing courses (S).
- **Resource Management:** Sanitation salvage cut (S), early successional stage vegetation management (S), nonstructural fish habitat management (S), nonstructural wildlife habitat management (A), structural fish habitat management (S), structural wildlife habitat management (S), farm/ranch accessory structure (S), grazing (S), range pasture management (S), range improvement (S), fire detection and suppression (A), fuels treatment (S), insect and disease suppression (A), sensitive plant management (S), uncommon plant community management (S), erosion control (S), runoff control (S), and special cuts (S), and SEZ restoration (S).

**Shorezone:** Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

**Tolerance District 1**

- **Primary Uses:** Safety and navigation facilities (A).
- **Accessory Structures:** Fences (S) and shoreline protective structures (S).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

**USE**

- **MAXIMUM DENSITY**

  There are no Plan Area maximum allowable densities.

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 50 CNEL, except a noise standard of 60 CNEL shall apply to areas within approved flight paths. The maximum community noise equivalent level for the Highway 50 corridor is 65 CNEL.
ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

3. Stream zone restoration as indicated in Volume III of the Water Quality Management Plan, the Stream Environment Zone Restoration Program. (To be completed.)

4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 50 corridor. (To be completed.)
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 96 -

AN ORDINANCE AMENDING ORDINANCE No. 87-9, AS AMENDED, BY
AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING
AGENCY, AS AMENDED; AMENDING PLAN AREA STATEMENT 100
(TRUCKEE MARSH) AND ADD SEZ RESTORATION AS A PERMISSIBLE
USE; AND AMENDING IMPROVEMENT PROGRAMS; AND PROVIDING FOR
OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended,
which ordinance relates to the Regional Plan of the Tahoe Regional
Planning Agency (TRPA) by amending the Plan Area Statement 100 to add
SEZ restoration as a permissible use and related improvement programs
amendments, in order to further implement the Regional Plan pursuant to
Article VI(a) and other applicable provisions of the Tahoe Regional
Planning Compact.

1.20 These amendments have been determined not to have a significant effect
on the environment, and are therefore exempt from the requirement of an
environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing
on the amendment and recommended adoption. The Governing Board has
also conducted a noticed public hearing on the amendment. At those
hearing, oral testimony and documentary evidence were received and
considered.

1.40 The Governing Board finds that the amendment adopted hereby will
continue to implement the Regional Plan, as amended, in a manner that
achieves and maintains the adopted environmental threshold carrying
capacities as required by Article V(c) of the Compact.

1.50 The Governing Board finds that, prior to the adoption of this
ordinance, the Board made the findings required by Section 6.4 and 13.7
of the Code and Article V(g) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in
the record.

Section 2.00 Amendment to Plan Area Statement 100 (Truckee Marsh)

Subsection 6.10(2) of Ordinance No. 87-9, as amended, is hereby further
amended to add subparagraph (ss) as follows:

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6.10 Plan Documents

(2) Plan Area Statement for Plan Area 100, inclusive, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statements as set forth in:

Added (as) "Attachment A" entitled PAS 100 -- Truckee Marsh, dated February 22, 1996, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The provisions of this ordinance shall be effective 60 days after adoption of this ordinance pursuant to Subsections 13.7.B and 13.7.C.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April ____, 1996 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency

125
March 14, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Chapter 21, Density, Relative to the Kitchen Unit Limitation for Timeshare Development

Proposed Action: The Governing Board shall hold a public hearing and based on its outcome adopt the proposed Code amendment.

Staff/APC Recommendation: TRPA staff and the APC recommend that the Governing Board adopt the proposed Chapter 21 amendment. At their March 13, 1996 meeting, the APC unanimously voted to recommend Governing Board adoption of this amendment to the Code of Ordinances.

Proposed Amendment: The proposed Code amendment, requested by the South Tahoe Redevelopment Agency, requires the following amendments to Chapter 21 of the Code of Ordinances:

Subsection 21.3.C would be amended as follows with added language underlined:

21.3 Table of Maximum Densities: Except where a plan area statement, community plan, master plan, redevelopment plan, or specific plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in the following table, or as provided in Subsection 21.3.B:

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Single-family dwelling</td>
<td></td>
</tr>
<tr>
<td>(parcels less than 1 acre)</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>B. Single-family dwelling</td>
<td></td>
</tr>
<tr>
<td>(parcels 1 acre or larger) secondary residence</td>
<td>2 units per parcel, provided one unit is an authorized</td>
</tr>
</tbody>
</table>

JH:rd
3/14/96

Planning for the Protection of our Lake and Land
C. Summer home  1 unit per parcel or lease site
D. Multi-family dwelling  15 units per acre
E. Mobile-home dwelling  8 units per acre
F. Multi-person dwelling, nursing and personal care, and residential care  15 persons per acre

Tourist Accommodations
A. Bed and breakfast  10 units per acre
B. All other
   1. if less than 10% of the units have kitchens  40 units per acre
   2. if 10% or more of the units have kitchens  15 units per acre

Recreational Uses
A. Developed campgrounds  8 sites per acre
B. Recreation vehicle parks  10 sites per acre
C. Group facilities  25 persons per acre

21.3.A Conversion Factors: For residential uses, 2.5 persons shall be equivalent to one residential unit. For recreational uses, four persons shall be equivalent to one recreation site.

21.3.B Affordable Housing: Affordable housing projects may be permitted to increase the density permitted in the table or the applicable plan area statement, community plan, master plan, redevelopment plan, or specific plan, whichever is less, by 25 percent, provided TRPA finds that:

(1) the project, at the increased density, satisfies a demonstrated need for additional affordable housing; and
(2) the additional density is consistent with the surrounding area.
21.3.C. Timeshare Uses (Residential Design): A timeshare use (residential design) in an adopted community plan area may increase the permitted density in the community plan by a factor of 2 or a timeshare use (residential design) in an adopted TRPA redevelopment plan area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

1. the special use findings in Subsection 18.1.B;
2. that the project provides transit service for its patrons directly or by contract with a transit provider;
3. that the project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
4. if the project contains excess land coverage: that the land coverage will be reduced to no more than 75 percent of the project area; or, if applicable, the land coverage will be reduced in accordance with Subsection 15.9.A.

Background: The TRPA Code of Ordinances has a connection between allowed density and the percentage of tourist accommodation units containing kitchens. Specifically, the allowed density for tourist accommodation units with less than 10% of the units having kitchens is 40 units per acre. If more than 10% of the units have kitchens, the allowed density is reduced to 15 units per acre.

The basis for the density difference was that traditional hotel rooms (300 s.f.) could achieve higher density than residential units (600 - 1,000 s.f.) within the same height, bulk, and coverage limits. Also, traditionally TRPA has allowed tourist units more height, coverage, and reduced parking requirements. A major concern was that as hotels become obsolete they are converted to long-term rentals or residential use at a density higher than is permitted by the Code and, equally important, good design.

If additional density can be added to timeshare projects without creating any significant impacts related to parking, trips, coverage, scenic, etc., and there are safeguards that prevent the conversion of the project to long-term residential use without TRPA review, then staff has concluded that this Code amendment would not cause any significant impacts.

Summary of Proposed Amendment: The proposed amendment will allow an increased density for residential design timeshare projects within adopted community plans and redevelopment plans. Projects proposing to include greater than 10 percent of the units with kitchens must be considered as a special use, provide landscaping, and will be subject to conditions related to parking and transit service.
Memorandum to the Governing Board
Amendment of Chapter 21
Page 4

Environmental Documentation: Because of the nature of this amendment, and because of Code required mitigation of traffic and other impacts, staff recommends a finding of no significant environmental effect. Land use impacts will be addressed by special use findings.

Findings: The required Chapter 6 findings and rationales are as follows:

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

Rationale: The proposed allowance of kitchens in the timeshare units, as conditioned, is not anticipated to have any effect on the intensity of use or to generate additional demand for parking or transportation capacity. The market data related to sales and use of timeshare units indicates that the availability of kitchens will reduce vehicle trips as occupants of timeshare units with kitchens are generally less likely to go out to eat all meals. With the provision of transit facilities associated with projects in the area, the higher permitted density will also likely generate better transit ridership, and reduced use of individual automobiles.

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

Rationale: The proposed amendment will not affect environmental thresholds and related standards. The proposed amendment, by concentrating development in community and redevelopment plan areas, will assist in the achievement of air quality and transportation thresholds.

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

Rationale: Due to the nature of the amendments, air and water quality standards are not affected.

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

Rationale: See above findings.
Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The required findings and their rationales are:

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

   Rationale: For the reasons stated in Findings 1 and 2 above, the proposed amendment is consistent with attainment or maintenance of the thresholds. All timeshare development must comply with conditions listed in proposed Code subsection 21.3.C.

2. One of the following findings:

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

   b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

   c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or

   d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or

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

   f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

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

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

      (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

Staff proposes to make Finding b for the following reasons:
Rationale and Evidence: As noted in the previous findings, the availability of kitchens within residential timeshare units should not adversely effect the attainment of thresholds. Since a comparable development without kitchens is now a permitted use, the installation of kitchens into the project would have little impact on the exterior appearance or number of vehicle trips.

Action Requested: In order to implement the proposed amendment, the Governing Board must take the following actions:

1. Make a Finding of No Significant Effect (FONSE) and the required Chapter 6 and Ordinance 87-8 findings; and

2. Adopt the attached ordinance.

If you have any questions regarding this agenda item please contact John Hoole at (702) 588-4547.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 96-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, OF THE
TAHOE REGIONAL PLANNING AGENCY; AMENDING CHAPTER 21 OF THE
CODE OF ORDINANCES RELATING TO DENSITY FOR RESIDENTIAL DESIGN
TIMESHARE USES; AND PROVIDING FOR OTHER MATTERS PROPERLY
RELATING THERETO.

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

Section 1.00  Findings

1.10  It is necessary and desirable to amend TRPA Ordinance No. 87-9, as
amended, by amending Chapter 21 of the Code of Ordinances relating to
permissible densities for residential design timeshare uses, in order
to further implement the Regional Plan pursuant to Article VI(a) and
other applicable provisions of the Tahoe Regional Planning Compact.

1.20  The Advisory Planning Commission ("APC") conducted a noticed public
hearing and recommended adoption of the amendment. The Governing Board
has also conducted a noticed public hearing on the amendment. Oral
testimony and documentary evidence were received and considered.

1.30  The proposed amendment has been determined not to have a significant
effect on the environment and is 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, and the findings required
pursuant to Section 2.40 of Ordinance 87-8. The TRPA Ordinance 87-8
findings are supported by a preponderance of evidence in the record.

1.50  The amendments adopted by this ordinance continue to implement the
Regional Plan, as amended, in a manner that attains and maintains the
environmental thresholds 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 21 of the Code

Chapter 21 is hereby amended to add a new subsection, Subsection 21.3.C,
as follows:
21.3.C Timeshare Uses (Residential Design): A timeshare use (residential design) in an adopted community plan area may increase the permitted density in the community plan by a factor of 2 or a timeshare use (residential design) in an adopted TRPA redevelopment plan area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings.

(1) The special use findings in Subsection 19.1.B;

(2) That the project provides transit service for its patrons directly or by contract with a transit provider;

(3) That the project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and

(4) If the project area contains excess land coverage: that the land coverage will be reduced to no more than 75 percent of the project area; or, if applicable, the land coverage will be reduced in accordance with Subsection 15.9.A.

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 or the amendments adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance or the amendments shall not be effected. For this purpose, the provisions of this ordinance and the amendments are hereby declared severable.

Section 4.00 Effective Date

This ordinance shall become effective 60 days after its adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held March 27, 1996, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

133 A

John B. Upton, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

March 14, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Draft EIS for the Lake Tahoe Shorezone Development
Cumulative Impact Analysis

This item is an ongoing issue that is placed on the Governing Board's agenda
each month throughout the comment period. The Governing Board has extended
the comment period to June 1, 1996.

If you have any comments or questions on this agenda item, please call Coleen
Shade at (702) 588-4547.
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
(702) 588-4547
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MEMORANDUM

March 19, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Report on Status of Ski Run Marina Inner Harbor

PROPOSED ACTION: No action is requested at this time. The following is a status report only.

STAFF RECOMMENDATION: The staff recommends an interagency and cooperative effort to identify the issues and problems in the Ski Run Inner Harbor. After identification of issues and problems, an appropriate plan of action will be presented to the Governing Board.

BACKGROUND: At the February 1996 Board meeting in connection with the agenda item on the Ski Run Component of Redevelopment Project No. 1, the League to Save Lake Tahoe voiced a concern over the clean-up of the Ski Run Marina Inner Harbor. A condition was added to the Ski Run Component to insure that the Marina portion of the project would not cause any delay or impediment to the Inner Harbor dredging permit approved by TRPA and required as part of a stipulated judgment in litigation between the State of California and Lake Tahoe Cruises.

DISCUSSION: The parties to the Redevelopment Agreement (City of South Lake Tahoe Redevelopment Agency, KOAR/Embassy Vacation Resorts, the California Attorney General's Office, TRPA and the League) had a conference call and agreed on language to add to the memorandum which amends the Second Amended Redevelopment Agreement. The language is as follows:

"All of the parties agree that a clean lakefront is an important element of the Ski Run Component of Redevelopment Project No. 1. To this end, the parties agree to work cooperatively to support appropriate efforts that will improve the water quality of the inner harbor and the neighboring lakefront. This paragraph [] is not intended to create or alter any financial rights and/or obligations of any of the parties to this memorandum with regard to water quality issues inside or outside the project area."

TRPA compliance staff has been involved in the issue of the inner harbor for several years. Due to the litigation between the State of California and Lake Tahoe Cruises, TRPA has taken a supportive role rather than a leading role. Currently, a stipulated judgment between Lake Tahoe Cruises and California
requires Lake Tahoe Cruises to dredge the inner harbor as mitigation for illegal dredging in Lake Tahoe in 1987. Lake Tahoe Cruises is contesting the enforceability of the stipulated judgment and the outcome of that contest may affect future proposals to clean up the inner harbor.

Lahontan Regional Water Quality Control Board is also involved in this matter, as is the City of South Lake Tahoe. TRPA staff is in the process of compiling the existing data, including water quality sampling results, on the inner harbor and preparing additional information, as appropriate. Data collection needs to be coordinated with the other affected agencies and the California Attorney General's office (so as not to prejudice or confuse the issues in that litigation).

TRPA staff will continue its data collection and will obtain other data as needed. TRPA staff will also continue to monitor the progress of the litigation to enforce the stipulated judgment between California and Lake Tahoe Cruises. At an appropriate time, TRPA staff will present another status report to the Governing Board on the inner harbor and, if appropriate, will make a recommendation regarding what action, if any, the Governing Board should take to effect a clean-up of the inner harbor.

If there are any questions regarding this matter, please contact Susan Scholley, Special Projects Attorney at (702) 588-4547.
March 15, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Discussion on Proposed Alternatives to be Analyzed For the 1996 Threshold Evaluation Report

Proposed Action: The Governing Board is requested to review and comment on the range of alternatives to be evaluated in the environmental assessment (EA) for the 1996 Threshold Evaluation Report.

1. Scoping Process: TRPA staff will hold an environmental document scoping session at the TRPA offices in early April.

2. Range of Alternatives: Attachment A has a description of four the alternatives that staff is planning to considered in the EA. It is staff's plan to work with the local planners, TCORP, TTREC, and possibly the local government committee of the Governing Board to further refine these alternatives.

APC Action: After reviewing this matter at their March 13, 1996 meeting, the Advisory Planning Commission, without an official vote, supported the concept of having a scoping meeting in April to determine the scope of the environmental document, and supported the concept of focusing on environmental improvements in the 96 Evaluation. Two members recommended that some of the thresholds should be reconsidered and possibly amended if they met the amendment findings criteria in the threshold adopting Resolution 82-11.

Background: The TRPA is required by Chapter 32 of the Code to evaluate its progress in attaining thresholds every five years. This year the second five-year Threshold Evaluation Report is due. Attachment B is a schedule for this evaluation report. In this report, TRPA will evaluate progress on threshold indicators and make recommendations for compliance measures (e.g. Code amendments, new programs, improvement projects, etc.) to assure threshold attainment.

Because the recommendations may have environmental impacts, TRPA is required to prepare an environmental document. An environmental assessment was prepared for the 1991 Threshold Evaluation. Staff is planning to prepare an EA for the 1996 Threshold Evaluation on the basis that no major changes
are being considered at this time and the range of alternatives is within previous adopted plans and EISs. The anticipated focus of the Evaluation will be on the Environmental Improvement Program (EIP) project list and its implementation. However, there are other TRPA actions schedule for the fall of 1996 that will relate to the 96 Threshold Evaluation such as the setting of commercial, tourist accommodation, and residential allocations for the next five to ten years, the update of the Regional Transportation Plan/Air Quality Plan, and community plan updates. These other actions will be coordinated with the 96 Threshold Evaluation EA and may be incorporated as part of the proposed action in the EA, if appropriate.

If you have any questions or comments regarding this agenda item, please contact Gabby Barrett at (702) 588-4547.
96 THRESHOLD EVALUATION ALTERNATIVES/PROJECTIONS

The following alternative growth scenarios are being proposed to be used for the 96 Evaluation and related plan amendments. These alternatives and projections will be included in the EA for the 96 Evaluation, RTP/AQP update, the Community Plan updates, and other related documents.

EA ALTERNATIVES

#1 No Growth -- No additional development, including public service and recreation.

#2 No Action By TRPA On Future Allocations -- No residential, tourist, or commercial allocations for 1997-2006.


#4 Maximum Development -- 1987-1996 allocations do not expire and a like amount will be added for 1997-2006.

KEY DATES for the Alternatives are as follows:

1982 -- Base year for Thresholds
1987 -- Plan adoption
1991 -- 91 Evaluation - first five year review
1995 -- Base Year for EA and Evaluation data collection
1996 -- 96 Evaluation - second five year review
2001 -- Third five year review/five year project list/projections
2006 -- 1997 Plan threshold attainment evaluation date
2016 -- Projection development/population/impacts (mirror 1997-2006)

PROJECTIONS for the future dates will be based on the calibrated Tranplan model estimates. Shorezone EIS projections will be coordinated with the Tranplan projections.

Calibration: Census, land use, 1991 Tranplan, TRPA database, and other information will be used to establish a 1995 base year.

Growth Projections: Additional land use projection will be based on allocations and best estimates of where they will be distributed. Best estimates will come from adopted plans, CIP programs, and planners.

External growth projections, vacancy rate changes, household size changes, etc., will be based on linear projections, economic projections, and other studies where available.
March 15, 1996

Alternative 1 - No Growth

Additional development stops as of December 31, 1995.

1. Regional Plan: No changes in Goals and Policies, Code, RTP/AQP, 208 Plan, etc.

2. Growth Projections:

Allocations: Additional units of use would be limited to that approved before December 31, 1996. Starting January 1, 1997 there would not be any allocations. Public service and recreation not regulated by units of use would not be permitted except for health and safety and threshold attainment.

Coverage/Disturbance: Starting January 1, 1997 there would be no additional coverage or disturbance except for threshold attainment related CIP projects.

Other Growth: Starting January 1, 1997 there would be an increase of 1 percent/yr. in occupancy in all occupied units, an increase of 1 percent/yr. in day use (external trips)

3. Improvement Projects: CIP projects for threshold attainment scheduled in adopted TRPA plans would be implemented at the same pace as 1990 to 1995. Buy out programs would continue on the 1990-95 pace.

4. Reconstruction, Relocation, & Maintenance: Existing rules would apply.

Note: The 1988 208 Plan EIS had a No Growth Alternative and the 1991 RTP/AQP had a No Growth Alternative.
March 15, 1996

Alternative 2 - No Action by TRPA on Future Allocations

There would be no additional development dependent on TRPA Governing Board adoption of 1997-2006 allocations.

1. Regional Plan: No changes in Goals and Policies, Code, RTP/AQP, 208 Plan, etc.

2. Growth Projections:

Allocations: Additional allocations of units of use for residential, tourist, and commercial would be limited to that approved before December 31, 1996. Starting January 1, 1997 there are no allocations for these uses. Recreation and public service uses would not be affected. Key growth factors are:

- no new residential - affordable only, 10% of 1600 res. bonus units for affordable only
- no tourist bonus - for next 10-20 years
- no commercial sq. ft. - next 10-20 years
- recreation and public service growth projections reviewed by local agencies
- PROTs/20 years
  - 6,761 summer day use
  - 12,400 winter day use
  - 6,114 overnight

Coverage/Disturbance: Starting January 1, 1997 there would be no additional coverage or disturbance estimated for future residential, tourist and commercial allocations. There would be additional coverage for projects not requiring these allocations.

Other Growth: Starting January 1, 1997, there would be an increase of 1 percent/yr. in occupancy in all tourist and residential units, an increase of 1 percent/yr. in day use (external trips)

3. Improvement Projects: CIP projects scheduled in adopted TRPA plans would be implemented at the same pace as 1990 to 1995. Buy out programs would continue on the 1990-95 pace.

4. Reconstruction, Relocation, Transfer, & Maintenance: Existing rules would apply.

Note: The 1988 208 Plan EIS had a No Growth Alternative and the 1991 RTP/AQP had a No Growth Alternative.
Alternative 3 - Continue Existing Allocation Rates

The development allocation rates would be continued for the next twenty years, however there would be no roll over of unused allocations.

1. Regional Plan: No changes in Goals and Policies, Code, RTP/AQP, 208 Plan, etc. except to set out the allocations for the next ten years.

2. Growth Projections:

   Allocations: Additional allocations of units of use for residential, tourist, and commercial would be limited to that adopted in the current Plan. A repeat of residential tourist and commercial would be used for projection purposes for 2007 to 2016. The distribution would match the 1987-1996 distribution. Recreation and public service uses would be as per schedules. Key growth factors are:

   - Growth projections reviewed by local planners
   - 300 residential/yr - for next ten years
   - 1600 residential bonus units
   - 200 tourist bonus units/10 yr.
   - 400,000 sq. ft. commercial/10 yr
   - Recreation and public service growth projections reviewed by local agencies
   - PAOTs/20 years
     6,761 summer day use
     12,400 winter day use
     6,114 overnight

   Coverage/Disturbance: Starting January 1, 1997 there would be an assumption that the maximum additional coverage will be used for all projects on vacant parcels and developed parcels coverage would remain the same.

   Other Growth: Starting January 1, 1997 there would be an increase of 1 percent/yr. in occupancy in all tourist and residential units, an increase of 1 percent/yr. in day use (external trips)

3. Improvement Projects: CIP projects scheduled in adopted TRPA plans would be implemented at the same pace as 1990 to 1995. Buy out programs would continue on the 1990-95 pace.

4. Reconstruction, Relocation, Transfers, and Maintenance: Existing rules would apply.

Note: The 1988 208 Plan EIS had a Proposed Alternative and the 1991 RTP/AQP had a Preferred Alternative that projected these growth rates out to 2007 but assumed all allocations are used.
March 15, 1996

Alternative 4 - Maximum Development

The development allocation rates would be continued for the next twenty years and there would be a roll over of unused allocations.

1. **Regional Plan**: No changes in Goals and Policies, Code, RTP/AQP, 208 Plan, etc. except to set out the allocations for the next ten years and stop the expiration of the 1987-1997 allocations.

2. **Growth Projections**:

   **Allocations**: Additional allocations of units of use for residential, tourist, and commercial would be limited to that adopted in the current Plan. A repeat of residential tourist and commercial would be used for projection purposes for 2007 to 2016. The distribution would match the 1987-1996 distribution. Recreation and public service uses would be as per schedules. Key growth factors are:

   - Growth projections reviewed by local planners
   - 300 residential/yr - for next ten years
     plus 100? unused allocations
   - 1600 residential bonus units (no roll over)
   - 200 tourist bonus units/10 yr.
     plus 200 unused units
   - 400,000 sq. ft. commercial/10 yr
     plus 300,000? sq. ft. of unused allocations
   - Recreation and public service growth projections reviewed by local agencies
   - PAOTs/20 years
     6,761 summer day use
     12,400 winter day use
     6,114 overnight

   **Coverage/Disturbance**: Starting January 1, 1997 there would be an assumption that the maximum additional coverage will be used for all projects on vacant parcels and developed parcels coverage would remain the same.

   **Other Growth**: Starting January 1, 1997 there would be an increase of 1 percent/yr. in occupancy in all tourist and residential units, an increase of 1 percent/yr. in day use (external trips)

3. **Improvement Projects**: CIP projects scheduled in adopted TRPA plans would be implemented at the same pace as 1990 to 1995. Buy out programs would continue on the 90-95 pace.

4. **Reconstruction, Relocation, Transfer, & Maintenance**: Existing rules would apply.

**Note**: The 1988 208 Plan EIS had a Proposed Alternative and the 1991 RTP/AQP had a Preferred Alternative that projected the use of all allocations and projected these growth rates out to 2007.
MEMORANDUM

March 18, 1996

To: TRPA Governing Board

From: Local Government Committee and TRPA Staff

Subject: Direction to the Local Government Committee to Consider Effect of Project or Regional Plan Amendment Approvals on Affordable Housing

At the February meeting, the TRPA Governing Board made the finding that Douglas County is committed to provide their fair share of affordable housing in the Douglas County portion of the Lake Tahoe Region. At their December meeting the Governing Board made the finding that the City of South Lake Tahoe, El Dorado County, Washoe County and Placer County were committed to providing their fair share of affordable housing. This finding is effective until December 31, 1996. At that time TRPA staff and the Local Government Committee will review the progress of each jurisdiction in providing their fair share of affordable housing. In the meantime, TRPA staff, through the assistance of a contractor/consultant is preparing an Affordable Housing Needs Assessment. This report will establish each jurisdictions "fair share" of affordable housing. The report, called the Fair Share Report, will be released in the fall of 1996. The Local Government Committee, comprised of Governing Board members from each of the local jurisdictions in the Region, has been extremely active in the affordable housing arena.

The Local Government Committee is concerned that during this one year period prior to reviewing commitment to fair share, potential sites for future affordable housing projects could be used for projects that contradict the goals of affordable housing in the Region.

The Local Government Committee recommends the Governing Board authorize the following procedure:

1. Where proposed projects or Regional Plan amendments reviewed by TRPA staff have a potential affect on affordable housing, TRPA staff will seek guidance from the Local Government Committee. If the Local Government Committee expresses concern over the impact on affordable housing then;

   2. TRPA staff will request a letter from the affected jurisdiction confirming that the proposed project or Regional Plan amendment is in compliance with the local affordable housing program.

If you have any questions or comments regarding this agenda item, please contact Kelly Berger at (702) 588-4547.

AGENDA ITEM NO. VIII.C.
March 15, 1996

To: TRPA Governing Board
From: TRPA Staff
Subject: Presentation on Eurasian Watermilfoil

Proposed Action: This is an informational item only. No action is required at this time.

Background: By 1985, Eurasian watermilfoil (Myriophyllum spicatum) had been found in 33 states, the District of Columbia, and the Canadian provinces of British Columbia, Ontario, and Quebec. Eurasian watermilfoil is native to Europe, Asia, northern Africa, and it also occurs in Greenland. This species is now commonly found in hundreds of lakes, ponds, and irrigation canals in the western United States and Canada.

Dr. Lars Anderson, Research Leader for the Aquatic Weed Control Laboratory, USDA Agricultural Research Service, Davis, has performed research in 1994 and 1995 on the watermilfoil presence in Lake Tahoe. He states that marinas and adjacent property owners at the Tahoe Keys are affected by prolific growth of several aquatic plants, one of which appears to be Eurasian watermilfoil. Based on observations of the harvesting operations last fall, more than eighty percent of the plant biomass appeared to be from Eurasian watermilfoil. According to Dr. Anderson if current milfoil populations are left unchecked, it has the potential to expand into other areas of the Lake.

A group, headed by Dr. Anderson, was formed by the Tahoe Resource Conservation District in the summer of 1995 to assess the current status of the milfoil, and to look at alternatives on how best to deal with these populations. Options for controlling the milfoil include weed harvesting, pulling weeds out by the roots, dredging, biological control, herbicides, and a no-action alternative. Alternatives using biological control and herbicides potentially are in conflict with the 208 Plan.

Cherie Blatt, with the Lahontan Regional Water Quality Control Board, and Suzanne Pierce, with the Tahoe Resource Conservation District, will give brief presentations to the Board on our current level of understanding of the milfoil and to discuss potential alternatives.

If you have any questions regarding this item, please contact Kevin Hill at (702) 588-4547.
March 19, 1996

To: TRPA Governing Board
From: TRPA Staff
Subject: Policy Direction to California Resources Agency on Open Space Easements

This agenda item has been continued to the April 24, 1996 Board meeting.

If there are any questions on this matter, please contact Susan Scholley at (702) 588-4547 Ext.230.

AGENDA ITEM NO. VIII.B.
TAHOE REGIONAL PLANNING AGENCY
308 Dorla Court
Elks Point, Nevada

MEMORANDUM

March 19, 1996

To: TRPA Governing Board

From: Susan E. Scholley, Legal Division

Re: Amendment of Agreement Regarding The South Lake Tahoe Demonstration Redevelopment Plan for Ski Run/Stateline Areas

PROPOSED ACTION: In order to provide certain assurances to the lenders for the Embassy Vacation Resorts (EVR) with the Ski Run Component of Redevelopment Project No. 1, TRPA and EVR are considering the addition of a provision to the Memorandum Clarifying and Interpreting Obligations Under the South Lake Tahoe Demonstration Redevelopment Plan for Purposes of Project Implementation which was approved at the February Governing Board meeting. (The Memorandum is an amendment to the 1990 "Second Amended Redevelopment Agreement Regarding South Lake Tahoe Demonstration Redevelopment Plan for Ski Run/Stateline Areas.")

STAFF RECOMMENDATION: Staff is continuing to work with EVR on the need for, and the terms of, any such additional provision. If appropriate, staff will provide written materials and make an oral recommendation at the Board meeting.

DISCUSSION: At the February meeting, the Governing Board approved the Memorandum with authority to staff and the Chairman of the Governing Board to include an additional provision, if needed, for a reservation of rights by the League to Save Lake Tahoe, and additional provisions which do not include TRPA. A reservation of rights provision is not needed and some additional provisions which do not affect TRPA have been added.

Additional language regarding the inner harbor cleanup issue has been included in the Memorandum as set forth in the staff summary on the status of the Ski Run Marina inner harbor (Agenda Item VIII.A.).

Further, the EVR portion of the Ski Run Component is a phased timeshare project with each phase taking one year from start of construction to occupancy. The lenders are seeking assurances that once construction is commenced on a particular phase, the phase may proceed to completion and occupancy. Because Redevelopment Project No. 1 is a complex project consisting of interrelated components, EVR is justifiably concerned that a failure by one of the other permittees may put EVR’s construction at risk.

TRPA and EVR are trying to determine whether it is necessary to include some procedure for phased assurances by TRPA in the Memorandum.

SBS/ 3/19/96

AGENDA ITEM NO. VIII.F. 152

Planning for the Protection of our Lake and Land
ACTION REQUESTED: As of the mailing of the staff summary, it was not clear whether an additional provision was necessary and, if so, what procedure would be appropriate to meet the needs of both TRPA and EVR. Staff will make a presentation on the outcome of the negotiations at the Board meeting. To authorize the chairman to execute the additional provision, an extraordinary vote (5/9) would be required, with at least five votes from California.

If you have any questions regarding this matter, please contact Susan Scholley, Special Projects Attorney at (702) 588-4547.
MEMORANDUM

March 14, 1996

To: TRPA Governing Board

From: TRPA Staff


Staffing of the Division consists of a Division Chief, a Senior Environmental Specialist, four Associate Environmental Specialists, and a Project Securities Administrator. The Division has had no turnover since March of 1991. This report covers the activities of the Division during the first half of Fiscal Year 95-96.

The responsibilities of the Environmental Compliance Division can be divided into four areas:

. Permitted Projects
. Unpermitted Projects
. Special Programs
. Monitoring of Memoranda of Understanding

PERMITTED PROJECTS

The Compliance Division must insure that all projects under permit from TRPA are conducted and completed in accordance with all conditions of approval. Approximately 900 permits for development are written by TRPA each year. These permits contain a three-year period during which the project must start. Because a project generally takes more than one building season to construct, it is estimated that there are approximately 2,700 active projects in differing stages of completion each year in the Lake Tahoe Region.

For each permitted project, the Division conducts a pregrading inspection, a winterization inspection, and a security return inspection. Most projects also receive at least one intermediate inspection during construction. The Division conducted 159 pregrades during the first half of the fiscal year. The pregrading inspection occurs prior to construction and is triggered by the permittee or their contractor scheduling the inspection.

3/14/96
SC:jsd

AGENDA ITEM IX.A.
PRE-GRADE OR PRE-CONSTRUCTION INSPECTION

Staff conducts either an onsite pregrade or a telephone pregrade for every permitted project requiring a pregrade. For residential projects without a stream environment zone, projects outside of the shorezone, or not visible from scenic unit or a Designated Recreation Area, or projects involving grading less than 50 cubic yards, commencement of construction can be authorized over the telephone. All other projects require an onsite pregrade.

In a telephone pregrade, the permittee must have the same environmental control devices in place as required when an onsite inspection is made, and is informed of the date upon which the project must be completed (usually two years from that date), continuing BMP requirements, and that non-compliance with the project conditions of approval will result in a Cease and Desist Order on the project, and payment of a double filing fee before the project can resume. The staff may then authorize commencement of construction. The site is inspected within two weeks of the start of construction. Random monitoring has shown few problems.

During onsite pregrade meetings, the permittee or contractor must be present, the foundation footprint must be staked, all temporary erosion controls and vegetation protection must be installed, and the TRPA and local building department plans must be onsite. Staff inspects the temporary controls for proper placement and installation, the conditions of approval are reviewed by each party, and the building plans and scheduling are discussed. Any minor changes which would result in a better project are made at that time. The project is then approved to commence construction. This inspection normally takes an hour, not including travel time to the site.

During the first half of Fiscal Year 95-96, 60 projects were authorized to begin by phone pregrade, and 99 other projects were subject to an onsite pregrade. All projects authorized over the telephone are later inspected by staff.

Telephone pregrades allow staff to allocate less time to lower impact residential projects, and more time towards potentially higher impact projects, security return inspections, educating the public, responding to citizen complaints of violations, monitoring of forestry projects, random monitoring of projects, violation resolution, special projects, and policy refinement.

INTERMEDIATE INSPECTIONS

During construction, intermediate inspections are conducted on each of these projects and on many of the continuing projects from previous years. These inspections range from quick discussions with workers on the building site to more involved inspections covering temporary controls, coverage, landscaping, construction debris, location of drainage improvements, and contractor parking. Most of these inspections result in staff and the contractor having a better understanding of the project and the constraints the contractor faces. Two hundred and fifty-four (254) intermediate inspections were conducted by staff in this six month period.

3/14/96
SC:jsd
WINTERIZATION INSPECTIONS

All on-going construction sites are required to be winterized by October 15 of each building season. Every building site in the Region receives a winterization inspection during the period of September 15 through October 15 of each year. These inspections range from quick reviews of temporary controls to an intense inspection of all facets of the project, including the schedule of construction.

FINAL OR SECURITY RETURN INSPECTIONS

The security return inspection is the final inspection the Division will conduct on a project. The Agency holds over $9,500,000 in project securities. The Division conducted 838 security return inspections and returned 387 project securities totalling $1,127,182 during the first half of this fiscal year. The inspection is usually conducted at the request of the permittee. However, during this past six month period staff initiated inspections of securities posted prior to 1988. Turnaround time for return of securities ranged from seven to thirty days, and averaged about ten days.

Security return inspections were completed for all requests received before significant snowfall occurred this winter.

The security return inspection often occurs three to four years after the project was approved. At this time, the project is inspected thoroughly for compliance with the approval, including: vegetation, infiltration, coverage, height, use, and scenic aspects. Many projects require a second security return inspection typically due to lack of vegetation or overcoverage. The permittee is sent a letter explaining the problem and given alternatives for resolution. Plan revisions are required when a final inspection reveals significant onsite deviations from the approved plans. In the past six months, Division Staff processed 25 plan revision approvals as a result of these deviations. When the permittee believes they have complied, they contact the Division and a re-inspection is conducted. Some projects require a third and fourth inspection before all items identified in the initial letter are resolved.

The Division continues to target review of older projects and active securities posted prior to 1988 by performing unrequested final inspections as a special security return objective. As a result, $20,888 of pre-1988 securities have been released in the first half of fiscal year 95-96. Other pre-1988 projects not in compliance with their original permit will require that appropriate compliance actions be taken.

The Division Securities Administrator oversees the return of securities in addition to determining that securities are posted in the proper format, and when required, that they are replaced (as when a property changes ownership) in the proper manner.
UNPERMITTED PROJECTS

The Division is the primary TRPA staff for dealing with unpermitted projects and resolving violations involving these activity areas. A great deal of time is spent resolving violations. The Division resolved 52 major violations which required an action during this six month period, and initiated and continued resolutions of 65 more. Approximately 1,199 hours were spent on violation resolutions. Satisfactory resolution of a violation is a very time-consuming process. Violations range from unpermitted decks and additions to illegal tree cutting and shoreline activities. A great deal of time is spent on research and developing alternative resolutions. Major violations can affect multiple properties and regulatory jurisdictions, and require additional time to coordinate and reach acceptable, and sometimes joint, settlements. Alternatives are presented to the violator, and in most situations an amicable resolution is agreed upon, which is in compliance with TRPA regulations. In most instances the violator makes an "after the fact" application, staff reviews the application for compliance with TRPA regulations, and, if approvable, a permit is issued. Penalties typically range from a double filing fee to substantial fines for more grievous activities. During the first half of FY 95-96, the Division collected $63,509 in fines and double filing fees.

The Environmental Compliance Division writes Notices of Violation (NOV) for serious offenses. This procedure is detailed in Chapter IX of the TRPA Rules of Procedure. The Compliance Procedures for NOVs require substantial investigation and factual research by Division staff. The NOV is a major part of the pleadings used when a case is brought before the courts for enforcement, as are the testimonies of staff responsible for discovering and developing the case. Many settlements are reached without a formal NOV being issued. All settlements, where a monetary penalty is a component, are placed on the Legal Committee and Governing Board agendas for approval.

Staff has been extremely successful in negotiating settlements without having to resort to time-consuming show-cause hearings and court actions. The last show-cause hearing before the TRPA Governing Board was the Schumacher Tree Cutting and Dredging case in April of 1992. Staff has only had to file complaints in three cases in the past three years: Schumacher, Chase, and Barbieri. Of these, we were successful in negotiating a settlement prior to trial in Chase, during trial in Schumacher, and are actively pursuing pre-trial settlement in Barbieri. Since July of 1992, staff has been successful in negotiating 50 major case settlements without the need of a show-cause hearing.

The Division is also called upon to testify in Federal and State court by other jurisdictions, and TRPA Legal Counsel, to describe events and to interpret regulations in cases where TRPA is not a party.
GRADING DEADLINE EXCEPTIONS

All requests for exceptions to the October 15 to May 1 grading season, where a
TRPA permit has been issued, are processed through the Compliance Division.
Fifty (50) grading season exceptions were granted by the Division during
the first half of FY 95-96. Staff must evaluate each request using criteria
in Chapter 64 of the Code and follow up with repeated project inspections to
insure that the project remains in compliance, and to address unforeseen
circumstances.

ABANDONED SECURITIES

Staff instituted a process for forfeiture of securities in accordance with
TRPA to collect project securities when a project has been completed in
accordance with its approval, and the owner of the security cannot be located.
In accordance with the Code, staff has posted a notice in all local newspapers
naming the person who posted the security. The noticed person has one year to
claim the security. Eleven parties were noticed during this period. As a
result of this process, we were able to locate one of the noticed parties.
The remaining ten securities totalling $15,225 were forfeited.

SPECIAL PROGRAMS

The Division is involved in many special programs and committees. Programs
include: the compliance components of the IPES program, Residential BMP
Retrofit and Effectiveness Program, Small Dischargers BMP Retrofit Program,
NPDES permitting, public workshops on project review and compliance, land use
mapping, soil and water contamination remediation, jet ski operations,
revisions to the Code regarding resource management activities, lead on
forestry matters, highway de-icing, authors of the annual dredging report,
fish habitat restoration review guidelines, project specific groundwater
investigations relating to Chapter 64, TRPA Listed Species, grazing and
livestock issues, and TRPA’s streamlining efforts.

Staff has spent 202 hours on the Shorezone Cumulative Impact Study in the
first half of this fiscal year, completing much of the work on the water
quality and soils chapters of the Environmental Impact Statement.

The Division has also spent substantial time on the upcoming 1996 Threshold
Evaluation. Compliance Division staff has been assigned as Program Manager
for the Vegetation Thresholds including: common plants, (the forest in
general), uncommon plant communities, and TRPA listed sensitive plants. The
Division is also following up on a 1991 Evaluation recommendation; writing a
new threshold for old-growth forests. Recently staff obtained detailed
Landsat forest inventory information, which is in a geographical information
system (GIS) format, compatible with our present GIS system. Staff is
currently using the forest inventory map combined with 1995 aerial photos to
locate potential stands of old-growth forests. These potential stands will
be field checked for old-growth characteristics and suitability for inclusion
in the final inventory. Stands which are found to be suitable will be
located and mapped using Geographical Positioning System (GPS) coordinates.
The Division is also involved with the following committees:

Resource Conservation Districts/TRPA BMP Retrofit Programs
Tahoe Re-Green Project
Tahoe Basin Area Oil and Hazardous Substance Contingency Plan
Shorezone Monitoring and Project Review Committee
Forest Health Consensus Group
Lake Tahoe Basin Steering Group for Forest Assessment and Planning
Tahoe-Douglas Chamber of Commerce Board
Sierra Economic Development District

FOREST MANAGEMENT

Due to the sharp increase in forest management related activities, and the Division's considerable expertise in forestry matters (staff credentials include one staff with a Master's Degree in forestry, two with BS degrees in natural resources and considerable forestry experience, two geologists, and a staff member with considerable raptor experience), the Division has been designated as the Agency lead in forestry matters. Amendments to Chapter 71, Tree Removal, which were adopted by the Governing Board in September 1992 have resulted in a more practical and advocating approach to forest management on small tracts of land. Due to continuing tree mortality, there has been a notable increase in tree removal and harvest activities on private, state, and federal lands, resulting in more staff time spent in planning and monitoring timber harvests. During the first half of FY 95-96, staff spent the following hours inspecting timber operations:

<table>
<thead>
<tr>
<th>Timber Operations Inspected</th>
<th>Staff Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Lands</td>
<td>84</td>
</tr>
<tr>
<td>State Lands</td>
<td>26</td>
</tr>
<tr>
<td>Federal Lands</td>
<td>199</td>
</tr>
</tbody>
</table>

TOTAL HOURS 309

FOREST HEALTH CONSENSUS GROUP

Division staff continue to be the Agency lead on the Forest Health Consensus Group, an assemblage of interested professionals, citizens, and cooperating agency personnel working to identify and resolve the many problems facing the Region's forest ecosystems. The group is evaluating the TRPA Goals and Policies and the Code of Ordinances and will be recommending changes where appropriate. The consensus group has defined, "Desired Future Conditions" of the forest, as closely resembling conditions prior to the arrival of
European-American settlers in the mid 1800s. Entitled, "Desired Future Conditions of the Lake Tahoe Basin Forest Ecosystem," the statement includes six specific, broad forest vegetation types. These descriptions serve as general targets for land managers in their effort to re-establish forest health in the Lake Tahoe Region. The Group's goals include a gradual return to proportions of age classes, including old growth stands that approximate pre-Comstock logging levels. The Group has established a Forest Health Consensus Group Library containing information on forest health, prescribed burning, ecosystem management, urban forestry, management techniques, and other relevant subjects. The Library is located in the Executive Office at TRPA.

Among the issues the Group is currently working on are: Forest Health Problem Statement and Funding Request included in the Lake Tahoe Legislative Agenda for 1996, Management Strategies; Forest Inventory and Coordination with the Sierra-Nevada Ecosystem Project (SNEP) on a Tahoe Case Study; Prescribed Burning; Old growth Forest Definition; Input on North Shore Ecosystem Management Project; Ordinance Flexibility to Provide for New Technologies. Staff and members of the Group have provided testimony to, the Nevada Legislative Committee to Continue the Review of the Tahoe Regional Planning Agency; and also testified to, the Nevada Assembly Government Affairs Committee, regarding Assembly Joint Resolution No. 7. The Resolution expresses the support of the Nevada Legislature, for the mission of the Tahoe Basin Forest Health Consensus Group. The Consensus Group has also been recognized internationally. In October of 1994, Steve Chilton, Chief of the Division, was invited to speak on behalf of the Forest Health Consensus Group at the Fifth Mexico/U.S. Biennial Symposium on Partnerships for Sustainable Forest Ecosystem Management in Guadalajara, Mexico.

HIGHWAY DE-ICING

The Division has been involved in the highway de-icing issue and presented reports by the Nevada Department of Transportation (NDOT), and the California Department of Transportation (Caltrans), to the Governing Board at its January 1996 meeting. NDOT reported on their new equipment, roadway monitoring systems, and experimental programs they will employ for anti-icing during 95-96. Caltrans presented its Monitoring and Reporting Procedures Report which addresses water quality issues within the Lake Tahoe Basin as they relate to highway de-icing and erosion control projects.

SOIL AND WATER CONTAMINATION

Division staff is also involved in evaluating soil and water contamination. Division Staff regularly respond to reports of sewage or hazardous material discharges, as a non-lead agency, in coordination with Lahontan Regional Water Quality Control Board.

TRPA issues permits for the removal of underground storage tanks (USTs). Many older USTs have leaked hazardous materials into the soil or groundwater. If contamination is discovered at the time of removal, the applicant must provide the Compliance Division with a supplementary report and remediation plan. The Compliance Division is currently monitoring 53 groundwater and soil remediation projects, most of which have resulted from leaky USTs.

3/14/96
SC:jsd

AGENDA ITEM IX.A.
MONITORING OF MEMORANDA OF UNDERSTANDING

TRPA currently has thirty-one Memoranda of Understanding (MOU) with public and quasi-public entities operating in the Region. MOUs can be divided into three categories: MOUs which exempt other entities from TRPA review for certain activities; MOUs which delegate some minor TRPA permitting and compliance duties to some counties, and the City of South Lake Tahoe; and MOUs which delegate some forestry practices permitting duties to each state.

The Division monitors the operation of the exempt activity MOUs for compliance with the Code of Ordinances. The most frequently monitored, or those demanding the most attention include: Caltrans, STPUD, NTPUD, IVGID, USFS, NDOT, CTC, SWGAS, SSPCO, PACBELL, TCI, CA R & R, WPGAS, and TCPUD. Monitoring includes review of the qualified exempt forms which are submitted, and annual or as needed field or office meetings to share concerns and guidelines for MOU administration. Frequent communication with the entities is important to keep the activities within the scope, and in conformance with the MOUs, and to keep Division staff informed of ongoing activities. Most field monitoring is done on an informal basis, except on larger scale activities where a scheduled inspection is warranted. Pregrading inspections, though not required, are arranged at the discretion of staff and the entity when it is determined that it would be beneficial for contractors, the entity, or in preventing potential adverse impacts.

Division staff has coordinated with the City of South Lake Tahoe, Placer County, El Dorado County, and starting this season in Washoe County on implementation of the delegation agreements regarding the review of residential projects. Field and office training sessions have been held to acquaint personnel with the compliance inspections and procedures used by TRPA. Monitoring includes: several joint pregrade and security return inspections with each of these entities; auditing 10 percent of all projects finalled under the MOU; and ongoing informal field observations for proper use of BMPS. The process for reporting, tracking, and auditing of projects processed under the delegation agreements has improved, and further refinements will be a focus in the future. Annual roundtable discussions will be continued between city, county, and TRPA personnel to improve proper administration of the agreements.

The Division also manages MOUs with the Nevada Department of Forestry (NDF) and the California Department of Forestry and Fire Protection (CDF) for tree removal permits. During the first half of this fiscal year, NDF issued tree removal permits to 167 properties, and CDF issued 235. Division staff issued 12 tree removal permits for hazard trees and for defensible space purposes.

Staff meets at least once a year with the forestry agencies for coordination and interpretation purposes. Due to an increase in tree cutting violations, and unauthorized tree marking, in December of 1993 it was decided that all agencies marking trees in the Tahoe Region would use tracer paint. Tracer paint contains trace elements which make it identifiable as an authorized mark. We also meet periodically in the field with their staff on projects and in conjunction with our compliance program.
ALLOCATION OF TIME

During the first half of FY 95-96, the Division logged the following hours for the corresponding work program elements relevant to this report:

<table>
<thead>
<tr>
<th>Work Element</th>
<th>Description</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Intergovernmental Coordination/ Partnerships</td>
<td>136</td>
</tr>
<tr>
<td>5</td>
<td>Litigation</td>
<td>31</td>
</tr>
<tr>
<td>10</td>
<td>Public Information and Education</td>
<td>183</td>
</tr>
<tr>
<td>13</td>
<td>MOU Development and Administration</td>
<td>41</td>
</tr>
<tr>
<td>14</td>
<td>Monitoring and Evaluation Program</td>
<td>60</td>
</tr>
<tr>
<td>20</td>
<td>Planning - Special Studies</td>
<td>206</td>
</tr>
<tr>
<td>21</td>
<td>Implementation - Water Quality Program</td>
<td>24</td>
</tr>
<tr>
<td>26</td>
<td>Tegis/Database</td>
<td>250</td>
</tr>
<tr>
<td>27</td>
<td>IPES Program</td>
<td>50</td>
</tr>
<tr>
<td>30</td>
<td>Residential Projects</td>
<td>840</td>
</tr>
<tr>
<td>31</td>
<td>Commercial Projects</td>
<td>224</td>
</tr>
<tr>
<td>34</td>
<td>Recreation Projects</td>
<td>75</td>
</tr>
<tr>
<td>35</td>
<td>Public Service Projects</td>
<td>340</td>
</tr>
<tr>
<td>36</td>
<td>Resource Management Projects</td>
<td>219</td>
</tr>
<tr>
<td>37</td>
<td>Shorezone Projects</td>
<td>248</td>
</tr>
<tr>
<td>38</td>
<td>Erosion Control Projects</td>
<td>129</td>
</tr>
<tr>
<td>39</td>
<td>Redevelopment Projects</td>
<td>12</td>
</tr>
<tr>
<td>41</td>
<td>Exempt Activities</td>
<td>90</td>
</tr>
<tr>
<td>43</td>
<td>Securities Administration</td>
<td>600</td>
</tr>
<tr>
<td>44</td>
<td>Violation Resolution</td>
<td>1199</td>
</tr>
<tr>
<td>45</td>
<td>Special Compliance</td>
<td>475</td>
</tr>
<tr>
<td>46</td>
<td>Remedial BMP Plans</td>
<td>22</td>
</tr>
</tbody>
</table>
During the first half of Fiscal Year 95-96 the Division has accomplished many things in the areas of settlements, streamlining, returning old securities, public education, natural resource management, Shorezone Cumulative Impact Study, 1996 Threshold Evaluation, and monitoring for compliance with the Code and other aspects of the Regional Plan. Staff continues to see new challenges resulting from the upcoming 1996 Evaluation, BMP retrofits for priority watersheds, stormwater discharge permits, increased activities exempt from TRPA review, more MOUs with agencies, approval of community plans, commercial sign amortization schedules.

Additional delegation has resulted from amendments to MOUs with the City of South Lake Tahoe and Placer County, and the recently adopted Washoe County MOU. These all relate to residential review and compliance responsibilities where less staff will be required. Compliance staff is adjusting their workload model to provide staff hours for an inventory of existing buoys on Lake Tahoe. With this information staff will also undertake a program of bringing buoys into compliance with the Code of Ordinances, or require their removal. Unauthorized buoys are a continuing problem that all agencies with jurisdiction have grappled with for many years. The acquisition of an Agency boat earlier this fiscal year was an essential step to a positive and successful program for management of buoys, and effective on lake presence.

Staff will continue to spend considerable time on the forest health issue and the vegetation threshold report over the next year. Field mapping, inventory, technical advisory, research, and compilation into the a report format will be activities which demand additional staff time. TRPA, as a member of the Tahoe Re-Green Program worked on a special exemption to expedite removal of dead or dying trees from parcels of 20 acres or less in the Tahoe Basin. TRPA is currently developing general criteria to guide treatment for fire fuels reduction on small undeveloped private parcels. The treatment guidelines are designed to meet TRPA resource management objectives as well as the Tahoe Re-Green directives. TRPA continues its sponsorship of the Forest Health Consensus Group. Compliance staff will remain busy again this year with increased logging and other resource management work.

If you have any questions regarding this report, please contact Steve Chilton, Chief, Environmental Compliance Division at (702) 588-4547.
TAHOE REGIONAL PLANNING AGENCY
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Zephyr Cove, Nevada 89448-1038
(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

March 12, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Report on Performance Statistics Relative to the Project Review Division for the Period of July 1, 1995 through December 31, 1995

The Project Review Division is responsible for reviewing all development proposals within the Lake Tahoe Region to ensure consistency with the Agency's Regional Plan, Rules, and Code of Ordinances. This includes residential, tourist accommodation, commercial, public service, recreation, resource management, shorezone, water quality, gaming, subdivisions, redevelopment proposals, BMP retrofits, and MOU administration. During the past fiscal year, the Division has continued to include the review of master plans, Code amendments, and Plan Area Statement amendments. In addition, the Division has assumed responsibility for most scenic reviews. The Division has also implemented a program of providing "Site Assessments" to the public. The Site Assessments determine the applicant's land capability, verify existing land coverage and determine what, if any, water quality/erosion control (Best Management Practices) are needed on the property. Further, the Division is the lead for the 1996 Threshold Evaluation of Noise.

The Division is also responsible for responding to a large number of public inquiries pertaining to the project review process, the Code of Ordinances, the Rules of Procedure, and the Regional Plan in general. Daily activities include site inspections, land coverage verifications, BMP evaluations, technical project review, staff summary research and preparation, intergovernmental coordination, public education workshops, fish habitat verifications, scenic evaluations, environmental document management, MOU administration and training, exempt activity administration, and BMP Retrofit Program management.

I. Statistical Performance:

For the 1995 - 96 Work Program, the Division has two performance measurement standards to evaluate its effectiveness and efficiency. The first standard, or goal, is to process as many applications as we receive, thereby achieving a "no net fiscal year backlog."

For the period of July 1, 1995 through December 31, 1996, the Division received 344 applications and processed 419 applications.

/RA
March 12, 1996

AGENDA ITEM IX.A.
Planning for the Protection of our Lake and Land
II. Significant Accomplishments:

- The Division has continues to implement an over-the-counter permit program for driveway paving projects and underground tank removals. With the correct information, an applicant for these types of projects can now apply and receive a TRPA permit at the counter with no waiting. This program has greatly streamlined the permit process for these type of projects. The Division is currently developing a similar process for minor grading and certain types of transfer applications.

- The Division continues to implement a monthly Shorezone Review Committee to coordinate review of shorezone project proposals with all affected state and federal agencies (State Lands Commissions, Army Corps of Engineers, Fish and Wildlife Departments, and the Lahontan Regional Water Quality Control Board). This has resulted in a more coordinated effort among affected agencies as well as a reduction in the amount of duplicated effort.

- The Division has increased its efforts in the area of public education. The Division is updating the public information/application packets to make them more reader friendly and reflect adopted Code amendments.

- The Division represents the agency as a member or liaison on the following committees:

  Incline Village Community Composting Committee, South Lake Tahoe Arts Council, Erosion Control Technical Advisory Committee for Nevada and California, the Meyers Visitor Center Interagency Technical Advisory Committee, the Forest Health Consensus Group, the Lake Tahoe Community College Demonstration Garden Committee, the Incline Village Demonstration Garden, and the TEAM Tahoe committee.

- The Division is now in charge of implementing the Best Management Practices (BMP) Retrofit Program. To this end, the Division has held several workshops to educate the public on the Agency requirements. Further, the Division assisted in applying for and received a $160,000 Section 319 Clean Water Act grant to assist the Natural Resource Conservation Districts to aid TRPA in implementing the BMP Retrofit Program.

- The Division processed and approved several million dollars in water quality improvement projects.

- The Division assisted the Long Range Planning Division in processing Plan Area Statement and Code amendments.

- The Division is assisting in the development of the Bikeway Master Plan.

- The Division is currently the lead in the 1996 Noise Threshold Evaluation.

/RA
March 12, 1996
The Division processed several Environmental Assessments (EA) and Environmental Impact Statements (EIS) during the past year. This included the EIS for the South Tahoe Public Utility District (STPUD) Future Facilities Plan, the STPUD A-Line Pipeline Replacement Project EIS, the Tahoe City Urban Improvement Project EIS, and the Redevelopment Project No.1 Supplemental EIS.

The Division has recently been given the task of streamlining the entire Agency operations. To this end, the Division has established an internal e-mail suggestion box to allow all employees to make anonymous (if they wish) streamlining suggestions and an internal streamlining committee with representation from each Division. Further, with regards to Project Review operations, the Division has revised the on-call procedures to allow more quality time for the planners to process permits while still providing the necessary public response. In addition, the Division revised the phone voice mail message to direct phone inquiries to the appropriate local jurisdictions where MOUs have been implemented. The Division also revised the front counter operations by dedicating a phone for public use to direct inquiries to the appropriate Division (Long Range Planning, Compliance) freeing up Project Review staff to work on permit applications.

If you have any questions regarding this report, please contact Rick Angelocci, Chief, Project Review Division at (702) 588-4547.
MEMORANDUM

March 14, 1996

To: TRPA Capital Financing Committee and Governing Board

From: TRPA Staff

Subject: Briefing on Capital Financing Trip to Washington, D.C.

Dan Potash, Rochelle Nason, and Carl Hasty visited Washington, D.C. March 4th and 5th. They met with the staffs of Senators Boxer, Feinstein, Reid and Bryan (Senator Bryan sat in for part of the meeting), and Representatives Vucanovich and Fazio. They also met with a key staff person on the House appropriations committee, Cheryl Lau, and others. The primary purpose of these meetings was to discuss appropriations for the U.S. Army Corps’ study of Third/Incline Creek, Edgewood Creek, and the Upper Truckee Watersheds. They also discussed other aspects of the 1996 Federal Legislative Agenda related to transportation and forest health.

The meetings were positive and productive. Letters signed by the Capital Finance Committee members regarding appropriations for the Corps were very helpful in getting congressional attention. While it is too early to say we will be successful with our request, we were successful in garnering support for the request. The next step will come in the budget mark-up process sometime in late April or early May. Our request will be a congressional add-on to the President’s budget, and it is likely we will need additional help from Governing Board and Capital Finance Committee members when the budget mark-up process begins. Dan Potash will keep us informed.

Several other topics were brought up in discussions particularly by the Nevada delegation staffs, the purpose of forest designation and local revenue generation. Given the political climate today in Washington, alternative ways of financing Tahoe projects is recognized as being needed. The need to research and tackle federal obstacles to local revenue generation was discussed. What could be accomplished with forest designation was also discussed. Senator Bryan advocated the idea of defining objectives and a special designation because of the increased ability to earmark budget monies. He is planning on coming out to the Basin during the Easter break to discuss this and other agenda items. The group discussed how designation language could be crafted to address forest health needs, Santini-Burton funding, and forest service participation in transportation projects.

CH/
3/14/96

AGENDA ITEM XI A.1

Planning for the Protection of our Lake and Land
Senator Bryan is also drafting a bill that will propose a new boundary and program for selling BLM lands in the Las Vegas area. Within the bill is an area near the airport where the proceeds, when sold, would be placed into an account designated for the Santini-Burton sensitive parcel acquisition program. Some proceeds from the sale of other BLM land within the new boundary would be available for parcel acquisition anywhere in northern Nevada, including Tahoe.

It seems fair to say that the Capital Finance Committee over the last two years has been very successful in generating interest and getting attention on Tahoe issues in Washington. The effort is long term, but momentum has been gained and the wheels are in motion.

One final note, Carl also went to nearby Annapolis, Maryland to visit Al Todd who used to be the Watershed Staff Officer at the Lake Tahoe Basin Management Unit, and who now works with the Chesapeake Bay Program. Carl went to exchange information and to see what ideas may be useful to us at Lake Tahoe. This was a productive meeting and there are ideas on which Carl will follow up.

If you have any questions regarding this item please contact Carl Hasty at (702) 588-4547.
MEMORANDUM

March 14, 1995

TO: Members of the Capital Finance Committee and Governing Board

FROM: TRPA Staff

SUBJECT: $20 Million Bond Update

Attached, please find the final draft of the ballot language for Question 12 as recommended by the Legislative Commission's Subcommittee to Develop Language for 1996 Statewide Ballot Questions. The Legislative Commission is meeting March 27, the same day as the TRPA Governing Board meeting, to take final action on the ballot language. TRPA staff will be present at the Commission meeting.

Staff will continue to work with our partners to develop a strategy for educating Nevada voters about the need for additional investment in projects which will help reverse the trend in declining water clarity in Lake Tahoe.

As always, we are open to any new ideas on how to generate funding for an awareness campaign.

If you have any questions or comments, please contact Pam Drum at (702) 588-4547, ext. 237.
QUESTION NO. 12
Proposal to Issue Bonds
Assembly Bill 13 of the 68th Session

CONDENSATION (ballot question)

Shall the State of Nevada issue general obligation bonds in an amount of not more than $20,000,000 to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin?

Yes ☐
No ☐

EXPLANATION

If this proposal is approved, the State of Nevada will issue general obligation bonds in an amount of not more than $20,000,000 to provide grants to local governments and Nevada’s Department of Transportation to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin. Also, the State Land Registrar will be required to adopt regulations to carry out the program for awarding grants and to report to the Legislature’s Interim Finance Committee concerning the program.

ARGUMENTS FOR PASSAGE

Lake Tahoe is a natural and scenic resource of statewide and national significance. However, the clarity of the lake’s water continues to deteriorate because of human activities on lands within the Lake Tahoe Basin. Projects now being conducted to protect the quality of the water are helping, but are not adequate to prevent the continued deterioration of water quality and loss of water clarity. Therefore, it is necessary that additional projects be constructed to prevent storm water and sediment from entering the waters of the lake. The State of California provides funding for, and the Federal Government supports projects to, protect the clarity of the lake. Approval of this proposal will provide money for projects specifically located on the Nevada side of Lake Tahoe.

ARGUMENTS AGAINST PASSAGE

The state and local governments in Nevada have already invested in a number of improvement projects needed to preserve the environmental quality of the Lake Tahoe Basin. Although Lake Tahoe is acknowledged to be a resource of statewide importance, some residents of Nevada may not have the opportunity to enjoy the scenic and recreational benefits of the lake.

FISCAL NOTE

Financial Impact - Cannot be determined. The proposal would provide for the issuance of general obligation bonds to carry out certain conservation projects in the Lake Tahoe Basin. The fiscal effect would be subject to the terms and conditions of the issuance of the bonds and the state’s overall bonded indebtedness at that time.