TRPA
APC
PACKETS

OCTOBER
1998
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, October 14, 1998, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

October 5, 1998

By: 

Jerry Wells
Deputy Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Stateline 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.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
Kings Beach, California

October 14, 1998
9:30 a.m.

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

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

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

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

IV. DISPOSITION OF MINUTES

V. PLANNING MATTERS

A. Status Reports

1. Environmental Improvement Program (EIP)/Finance Plan
2. Local Revenue Study (Phase 2)
3. Research and Process Related to Motorized Watercraft
4. Tahoe Metropolitan Planning Organization (TMPO)

VI. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Chapter 18, Permissible Uses, and Related Chapters to Add the Public Service Use for Threshold-Related Research Facilities Associated With the Environmental Improvement Program (EIP)
B. Amendment of Chapter 33, Allocation of Development; Chapter 34, Transfer of Development; and Related Chapters to Allow the Transfer of Residential Units of Use to Sensitive Lands; to Allow the Conversion of Commercial Floor Area, Tourist, and Residential Units; and to Allow Public Service Uses on Leased Property and Transfer of Commercial Floor Area

C. Amendment of Douglas County Community Plan to Allocate Commercial Floor Area From Outside Community Plans to Inside Community Plan

D. Development of Lake Tahoe Source Water Assessment and Protection Program

E. Amendments to the Stateline/Ski Run Community Plan (As Recommended by the Redevelopment Project 3 EIS/EIR) to Delete the Laurel Avenue Parking Concept and Related Goals and Policies and to Reassign the Commercial Floor Area Allocation to Project 3

VII. REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
Stateline, Nevada

September 9, 1998

REGULAR MEETING MINUTES

Vice-Chairperson Gary Marchio called the regular September 9, 1998, meeting of the Advisory Planning Commission ("APC") to order at 9:45 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Kehne, Mr. Hust, Mr. Doughty, Mr. Hansen, Ms. Norman, Ms. Kemper, Ms. Rohr, Mr. Poppoff, Mr. Joiner (arrived at 9:53 a.m.), Ms. Kvas, Mr. Combs, Mr. Marchio

Members Absent: Mr. Barham, Mr. Morros, Mr. McCurry, Mr. Haen, Mr. Jepsen

Vice-Chairperson Mr. Marchio introduced and welcomed Mr. Kehne as a new member of the APC Board. He is taking the place of Mr. Joe Thompson for NRCS.

II. APPROVAL OF AGENDA

MOTION by Mr. Doughty, with a second by Mr. Combs, to approve the agenda as presented. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS – None

IV. DISPOSITION OF MINUTES

Ms. Rohr stated that on page 3, the third to the last paragraph on the page, the word "assured" should be changed to "insured", and on the last sentence of that same paragraph, the word "provide" should be changed to "profit". In addition, on the last paragraph of page 7, the word "admissions" should be changed to "emissions".

Ms. Kemper requested that wording be added to Mr. Poppoff's motion on page 4, stating "and discussion of the location of the monitoring stations, housing, and type of research involved".

MOTION by Ms. Rohr, with a second by Ms. Kemper, to approve the August 12, 1998, APC minutes as amended. The motion carried unanimously.

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment to PAS 111, Tahoe Island, Special Designation to Allow the Transfer of Existing Commercial Floor Area into Parcels in Special Area #1 Which Contain
APC REGULAR MEETING MINUTES SEPTEMBER 9, 1998

Legally Existing Commercial Uses

Associate Planner John Hitchcock presented the staff summary amending Plan Area Statement 111, Tahoe Island, Special Designation, to Allow the Transfer of Existing Development in Special Area #1 which contain Legally Existing Commercial Uses.

Mr. Doughty suggested that an addition should be added to the amendment stating "the commercial floor area shall be required to provide onsite parking and to bring the current parking standards up to the City of South Lake Tahoe standards, in addition to meeting the current standards for the new addition".

Vice-Chairperson Marchio opened the meeting up for a public hearing.

Mr. Paul Kaleta, with Basin Strategies and representing the applicant and property owner, commented that he agreed with Mr. Doughty's proposed revision and believed that would address the concern that offsite parking not be allowed. He stated that he was in agreement with staff's revisions for the proposed amendment.

Since no one else wished to comment, Vice-Chairperson Marchio closed the public hearing.

MOTION by Mr. Doughty, with a second by Mr. Hansen, to recommend approval to the Governing Board of amendment to Plan Area Statement 111, Tahoe Island, Special Designation to Allow the Transfer of Existing Development in Special Area #1 which contain Legally Existing Commercial Uses, with an amendment that those properties that transfer commercial floor shall be required to bring all existing and all future parking up to the City of South Lake Tahoe's standards. The motion carried unanimously.

B. Amendment of Chapter 14, Community Plans, and Goal 2, Land Use Subelement of the Goals and Policies, to Address Commercial Allocation and Irrevocable Commitments

Associate Planner John Hitchcock presented the staff summary amending Chapter 14, Community Plans, and Goal 2, Land Use Subelement of the Goals and Policies, to Address Commercial Allocation and Irrevocable Commitments.

Vice-Chairperson Marchio opened the meeting up for a public hearing. Since no one wished to comment, Vice-Chairperson Marchio closed the public hearing.

Mr. Combs commented that with regards to the irrevocable commitment, Placer County Public Works preferred funding be required at project construction before the commitment is released. Another words, the Public Works Department would rather see the projects actually in the ground before the allocations are released.

MOTION by Mr. Doughty, with a second by Mr. Joiner, to recommend approved to the Governing Board to amend Chapter 14, Community Plans, and Goal 2, Land Use Subelement of the Goals and Policies, to Address Commercial Allocation and Irrevocable Commitments. The motion carried, with Mr. Combs abstaining.

Mr. Combs stated that he abstained from voting because of Placer County's preference to the amendment.
APC REGULAR MEETING MINUTES SEPTEMBER 9, 1998

VI. REPORTS

B. Legal Counsel

Agency Counsel John Marshall commented that in the TRPA v. Tonnemacher case, there was an attempted settlement conference in which Mr. Tonnemacher fired his legal counsel. TRPA is now proceeding towards trial. In the TRPA v. Barbieri case, the judge dismissed the inverse claims on a ripeness basis. We are now facing the fifth amendment claim. TRPA would be going to trial on the equal protection claim. Mr. Marshall continued that the judge stated that in terms of the enforcement claims, they were timely filed based on a continuing violation period. The judge had some nasty words to say about TRPA's rules of procedure when a cause of action or violation accrues. But he did find there were acts of violations by the Barbieris on the various Code provisions. TRPA would be proceeding with trial on amount of civil penalty and any injunction in two to three months. Mr. Marshall stated that he is in the process of preparing a pretrial statement.

VII. PLANNING MATTERS

A. Status of Metropolitan Planning Organization (MPO)

Principal Planning Gordon Barrett presented the staff summary status of Lake Tahoe Metropolitan Planning Organization (MPO).

A discussion ensued.

Mr. Combs suggested that to make things more understandable for the APC and Governing Board, an organizational chart be put together of all the groups involved.

Vice-Chairperson Marchio opened the meeting up for a public hearing.

Mr. Eric Tieleman, Douglas County Engineer, stated that one of the issues that the County is having problems with is there are two pieces of legislation that don't match; the TRPA Compact and the T21 language. The County was also concerned about what authority the MPO had; who is overseeing whom. Douglas County would like to see a very simple, streamlining process that doesn't get bogged down in layers of approval.

Since no one else wished to comment, Vice-Chairperson Marchio closed the public hearing.

Mr. Marchio stated that he would like to see this item brought back to the APC, along with a flow chart.

Deputy Director Jerry Wells stated that the item would be agendized for the October APC meeting for more discussion.

B. Heavenly Gondola Project Environmental Assessment, Discussion Regarding Scope of Environmental Document

(Mr. Hansen stepped down from the dais because of personal involvement in the project.)

Assistant Planner Jeanne McNamara presented the staff summary regarding the Scope of an Environmental Assessment for construction of a gondola for Heavenly Resort.
A discussion ensued.

Mr. Rob Brueck, with Harland Bartholomew & Associates, Inc., the authors of the environmental assessment, presented a slide show and went in to greater detail about the project.

A discussion ensued.

Vice-Chairperson Marchio opened the meeting up for a public hearing.

Mr. Jane Oden, representing the Forest Service, stated that NEPA requires, as a minimum, that an environmental assessment be done on the proposed project.

Since no one else wished to comment, Vice-Chairperson Marchio closed the public hearing.

Vice-Chairperson Marchio stated that the majority of the APC members would not like the project brought back to the APC, but the portions that have been adequately covered in the EIS be eliminated and brought forward to the Governing Board for approval.

(Mr. Hansen returned to the dais.)

C. Status Report on Regional Revenue Source Analysis

Ms. Pamela Drum, Public Affairs Coordinator for TRPA, presented a status report on the regional revenue source analysis and a review of the results of the study.

Mr. Poppoff suggested that the document could use a good copy editor because it had a lot of typographical errors and misspelled words. In addition, he stated that there is nothing that links fees with benefits that are supposed to be done. Ms. Drum replied that perhaps some of the questions could be answered by one of the handouts she has.

A discussion ensued.

VIII. REPORTS

A. Executive Director

Deputy Director Jerry Wells stated that there were no comments from the Executive Director.

B. APC Members

Ms. Kvas commented that she researched the house on Trapp Court that Mr. Poppoff had asked about last month and stated that it was done by Washoe in the MOU and reviewed three times by TRPA staff. In addition, it was approved and constructed in accordance with all TRPA ordinances. It is a reconstruction in an SEZ with a reduction in the amount of coverage within the SEZ zone.

Mr. Poppoff stated that he received a letter from TRPA Executive Director Jim Baetge who stated the project was legal. Mr. Poppoff commented on the TRPA staff using the colors to show changes in their ordinances and documents on the staff summaries. He said that it makes the changes easier to read.
Mr. Popoff voiced concern over the use of hay bales as erosion control devices because of the fact that seeds from them were sprouting into drainage ditches. He suggested TRPA look into this practice to protect the native vegetation.

Ms. Kemper stated that from Lahontan's perspective, staff tries to emphasize the use of other alternatives for erosion control devices. We can't specify method of compliance to contractors but can suggest other alternatives.

Mr. Kehne stated that the Conservation District is concerned about hay bales and straw mulch and suggest looking for other alternatives.

Ms. Kvas stated that the room was too cold and asked that in the future, the heat be turned up in this room.

IX. ADJOURNMENT - The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (702) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Doria Court, Zephyr Cove, Nevada.
MEMORANDUM

October 6, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: EIP/Finance Plan and Local Revenue Study (Phase 2)

Staff will be making a presentation on these agenda items at the meeting.
MEMORANDUM

October 5, 1998

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Status Report on Research and Process Related to Motorized Watercraft

Proposed Action: This is a status report on the Motorized Watercraft issue. No action is required on this item.

Status Report: TRPA staff is working with other agencies (the Study Group) to study the impacts of motorized watercraft on the waters of the Lake Tahoe Region. The major studies are:

- In Lake Watercraft Tests – University of Nevada Reno and Lahontan
- Watercraft Tank Test – California Air Resources Board
- Lake and Stream Monitoring – U.S. Geological Survey
- MTBE Monitoring – Tahoe Research Group
- Boating Use Survey - Nevada Division of Wildlife and California Boating and Waterways

The Tahoe Research Group has agreed to prepare a status report for this summer's study work. The report will be presented to the APC and Governing Board in November according to the TRPA Work Program.

Also, scheduled in the TRPA Work Program is a public hearing on any needed amendments to the watercraft regulations based upon the results of the TRG report. This hearing is tentatively scheduled for December.

At the meeting, staff will update you on the most recent findings from the studies. Also, TRPA Legal Counsel will update the APC on the current status of the lawsuit.

If you have any questions, please contact Gabby Barrett at 702-588-4547.
MEMORANDUM

October 5, 1998

TO: TRPA Advisory Planning Commission

FROM: TRPA Staff

SUBJECT: Tahoe Metropolitan Planning Organization (TMPO)

Proposed Action: Staff requests the Advisory Planning Commission (APC) review the attached resolution in support of the Tahoe Metropolitan Planning Organization (TMPO) designation and make a recommendation to the TRPA Governing Board.

Staff Recommendation: Staff recommends the APC recommend approval of the resolution (Attachment A) which requests the designation of the Tahoe Metropolitan Planning Organization as the MPO for the Lake Tahoe region.

Background: Staff provided the APC with a presentation at the September APC meeting. Based on that discussion and with input from additional transportation stakeholders in the Lake Tahoe Basin, some minor modifications have been made to the organizational structure. The current proposal for the Tahoe MPO is included as Attachment B.

Discussion: The Governors of California and Nevada need to officially designate the Tahoe Metropolitan Planning Organization. Staff is working closely with the Nevada and California Departments of Transportation fulfill this requirement. To further support our request, the TRPA is requested to endorse the structure as presented in Attachment B. The approved resolution will then be included in the information provided to the Governors.

Staff will begin this item with a brief presentation. Please contact Richard Wiggins at 702-588-4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION RECOMMENDING THE GOVERNORS OF CALIFORNIA AND NEVADA DESIGNATE A METROPOLITAN PLANNING ORGANIZATION (MPO) FOR THE LAKE TAHOE BASIN

RESOLUTION NO. 98-

WHEREAS, the Transportation Equity Act for the 21st Century provided the consent of Congress to designate a Metropolitan Planning Organization (MPO) for the Lake Tahoe Basin; and

WHEREAS, the Governors of California and Nevada have the authority to designate an MPO for the Lake Tahoe Region, in agreement with general purpose governments representing seventy-five percent of the affected population; and

WHEREAS, resolutions of support of a Lake Tahoe Region MPO have been approved by Washoe County, Douglas County, Carson City, Placer County, El Dorado County and the City of South Lake Tahoe; and

WHEREAS, organizational planning for the MPO structure have been ongoing and have involved numerous transportation stakeholders and other interested parties, including resolutions of support from the Washoe Tribe of Nevada and California, the Tahoe Transportation District, the South Shore TMA, the Truckee-North Tahoe TMA and the Regional Transportation Commission of Washoe County; and

WHEREAS, the fourteen voting members of the Tahoe Regional Planning Agency and one voting member of the Lake Tahoe Basin Management Unit of the United States Forest Service are proposed as the Board members of the Tahoe Metropolitan Planning Organization, the boundary of which shall be the same as that of the TRPA; and

WHEREAS, the Tahoe Metropolitan Planning Organization shall have certain transportation and air quality planning and programming authority and responsibilities vested to it by virtue of federal MPO legislation and regulations; and

WHEREAS, the Tahoe Metropolitan Planning Organization and the Tahoe Regional Planning Agency may delegate certain responsibilities to the Tahoe Transportation Commission and to MPO committees to support MPO functions; and

WHEREAS, the Tahoe Metropolitan Planning Organization shall be staffed by the Tahoe Regional Planning Agency;

NOW THEREFORE BE IT RESOLVED by the Tahoe Regional Planning Agency, the Governors of California and Nevada are requested to designate the Tahoe Metropolitan Planning Organization as the Metropolitan Planning Organization for the Lake Tahoe Region, in agreement with general purpose governments representing at least seventy-five percent of the affected population.
BE IT FURTHER RESOLVED that the fourteen voting members of the TRPA Governing Board and one voting member of the Lake Tahoe Basin Management Unit of the United States Forest Service shall serve as the Board of the Tahoe Metropolitan Planning Organization.

PASSED AND ADOPTED this day of October 1998 by the Governing Board of the Tahoe Regional Planning Agency by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Drake De Lanoy, Chairman
Tahoe Regional Planning Agency
TAHOE METROPOLITAN PLANNING ORGANIZATION (TMPO)

Structure
The TMPO Board shall consist of the 14 voting members of the Tahoe Regional Planning Agency (TRPA) plus one representative of the Lake Tahoe Basin Management Unit of the United States Forest Service (LTBMU) who shall be a voting member of the TMPO.

Authority
The TMPO shall be the forum for the cooperative decision-making under Federal MPO legislation. Authority vested in the TMPO is that which is set forth in federal MPO legislation, as interpreted within the framework of the Tahoe Regional Planning Compact and delineated in the enabling Memorandum of Understanding between California and Nevada.

The initial boundary of the TMPO shall be that area given the term “region” in subdivision (a) of Article II of the Tahoe Regional Planning Compact.

Objectives
To provide policy guidance and decision-making to the Tahoe Transportation Commission (Commission) for development of the region’s Transportation Plan, Transportation Improvement Program, the Overall Work Program, the Public Participation Plan, and other pertinent documents.
To resolve planning, programming or project implementation conflicts pursuant to the procedures established for Commission action on staff recommendations.

Process
The TMPO shall convene as the TMPO pursuant to proper public noticing requirements. A majority of the TMPO Board members will constitute a quorum.

The TMPO may either approve or reject Commission recommendations. If a Commission recommendation is rejected, the TMPO may resolve the issue at that time and subsequently take action to approve it, or it may send the action back to the Commission for further deliberation.

TMPO By-laws or Rules of Procedure shall be developed in order to address voting procedures and other procedural issues.

Administration
On behalf of the TMPO, the TRPA Executive Director and staff shall act as the interim staff.

Staff functions and work tasks for non-TRPA agencies such as the TTD and the USFS shall be identified and funded through the OWP and be implemented through MOUs.

Assumptions
In order to facilitate implementation of the MPO in 1998, several issues will need to be addressed at later dates, including:
- Changes to the MPO boundary will be evaluated within the next two to three years.
  This will be accomplished by including a boundary evaluation work task in the Overall Work Program,
• Changes to the TMPO policy or administrative structure will be evaluated within the next two to three years. This will be accomplished by including an administrative structure evaluation work task in the Overall Work Program.

• Any other changes as necessary over the next several years to ensure the TMPO is functioning properly.

The establishment of an MPO at Lake Tahoe will require the adoption of a formal public participation process for the review and input on MPO actions. To accomplish this, the following structure is proposed.

TAHOE TRANSPORTATION COMMISSION (Commission)

Structure
The Commission shall consist of twelve voting members that shall be comprised of: six local government TTD members, one TNT/TMA TTD member, one SS/TMA TTD member, one At-large TTD member, one representative from the LTBMU, one representative from the Washoe Tribe of NV and CA, and one member of and selected from committees that may be established by the Commission. Representatives from the California and Nevada Departments of Transportation shall serve as non-voting members. The Commission will have the option by vote of the Commission to add members as appropriate.

Authority
TRPA and TMPO shall by resolution vest in the Commission authority for various functions.

Objectives
The Commission shall serve as the “management team” for the development of programs, plans and projects. The Commission shall provide direction for the content of plans, programming of funds and strategies for the implementation of projects.

The Commission shall establish, review and utilize prioritization criteria for programming projects in the appropriate programming documents (RTIP, MTIP, or FTIP). Pursuant to federal regulations and consistent with the transportation plan and Environmental Improvement Program:

• The Commission shall include in the appropriate programming document all projects proposed for funding under Title 23 and the Federal Transit Act (with some exclusions, and all regionally significant transportation projects for which FHWA or FTA approval is required regardless of whether federal funds are used.

• The Commission shall include in the appropriate programming document, for informational purposes and air quality analysis in non-attainment and maintenance areas, all regionally significant projects funded with federal or non-federal funds.

• Pursuant to state regulations, state funds and any associated local matching funds shall be included in the appropriate programming documents.

The Commission shall be the forum to provide citizens, affected public agencies, private providers of transportation, the environmental community and other interested parties with a reasonably early and continuous opportunity to comment on transportation plans and programs to be adopted by the TMPO. The Commission may establish committees and subcommittees to fulfill federal and state public participation requirements.
The Commission shall direct staff to issue Requests for Proposals for planning studies, Project Study Reports, environmental assessments, monitoring projects. The Commission shall direct staff to execute professional service contracts pursuant to TRPA procurement procedures. The Commission shall direct staff as to the scope of planning grant applications.

The Commission shall establish, in cooperation with the TRPA and the TMPO, a staff review process to ensure staff performance and accountability. This process shall include input into the selection of a transportation Director and the Director’s performance evaluation with respect to delivery of products and work tasks identified in the Overall Work Program.

The Commission shall serve as coordinator for project implementation. The Commission is not intended to be an implementation body, but to coordinate with the NDOT, Caltrans, TTD, USFS, Counties, CSLT and other jurisdictions for actual project implementation.

Process
The Commission shall convene pursuant to proper public noticing requirements. A majority of the Commission members will constitute a quorum. A majority affirmative vote shall approve an action item.

Staff shall prepare planning and programming documents for the Commission. The Commission shall provide recommendations to the TMPO for the adoption of documents. The Commission may conduct up to three public hearings for the approval of the RTP, RTIP, OWP and Public Participation Plan. If the Commission does not approve the document on the third attempt, the document is automatically forwarded to the TMPO for resolution. This resolution may include the TMPO providing guidance and sending the document back to the Commission for further consideration.

Administration
The Commission shall develop the OWP describing the staff work tasks to be completed, the sources and uses of funds, and the schedule necessary to support the functions of the Commission.
COORDINATED TRPA - RTPA - MPO

POLICY MAKER
TRPA/RTPA - MPO BOARDS

<table>
<thead>
<tr>
<th>TRPA - RTPA</th>
<th>TMPO</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Voting Members &amp; Non-Voting Federal Representative</td>
<td>14 TRPA Voting Members &amp; Voting USFS LTBMU Exec. Officer</td>
</tr>
</tbody>
</table>

TAHOE TRANSPORTATION COMMISSION

6 Local Government TTD Members
- TTTMA TTD Member
- STTMA TTD Member
- USFS LTBMU Member
- Washoe Tribe Member
- Citizen Committee Member
- At-Large TTD Member
- NDOT/CalTrans as Non-Voting Members

PROJECT/PROGRAM IMPLEMENTATION

<table>
<thead>
<tr>
<th>CTS - MCO</th>
<th>TNT - TMA</th>
<th>SS TMA</th>
<th>LOCAL</th>
<th>CALTRANS</th>
<th>NDOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>TART</td>
<td>STAGE</td>
<td>RCDs</td>
<td>TTD</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ADVISORY COMMITTEES
- Citizen
- Technical
- Other
MEMORANDUM

October 1, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code Chapter 18, Permissible Uses, and Related Chapters to Add the Public Service Use of Threshold Related Research Facilities

Proposed Action: At the direction of the Governing Board, staff proposes to amend Chapter 18, Permissible Uses, to add a new use "Threshold Related Research Facilities" to the TRPA list of permissible public service uses allowable in the Region. See Attachment A for the draft language for the proposed changes.

Staff Recommendation: Staff recommends approval of the proposed amendments.

Background: TRPA has been contacted by various research groups such as the Tahoe Research Group, The Desert Research Institute, and the privately held Tahoe Basin Research Institute, a public benefit foundation, to amend our Regional Plan to allow "Research Facilities" as a permissible public service use in the Regional Plan Package. The research groups are interested in establishing permanent research facilities within the Tahoe Basin (See Attachment B for a summary of the Current Proposals). Currently, "Research Facilities" are only permissible if affiliated with a college or university under public service uses. Otherwise, scientific and research institutes are considered commercial uses within the Professional Office use designation and require commercial floor area.

The Tahoe Basin Research Institute, through Douglas County, has requested that TRPA amend the Regional Plan to add "Research Facilities" to the Table of Primary Uses as a public service use in Chapter 18 and to amend the Plan Area Statements to allow "Research Facilities" in plan areas that are appropriate. Currently, four plan areas are being considered as potential locations for research facilities and PAS amendments may be processed if the proposed amendment is adopted.

If amended, "Threshold Related Research Facilities" would be added to the list of public service uses in Chapter 18. It is important to note that research facilities that would use this provision are exempt from commercial floor area allocation requirements per...
Amendment of Chapter 18, Permissible Uses  
October 6, 1998  
Page 2

Section 33.5 of the TRPA Code of Ordinances. Scientific research institutes that use the Professional Offices definition in Chapter 18 will require commercial floor area.

At the June Governing Board meeting, the Governing Board discussed this issue. Staff requested that the Governing Board assist in providing policy direction on this matter. Items for discussion included:

1. What types of research facilities should be considered in a new public service definition for Scientific and Research Facilities?

2. Upon discontinuation of use or changed research focus (other than EIP related, what happens to the existing building?

3. What findings have to be made to qualify as a public service research facility?

4. Should Scientific and Research Facilities that want to be considered Public Service and, therefore, exempt from commercial floor area allocations be limited to specific EIP research or monitoring projects?

The amendments proposed reflect the Governing Board input on the issues listed above. At the APC's direction in August, TRPA staff has modified the proposal based on meetings with the research proponents.

Findings: Prior to amending Chapters 33, 34, and 35, 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 Regional Plan and Code provides for the development of the Environmental Improvement Program. Research and study projects are part of the EIP. The creation of this new use assists in the implementation of the EIP.

All projects that may occur due to this amendment are still subject to the TRPA Goals and Policies, the Code of Ordinances and the adopted Community Plans and Plan Area Statements.

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

Rationale: The amendments allow creation of a use that is linked to environmental research and will help assure the environmental thresholds are not exceeded.
Amendment of Chapter 18, Permissible Uses
October 6, 1998
Page 3

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

Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above. The amendment assists in the implementation of the EIP whose stated purpose is threshold attainment.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: See Chapter 6 Findings.

2. Finding: One or more of the following.

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

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

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

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

e) That implementation of the provision sought to be amended has 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.
Amendment of Chapter 18, Permissible Uses
October 6, 1998
Page 4

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

3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has 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.

Rationale: Finding c) is the most appropriate. The amendment is consistent with the implementation of the research projects deemed necessary by the EIP. The 1991 and the 1996 Threshold Evaluation recommended the need for the research/study projects.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings shown above and the fact that this action only creates a use category. TRPA still needs to evaluate where this use is permissible through the plan amendment process.

Staff will begin this item with a brief presentation. Please contact Gabby Barrett at 702*588*4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments

GWB/dmc

AGENDA ITEM VI.A.
Threshold Related Research Facilities

Add "Threshold Related Research Facilities" to the Table of Primary Uses under General Public Service.

Add new Subsection:

18.2.G Threshold Related Research Facilities: Designation of facilities as Threshold Related Research Facilities shall require the following:

1. TRPA finds that the facilities shall be primarily used to implement research or manage projects in support of the Chapter 31 Environmental Improvement Program (EIP);

2. Structures and related improvements designated as Threshold Related Research Facilities shall be required to provide adequate securities, such as bonds, lease requirements, deed restrictions or other appropriate mechanisms, to assure their removal or conversion upon discontinuance of threshold research; and

3. Threshold Related Research Facilities shall be located in community plan areas unless TRPA has found that there is a demonstrated need to locate them outside a CP area and that the project area for which the threshold related research facility is proposed contains existing development.

4. Subject to the provisions for residential development, overnight multi-person facilities for up to 25 persons and caretaker facilities are may be permitted considered as accessory to this use.

Add new definition to Section 18.4:

Threshold Related Research Facilities: Public or non-profit research establishments primarily engaged in research and management of projects in support of the TRPA Environmental Improvement Program (EIP). The use includes laboratories, monitoring stations, scientific interpretive centers, research and training classrooms, and related support facilities. It does not include facilities not related to EIP research such as general college administrative offices and classrooms which are listed under Schools-College and government administrative offices which are listed under Government Offices or non EIP-related research (which may be conducted under the Professional Office use). Overnight multi-person facilities and caretaker facilities are considered as accessory to this use. Outside storage and display are not included as part of this use.
MEMORANDUM

October 6, 1998

To: TRPA Advisory Planning Commission
From: TRPA Staff

Subject: Amendment of Code Chapter 33, Allocation of Development, Chapter 34 Transfer of Development and Related Chapters to Allow Transfer of Residential Units to Sensitive Lands, to Allow the Conversion of Commercial Floor Area, Tourist, and Residential Units, to Allow Public Service Uses on Leased Property and to Transfer Commercial Floor Area.

Proposed Action: At the request of some private property owners, staff proposes to amend Chapter 33, Allocation of Development and Chapter 34 Transfer of Development to:

1. Allow the transfer of existing residential units of use into sensitive lands within community plan areas when there is a 1200 square foot per unit reduction in land coverage on the sending or receiving parcel (Attachment A).

2. Allow the conversion of units of use between residential units and tourist accommodation units, and to allow for their conversion to commercial floor area for the following limited circumstances:
   a. When transferring from sensitive lands,
   b. When linked to an EIP project, or
   c. When the conversion results in the entire site meeting the TRPA and local standards for a new project (Attachment B).

3. Allow public service uses on leased property and to allow for the transfer of commercial floor area displaced by public service uses (Attachment C).

See the Attachments for the draft language for the proposed changes.

Staff Recommendation: Staff recommends approval of the proposed amendments.

GWB/dmc
Amendment of Chapters 33, 34 and 35
October 6, 1998
Page 2

Background: During the 1996 Threshold Evaluation process, representatives of the South Lake Tahoe motel industry requested TRPA consider commercial conversion provisions for small motels. Due to the lateness of the request, it was agreed that TRPA would work with the Commercial Workshop Group in 1997-98 to address the issue.

The group began meeting in the fall of 1997. The scope of the workshop was expanded to include the subjects listed in the proposed action and the issue of designating commercial/public service uses. The group (see Attachment D) represents a broad range of interests and has been very helpful in resolving the issues.

The TRPA policies for regulation of public service uses in regards to TRPA allocation rules and transfer rules was reviewed and acted upon by the Governing Board in July. The other issues were discussed by the APC in August and continued. Staff has continued to work with the Commercial Workshop Group and proposes these consensus amendments.

This staff summary has been mailed to the group and their attendance is encouraged at the TRPA hearings. It should be noted that these amendments represent areas where agreement was possible and do not necessarily meet all the needs of all the participants. The general needs or goals of the group are:

- The need to provide flexibility to encourage redevelopment of existing developments, especially old motels.
- The need to provide relief to certain motel owners.
- The need to implement environmental improvements to meet thresholds.
- The need to stay within the development constraints of the Regional Plan.
- The need to maintain the viability and stability of the existing transfer programs.

Analysis: The proposed amendments are divided into three concepts; the first is an amendment to the transfer rules, the second is an amendment to the use conversion rules, and last is an amendment for the public service/commercial issue.

Residential Transfer: The first amendment is an addition to the TRPA exceptions that allow transfer into sensitive lands. During the 1996 Threshold Evaluation process, amendments were adopted that allowed such transfers in limited circumstances (see Attachment A). Staff analysis indicates that there is approximately 285 acres of developed sensitive lands located in community plan areas. This is about 11 percent of the 2560 acres of CP area.

Some members of the workshop group recommended that provisions for residential units transferred from sensitive lands to sensitive lands should be added to the Code to match the tourist and commercial provisions. The group agreed to apply the sensitive to sensitive concept to existing residential unit transfers if there was a substantial coverage reduction. The receiving sites are limited to community plan areas where development is
Amendment of Chapters 33, 34 and 35
October 6, 1998
Page 3

to be concentrated. Because this proposal is limited to existing units, there is no net increase in residential units in sensitive lands or in total within the Region.

There is a potential on individual sites to have some adverse impacts or promote undesirable uses, e.g. single family residences in the middle of commercial areas. Staff proposes a special Initial Environmental Checklist addendum to address these impacts (Attachment E).

Conversion: The second amendment allows conversion of commercial/residential/tourist units under limited circumstances noted above. Again, the 1996 Threshold Evaluation process resulted in conversion options for residential and tourist units. Commercial floor area was not included in 1997 because of the complexity of converting commercial floor area to units.

In order to promote consensus and reduce potential impacts, the conversion proposal has been scaled down and simplified. It is important that the conversion process does not result in an increase in the overall impacts as envisioned in the 1987 Regional Plan. The latest proposal has limited the conversion between residential and tourist units and conversion to commercial. Commercial floor area conversion to residential or tourist units is no longer part of the proposal. This is important because of the production nature of residential and tourist units versus the attraction nature of commercial.

The Group also has suggested a yearly cap of 200 units for conversion. This represents less than 2 percent change in tourist units and a 0.3 percent change in residential units. Staff has also added a supplement to the Initial Environmental Checklist to assure all impacts are disclosed and mitigated. Attachments F and G provide a summary of existing levels of development.

The conversion builds on the existing TRPA program and is linked to environmental improvements. Although it meets the needs above, there are those who would like to emphasize the property owner relief over environmental improvements.

Public Service: The public service entities (mostly government offices and post offices) have a need for office space to rent. Local governments expressed a need to maximize their commercial floor area allocations. TRPA and environmental groups have a need for environmental improvements and to make sure development stayed within the 1987 Regional Plan limitations. Everyone was concerned about private property owners creating situations where they had no use of their property if the public service tenant left.

In lieu of processing several appeals, TRPA staff requested the Commercial Workshop Group help us resolve the issues. The group reflects a wide range of interests and it also included the appellants. The group met several times, looked at three alternatives, and developed the proposal below. In July, the APC and Governing Board reviewed the proposal and gave staff direction to prepare the necessary documents to implement the following policy direction.

The proposal developed by the Commercial Workshop Group, recommended by the APC and staff, and approved by the Governing Board is as follows:
Approved PS Policy

I. New Public Service Projects

A. It is PS if the owner of the site is the owner of the public service use proposed.

B. It is PS if the owner of the site leases to a public service use when:
   1. A deed restriction is recorded with TRPA and local government as parties to the deed restriction and all lien holders must be notified.
   2. It is a long-term lease (7-10 years).
   3. Local government has committed to enforcement of any change of use through permits and business licenses.

II. Transfer of Commercial Floor Related to Public Service is permissible when:

A. The owner of site must meet the rules for new public service uses.

B. Only the following Chapter 18 PS uses are allowed to displace commercial floor:
   Local and Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, and Transit Stations and Terminals.

C. The floor area may be transferred to site in a CP area only and must be subject to the CP allocation system or a similar system to implement EIP projects.

This proposal assumes that the development permitted for commercial and public service use under the Regional Plan is not exceeded.

TRPA Legal Counsel recommended the proposal be placed in the Code if adopted. The proposed Code language is included in Attachment C. The Commercial Workshop Group reviewed the language and agreed with the language except for Subparagraph 33.5.E(5). Staff had added language to assure "...development permitted for commercial and public service use under the Regional Plan is not exceeded." This was initially done by using the 150,000 square foot reserve for commercial floor. The group could not agree to use the reserve commercial allocation to assure the Regional Plan limits were not exceeded.

The group did agree to set a limitation on the transfers that matched the amount of new public service envisioned by the Regional Plan. The Goals and Policies Plan indicates that "Public services and facilities should be allowed to upgrade and expand consistent with the Land Use Element..." There is no allocation system or growth limit for public
Amendment of Chapters 33, 34 and 35
October 8, 1998
Page 5

service uses. Therefore, the amount of new public service floor area must come from TRPA environmental documents.

The 1992 Regional Transportation Plan estimated 21,800 square feet expansion for government offices. The 1996 Threshold Evaluation modeling estimated 59,787 square feet of government expansion. Because the types of uses considered for the transfer are generally considered government uses, staff is proposing compromise language that sets a 60,000 square foot limitation on the transfers. This figure is an estimate for government growth during the time frame of the Regional Plan.

Findings: Prior to amending Chapters 33 and 34, 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 Regional Plan provides for development in appropriate areas. Incentives are created to encourage proper uses and improvement while providing for environmental improvements to achieve the thresholds. These amendments promote the recycling of development and increased opportunities for relocation of planned and existing development. There is no increase in overall development limits proposed with these amendments.

All projects that may occur due to this amendment are still subject to the TRPA Goals and Policies, the Code of Ordinances and the adopted Community Plans. All Standards of Codes shall apply to the transfer or conversion projects. A special IEC is added to assure all impacts are disclosed and mitigated.

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

Rationale: The amendments to allow transfer or conversion of use are linked to environmental improvements and will not cause the environmental thresholds to be exceeded. The development permitted by these amendments is within the limits set forth in the 1987 Regional Plan.

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.

GWB/dmc
Rationale: See findings 1 and 2 above. All projects resulting from these ordinance amendments are subject to air and water quality standards.

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

Rationale: See findings 1 and 2 above. The transfer amendment does not permit additional units into sensitive lands and requires land coverage reductions. The conversion amendment does not permit additional development (impacts) beyond the 1987 Regional Plan and the conversions are linked to EIP projects, restoration of sensitive lands, or coming into complete conformance with development standards. The public service rules provide a better land use protection and the potential for environmental improvements.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: See Chapter 6 Findings.

2. Finding: One or more of the following.

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

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

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

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

   e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reasons:
Amendment of Chapters 33, 34 and 35
October 6, 1998
Page 7

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

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

3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has 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.

Rationale: Finding f) is the most appropriate. The amendments are consistent with the recommendations of the 1996 Threshold Evaluation. Based on the rationales above, the amendments are a better means of implementing the Regional Plan Package and complying with the Compact.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. In response to possible impacts from future projects resulting from these ordinances, a special transfer/conversion supplement is being added to the IEC. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings shown above.

Staff will begin this item with a brief presentation. Please contact Gabby Barrett at 702-588-4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
Proposed Residential Transfer Provisions

34.4.B Requirements: Transfers of existing development may be permitted subject to the following requirements:

(1) The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed;

(2) The use transferred shall be a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan;

(3) The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel;

(4) The findings required for a special use in Chapter 18 shall have been made if the use transferred is a special use in the receiving area;

(5) The approval of affected local governments shall be obtained;

(6) The parcel from which the existing development is transferred shall be restricted pursuant to Section 34.5, no later than the time of commencement of construction of the related project;

(7) All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures, and affordable housing;

(8) The proposed transfer shall be evaluated for adverse transfer impacts based on criteria established by TRPA in its IEC and found not to have any unmitigated impacts resulting from the transfer;

(89) The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless:

(i) There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or

(ii) The transfer of commercial, or tourist, or residential units of use to a site inside an designated community plan area, is from sensitive lands to an equal or less sensitive land capability district inside adopted community plan areas, and a reduction of land coverage and restoration occurs at the receiving site or sending site, equal to 300 square feet of land coverage per tourist unit transferred, 1,200 square feet of land coverage per residential unit transferred, or one square foot per one square foot of land coverage of commercial floor area transferred; or

(iii) The transfer of commercial floor area to a site inside an designated community plan area from nonsensitive lands results in a reduction of land coverage and restoration on the receiving site or like sensitive lands in the watershed at a ratio of one square foot of transferred floor area to two square feet of land coverage reduced.
Proposed Conversion of Use Provisions

33.7 Election Of Conversion Of Use: Existing residential units may be converted to tourist accommodation units, and existing tourist accommodation units may be converted to residential units under the following conditions:

33.7.A Transfer From Sensitive Lands: Conversion may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or SEZ, and the parcel is restored.

33.7.B Removal of a Nonconforming Use: Conversion of a tourist or residential unit may be permitted if the conversion results in the elimination of a non-conforming use on the parcel on which the unit being converted is located. The converted use shall meet all standards for new construction.

33.7 Election Of Conversion Of Use: Existing residential units may be converted to tourist accommodation units or commercial floor area and existing tourist accommodation units may be converted to commercial floor area within the following limitations. Proposed conversions shall be evaluated for adverse impacts based on evaluation criteria established in the IEC. TRPA shall find there are no unmitigated adverse impacts resulting from the conversion. Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit. Residential and tourist accommodation units shall be converted to commercial based on a ratio of one square foot of existing floor area consistent with Subsection 33.3.B equals one square foot of commercial floor area. A maximum of 200 residential units and 200 tourist units may be converted within a calendar year for the Region.

33.7.A Transfer From Sensitive Lands: Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or SEZ, and the parcel is restored, or:

33.7.B Removal of a Nonconforming Use: Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted in conjunction with a project approval if the conversion results in the elimination of the unit of nonconforming use. The structures containing the converted use shall meet TRPA and local standards for new construction, or:

33.7.C Uses Modified to Meet Development Standards for New Projects: Conversion of an existing residential or tourist accommodation unit of use to a residential, tourist or commercial use may be permitted in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA and local government standards applicable for a project proposed on an undeveloped project area, or:

33.7.D Uses Linked to an EIP Project: Conversion of an existing residential or tourist accommodation unit of use to a residential, tourist or commercial may be permitted if the use is included as part of a project that has linked status pursuant to Chapter 31 Environmental Improvement Program.
33.5 Regulation Of Additional Public Service Facilities: TRPA shall regulate the rate and distribution of additional public service development as follows:

33.5.A Required Findings for Approval of Additional Public Service Facilities: Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates, and TRPA finds that:

(1) There is a need for the project;

(2) The project complies with the Goals and Policies, applicable plan area statements, and Code;

(3) The project is consistent with the TRPA Environmental Improvement Program;

(4) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity;

(5) If the proposed project is to be located within the boundaries of the community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan; and

(6) Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

33.5.B Definition Of "Additional" Public Service Facilities: Public service facilities are considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility is an additional public service facility subject to this chapter. The following are not "additional" public service facilities:

(1) The reconstruction or replacement, on the same parcel, of legally existing public service facilities;

(2) Modifications to legally existing public service facilities and accessory uses thereto, that do not create additional service capacity;

(3) Public or quasi-public utility service connections;

(4) Replacement or reinforcement of pipelines or transmission lines which result in no significant increase in service capacity; and

(5) Telephone lines, local distribution facilities and similar facilities.
33.5.D Determination of Public Service Projects: If the owner of the project area is the operator of the public service use pursuant to Chapter 18, then the provisions of this section apply. If the owner of the project area leases his property to an operator of a public service use, the facilities shall be considered commercial and subject to the limitation of Section 33.3 unless:

1. A deed restriction describing the use restrictions is recorded and TRPA and the local government of jurisdiction are included as parties to the deed restriction; and

2. The lease contains adequate assurances that public service use will remain for a minimum term of 7 years; and

3. Local government has committed to enforcement of any change of use through permits and business licenses; and

4. All lien holders on the property have been notified of the proposed deed restriction.

33.5.E Transfer of Commercial Floor Related to a Public Service Use: Transfer of commercial floor area from an existing commercial project is permissible when a public service use is approved to displace an equal amount of commercial floor area. The transfer shall be approved only in conjunction with a project approval at the receiving site. The transfer is subject to the standards of Chapter 34 and the following standards:

1. The owner of sending site meets the standards of 33.5.D; and

2. The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, and Transit Stations and Terminals; and

3. The commercial floor area displaced is transferred to site in a designated community plan area; and

4. The receiving site shall qualify for the transferred floor area as if the transferred commercial floor area was commercial floor area allocated subject to the CP allocation system or a similar allocation system that implements EIP projects; and

5. TRPA determines that the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated for government uses in the Region Plan EIS.
COMMERICAL WORKSHOP

<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen Biaggi</td>
<td>Nevada Division of Environmental Protection</td>
</tr>
<tr>
<td>Barry Buehler</td>
<td>Placer County</td>
</tr>
<tr>
<td>Hal Cole</td>
<td>Leap of Save Lake Tahoe</td>
</tr>
<tr>
<td>Bill Combs</td>
<td>Douglas County, Community Development</td>
</tr>
<tr>
<td>Tim Curtis</td>
<td>Tahoe Sierra Board of Realtors</td>
</tr>
<tr>
<td>Jeff Cutler</td>
<td>Tahoe-Douglas Chamber of Commerce</td>
</tr>
<tr>
<td>John Doughty</td>
<td>Feldman, Shaw, DeVore</td>
</tr>
<tr>
<td>Terry Dyer</td>
<td>Tahoe Sierra Preservation Council</td>
</tr>
<tr>
<td>Peggy Eichhorn</td>
<td>Cottonwood Lodge</td>
</tr>
<tr>
<td>John Falk</td>
<td>Heavenly Valley</td>
</tr>
<tr>
<td>Kathy Farrell</td>
<td>Washoe County Department of Community Developement</td>
</tr>
<tr>
<td>Lew Feldman</td>
<td>El Dorado County</td>
</tr>
<tr>
<td>Mary Gilanfarr</td>
<td>City of South Lake Tahoe</td>
</tr>
<tr>
<td>Phil Gilanfarr</td>
<td>Kaufman Planning</td>
</tr>
<tr>
<td>Pembroke Gochnauer</td>
<td>KSA</td>
</tr>
<tr>
<td>Herbert Gottlieb</td>
<td>Washoe County Department of Community Developement</td>
</tr>
<tr>
<td>Stan Hansen</td>
<td>El Dorado County</td>
</tr>
<tr>
<td>Mike Harper</td>
<td>Douglas County</td>
</tr>
<tr>
<td>Bob Hedley</td>
<td>City of South Lake Tahoe</td>
</tr>
<tr>
<td>Larry Hoffman</td>
<td>Kaufman Planning</td>
</tr>
<tr>
<td>Dan Holler</td>
<td>City of South Lake Tahoe</td>
</tr>
<tr>
<td>Steve Hust</td>
<td>KSA</td>
</tr>
<tr>
<td>Sue Rae Irelan</td>
<td>Washoe County Department of Community Developement</td>
</tr>
<tr>
<td>Teri Jamin</td>
<td>El Dorado County</td>
</tr>
<tr>
<td>Leah Kaufman</td>
<td>City of South Lake Tahoe</td>
</tr>
<tr>
<td>Don Kornreich</td>
<td>U.S. Forest Service-LTBMU</td>
</tr>
<tr>
<td>Jay Kniep</td>
<td>North Lake Tahoe Chamber of Commerce</td>
</tr>
<tr>
<td>Sharon Kvas</td>
<td>South Lake Tahoe Board of Realtors</td>
</tr>
<tr>
<td>Bob Dodd/Lauri Kemper</td>
<td>Midkiff &amp; Associates</td>
</tr>
<tr>
<td>Larry Lohman</td>
<td>City of South Lake Tahoe Planning Department</td>
</tr>
<tr>
<td>Gary Marchio</td>
<td>Fallen Leaf CSD</td>
</tr>
<tr>
<td>Ed McCarthy</td>
<td>League to Save Lake Tahoe</td>
</tr>
<tr>
<td>Bob McDowell</td>
<td>Fallen Leaf Lodge Homeowners</td>
</tr>
<tr>
<td>Ron McIntyre</td>
<td>CA Attorney General's Office</td>
</tr>
<tr>
<td>Mike McKeen</td>
<td>Sierra Planning</td>
</tr>
<tr>
<td>Gary Midkiff</td>
<td>Gaming Alliance</td>
</tr>
<tr>
<td>Kerry Miller</td>
<td>City of South Lake Tahoe Redevelopment</td>
</tr>
<tr>
<td>Jane Mitchell</td>
<td>Tahoe-Douglas Chamber of Commerce</td>
</tr>
<tr>
<td>Rochelle Nason</td>
<td>California Tahoe Conservancy</td>
</tr>
<tr>
<td>Lennie Roberts</td>
<td>TRPA</td>
</tr>
<tr>
<td>Fran &amp; Renz Robinson</td>
<td>TRPA</td>
</tr>
<tr>
<td>Dan Siegel</td>
<td>TRPA</td>
</tr>
<tr>
<td>Nancy Sjursen</td>
<td>TRPA</td>
</tr>
<tr>
<td>Steve Teshara</td>
<td>TRPA</td>
</tr>
<tr>
<td>John Upton</td>
<td>TRPA</td>
</tr>
<tr>
<td>Jaye Von Klug</td>
<td>TRPA</td>
</tr>
<tr>
<td>Duane Wallace</td>
<td>TRPA</td>
</tr>
<tr>
<td>Gerry Willmett</td>
<td>TRPA</td>
</tr>
<tr>
<td>Jim Baetge</td>
<td>TRPA</td>
</tr>
<tr>
<td>Lyn Barnett</td>
<td>TRPA</td>
</tr>
<tr>
<td>Gabby Barrett</td>
<td>TRPA</td>
</tr>
</tbody>
</table>
Transfer/Conversion IEC Evaluation Criteria

The following is to be used as a supplemental checklist for the Initial Environmental Checklist. It is to be used when reviewing any transfer or conversion of use. Any question answered in the affirmative will require written documentation that the impacts are mitigated to a less than significant level or additional environmental documentation such as an environmental assessment or an environmental impact statement will be required. The * notes threshold subjects.

<table>
<thead>
<tr>
<th>IEC Impact Subjects</th>
<th>Applicable Impact Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land*</td>
<td>Does the proposal result in any additional land coverage?</td>
</tr>
<tr>
<td>Air Quality*</td>
<td>Does the proposal result in any additional emissions?</td>
</tr>
<tr>
<td>Water*</td>
<td>Does the proposal result in any additional discharge that is in violation of TRPA discharge standards? Does the proposal result in an increase in the volume of discharge?</td>
</tr>
<tr>
<td>Plant Life*</td>
<td>Covered by IEC</td>
</tr>
<tr>
<td>Animal Life*</td>
<td>Covered by IEC</td>
</tr>
<tr>
<td>Noise*</td>
<td>Does the proposal result in an increase in CNEL?</td>
</tr>
<tr>
<td>Light Giare</td>
<td>Covered by IEC</td>
</tr>
<tr>
<td>Land Use</td>
<td>Is the use converted or transferred result in use that is not consistent with the goals and policies of the CP/PAS? Is the loss of the existing use inconsistent with the direction of the CP/PAS or the overall needs of the community?</td>
</tr>
<tr>
<td>Natural Resources</td>
<td>Covered by IEC</td>
</tr>
<tr>
<td>Risk of Upset</td>
<td>Covered by IEC</td>
</tr>
<tr>
<td>Population</td>
<td>Does the proposal result in an increase in the existing or planned population of the Region?</td>
</tr>
<tr>
<td>Housing</td>
<td>Does the proposal result in the loss of affordable housing?</td>
</tr>
<tr>
<td>Transportation</td>
<td>Does the proposal result in the increase of 100 vehicle trips? Does the proposal result in a project that does not meet the parking standards?</td>
</tr>
<tr>
<td>Public Services</td>
<td>Covered by IEC</td>
</tr>
<tr>
<td>Energy</td>
<td>Covered by IEC</td>
</tr>
<tr>
<td>Utilities</td>
<td>Does the proposal result in additional water use? Does the proposal result in the need for additional sewer treatment?</td>
</tr>
<tr>
<td>Human Health</td>
<td>Covered by IEC</td>
</tr>
<tr>
<td>Aesthetics*</td>
<td>Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?</td>
</tr>
<tr>
<td>Recreation*</td>
<td>Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?</td>
</tr>
<tr>
<td>Historical</td>
<td>Does the proposal result in the modification or elimination of an historic structure or site?</td>
</tr>
</tbody>
</table>
## COMMERCIAL ALLOCATION SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Existing Floor Area</th>
<th>87-96 Allocations</th>
<th>87-96 TRPA Approved</th>
<th>97 Reload</th>
<th>Special Project Allocation</th>
<th>99 Reload</th>
<th>Reserved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SOUTH LAKE TAHOE</strong></td>
<td>1,882,800</td>
<td>92,068</td>
<td>31,797</td>
<td>10,000</td>
<td>87,526</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total CPs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. S. Stateline*</td>
<td>79,900</td>
<td>20,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ski Run</td>
<td>30,000</td>
<td>20,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Al Tahoe*</td>
<td>14,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Wye</td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Wye Industrial</td>
<td>5,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-CP</td>
<td>10,008</td>
<td>10,008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside CPs</td>
<td>2,160</td>
<td>1,789</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DOUGLAS COUNTY</strong></td>
<td>94,709</td>
<td>54,050</td>
<td>1,738</td>
<td>10,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total CPs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Casino*</td>
<td>35,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Kingsbury*</td>
<td>14,050</td>
<td>1,738</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Round Hill*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-CP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside CPs</td>
<td>5,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EL DORADO COUNTY</strong></td>
<td>1,013,451</td>
<td>25,300</td>
<td>4,000</td>
<td>10,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total CPs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Meyers*</td>
<td>20,600</td>
<td>4,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Tahoma</td>
<td>15,400</td>
<td>4,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-CP</td>
<td>5,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside CPs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PLACER COUNTY</strong></td>
<td>1,237,352</td>
<td>154,916</td>
<td>27,383</td>
<td>10,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total CPs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Tahoe City*</td>
<td>123,300</td>
<td>5,080</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. T.C. Industrial</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Carmelian Bay*</td>
<td>15,400</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Tahoe Vista*</td>
<td>15,400</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Kings Beach*</td>
<td>15,400</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. K.B. Industrial*</td>
<td>15,400</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Sunnyside</td>
<td>15,400</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Homewood</td>
<td>15,400</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-CP</td>
<td>14,976</td>
<td>13,139</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside CPs</td>
<td>16,640</td>
<td>9,164</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>WASHOE COUNTY</strong></td>
<td>979,932</td>
<td>73,666</td>
<td>20,467</td>
<td>10,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total CPs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. N. Stateline*</td>
<td>71,266</td>
<td>18,067</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. I.V. Commercial*</td>
<td>19,616</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. I.V. Tourist*</td>
<td>23,284</td>
<td>10,067</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Ponderosa*</td>
<td>11,806</td>
<td>8,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-CP</td>
<td>16,560</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside CPs</td>
<td>2,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>6,060,614**</td>
<td>400,000</td>
<td>85,385</td>
<td>50,000</td>
<td>150,000</td>
<td>50,000</td>
<td>150,000</td>
</tr>
</tbody>
</table>

* Adopted CPs with designated allocations
** Does not include Gaming Floor Area
## Lake Tahoe Region
### 1995 Development & Population

<table>
<thead>
<tr>
<th>Category</th>
<th>El Dorado</th>
<th>Placer</th>
<th>Douglas</th>
<th>Carson City</th>
<th>Washoe</th>
<th>Basin Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permanent Resident Units</strong></td>
<td>20,179</td>
<td>10,650</td>
<td>5,084</td>
<td>0</td>
<td>6,868</td>
<td>42,781</td>
</tr>
<tr>
<td>Occupied Residential Units</td>
<td>11,252</td>
<td>3,763</td>
<td>2,390</td>
<td>0</td>
<td>3,201</td>
<td>20,606</td>
</tr>
<tr>
<td>Residential Population</td>
<td>28,742</td>
<td>9,107</td>
<td>5,555</td>
<td>0</td>
<td>7,682</td>
<td>51,086</td>
</tr>
<tr>
<td><strong>2nd Home Units</strong></td>
<td>8,949</td>
<td>6,888</td>
<td>2,696</td>
<td>0</td>
<td>3,666</td>
<td>22,199</td>
</tr>
<tr>
<td>Total Occupied 2nd Home Units</td>
<td>3,957</td>
<td>2,969</td>
<td>1,036</td>
<td>0</td>
<td>1,722</td>
<td>9,684</td>
</tr>
<tr>
<td>2nd Home Occupant Population</td>
<td>10,286</td>
<td>7,718</td>
<td>2,696</td>
<td>0</td>
<td>4,475</td>
<td>25,174</td>
</tr>
<tr>
<td><strong>Hotel/Motel Units</strong></td>
<td>7,218</td>
<td>1,449</td>
<td>2,247</td>
<td>0</td>
<td>669</td>
<td>11,583</td>
</tr>
<tr>
<td>Occupied Hotel/Motel Units</td>
<td>5,625</td>
<td>808</td>
<td>2,112</td>
<td>0</td>
<td>575</td>
<td>9,120</td>
</tr>
<tr>
<td>Hotel/Motel Population</td>
<td>12,937</td>
<td>1,850</td>
<td>4,858</td>
<td>0</td>
<td>1,323</td>
<td>20,978</td>
</tr>
<tr>
<td><strong>Campground Sites</strong></td>
<td>1,789</td>
<td>236</td>
<td>440</td>
<td>0</td>
<td>0</td>
<td>2,465</td>
</tr>
<tr>
<td>Occupied Campground Sites</td>
<td>1,498</td>
<td>188</td>
<td>377</td>
<td>0</td>
<td>0</td>
<td>2,063</td>
</tr>
<tr>
<td>Campground Population</td>
<td>3,595</td>
<td>451</td>
<td>905</td>
<td>0</td>
<td>0</td>
<td>4,951</td>
</tr>
<tr>
<td>Total Non-Resident Population</td>
<td>26,818</td>
<td>10,029</td>
<td>8,458</td>
<td>0</td>
<td>5,798</td>
<td>51,103</td>
</tr>
<tr>
<td>Retail Floor Area (sq.ft.)</td>
<td>1,911,600</td>
<td>642,600</td>
<td>516,000</td>
<td>0</td>
<td>535,200</td>
<td>3,605,400</td>
</tr>
<tr>
<td>Service Floor Area (sq.ft.)</td>
<td>470,592</td>
<td>135,020</td>
<td>159,444</td>
<td>0</td>
<td>164,088</td>
<td>929,144</td>
</tr>
<tr>
<td>Other Floor Area (sq.ft.)</td>
<td>514,059</td>
<td>459,732</td>
<td>271,635</td>
<td>0</td>
<td>280,644</td>
<td>1,526,070</td>
</tr>
<tr>
<td>Total Commercial Floor Area</td>
<td>2,896,251</td>
<td>1,237,352</td>
<td>947,079</td>
<td>0</td>
<td>979,932</td>
<td>6,060,614</td>
</tr>
</tbody>
</table>

**Source:** TRPA Transportation
MEMORANDUM

October 6, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Douglas County Community Plans, To Redistribute Commercial Allocations From Outside To Inside Community Plans in Douglas County

Proposed Action: Staff proposes to amend the Round Hill Community Plan and the Kingsbury Community Plan, to allocate 5,000 square feet of commercial floor area previously assigned to the Douglas County Community Plans, per Ordinance 98-12 adopted in August. See Exhibit A and B for proposed language amendments.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend approval of the amendment to the TRPA Governing Board.

Discussion: In August, TRPA received an application submitted by Douglas County to transfer initial commercial floor area allocated to areas outside the community plan areas to inside the community plan areas. The County currently has no specific project requesting the transfer, but intends to allocate the CFA pursuant to the Commercial Floor Area Allocation Guidelines established in the community plans. Staff presented the amendment to the APC and Governing Board. The APC recommended approval and the Governing Board adopted Ordinance 98-21. As part of the amendment, staff originally intended to allocate 2,000 square feet to Round Hill and 3,000 square feet to Kingsbury per the agreement with Douglas County staff, but unfortunately left out the actual amendments to the Community Plans themselves. Therefore, this clean up amendment is being presented to the APC for consideration.

This amendment will correct an oversight in the original adopting ordinance and is administrative in nature and is intended to bring the original amendment into consistency with Subparagraph 33.3.C(1) of the Code. Subparagraph 33.3.C(1)(c) provides the local jurisdiction, with TRPA approval, the ability to transfer the unallocated commercial floor area. The ordinance states:

JH/dmc

35

AGENDA ITEM VI.C.
After Adoption Of A Community Plan: Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

Ordinance 98-12 adopted by the Governing Board allocated the 5,000 square feet from outside to inside the community plans, but did not allocate them to a specific community plan as required by subparagraph 33.3.C(1). This amendment will allocate the 5,000 square feet to the Round Hill Community Plan and the Kingsbury Community Plan where the commercial floor area can be allocated to projects.

Analysis: The Round Hill Community Plan has been designated as a local service retail node and tourist center. The Kingsbury Community Plan has been designated as a regional commercial area. Both plans encourage continuation of the existing land uses: Round Hill as a local retail and service commercial node with opportunities for recreation and tourist accommodation in the area; Kingsbury as a commercial, tourist, and public service node for Douglas County. Both plans recognize that a key part of the community plan is to provide the opportunity and incentive to upgrade and expand the existing uses, while providing environmental benefits and correcting past land use deficiencies.

This amendment will help achieve the policies of the community plans and TRPA Goals and Policies. The amendment will assign commercial floor area into the community plans as additional incentive to develop and concentrate commercial and tourist accommodation uses within the community plans. The amendment will help concentrate commercial uses and discourage the maintenance or exacerbation of strip commercial in the basin.

Findings: Prior to amending Chapter 33, Allocation of Development, 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: This amendment is administrative in nature and is to correct an oversight in the original amendment transferring unallocated commercial floor area to adopted community plans in Douglas County.

The Regional Plan provides and encourages the development of community plans as a way to concentrate commercial development in appropriate areas. Incentives are created to encourage continual use and expansion while providing for environmental improvements to achieve the thresholds. These
environmental improvement projects are adopted as part of the community plans and are required environmental targets which the community plan must achieve.

All projects that may occur due to this amendment are still subject to the TRPA Goals and Policies, the Code of Ordinances and the adopted Community Plans. Community Plans may replace the Plan Area Statements for the areas within the community plan boundaries, but will retain certain features of the plan area statements. All Standards of Codes shall apply to the community plans, except that the community plan may establish standards that are equal or superior measures to achieve environmental thresholds.

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

Rationale: The amendment of the Round Hill and Kingsbury Community Plans to allocate the 5,000 square feet will not cause the environmental thresholds to be exceeded.

The Regional Plan recognizes that a key part of the community plan is to provide the opportunity and incentive to upgrade and expand the existing uses, while providing environmental benefits and correcting past land use deficiencies. Allocating the commercial floor area into Round Hill and Kingsbury will provide the incentive to upgrade and expand existing uses. In addition, allocating the commercial floor to Round Hill and Kingsbury is consistent with Ordinance 98-12 and Subparagraph 33.3.C(1) of the Code of Ordinances. A key goal of the community plan process is to provide incentives while achieving the environmental thresholds.

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

Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above. Subparagraph 33.3.C(1)(c) provides a provision that allows for transfer of unallocated commercial floor area into community plan areas. The ordinance requires that all community plans in the jurisdiction be adopted. This finding can be made for the Douglas County Community Plans. Furthermore, all projects that may occur because of this
amendment will still be subject to the Code, Goals and Policies, and the appropriate community plan and its guidelines for achieving and maintaining environmental thresholds.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: See Chapter 6 Findings. The TRPA Code of Ordinances provides a provision that allows for transfer of unallocated commercial floor area to adopted community plans. The amendment will encourage the concentration of commercial uses, a goal of the Code and the Goals and Policies. Furthermore, the community plan has adopted policies that require environmental improvement projects including, but not limited to, water quality, transportation, and other remedial projects, so as to attain and maintain the environmental thresholds as condition of approvals when using the community plan incentives.

2. Finding: One or more of the following:
   a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;
   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
   d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;
   e) That implementation of the provision sought to be amended has 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
Amendment of Douglas County Community Plans
October 6, 1998
Page 5

3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has 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.

Rationale: Finding f) is the most appropriate. Ordinance 98-12 was adopted by the Governing Board to allocate commercial floor area from outside of the community plans to inside the community plans of Douglas County. Subparagraph 33.3.C(1) provided the provisions to transfer that commercial floor area, but not a provision to float the commercial area. The provisions required that the commercial floor area be allocated to the community plans. TRPA staff and Douglas County staff agreed to allocate 2,000 to Round Hill and 3,000 to Kingsbury, but staff inadvertently left out the amendments to the community plans themselves and this amendment is to correct that error.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings shown above.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 702•588•4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
New Language Underlined/Deleted Language Struckthrough

AMENDMENTS TO CHAPTER II – Page II-9

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Community Plan Area is 0 units.

TOURIST ACCOMMODATION UNITS: Pursuant to Chapter 35, the maximum number of tourist accommodation bonus units which may be permitted for this Community Plan Area is 0 units.

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 Community Plan Area. Specific projects and their timing area addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in person at one time:

SUMMER DAY USES 25 PAOTs  WINTER DAY USE 0 PAOTs
OVERNIGHT USES 0 PAOTs

COMMERCIAL FLOOR AREA ALLOCATION: Pursuant to Chapter 33, the maximum amount of commercial floor area which may be allocated for additional development in the Community Plan Area until December 31, 1996-2006, is 0-2,000 square feet

MAXIMUM CUMULATIVE NOISE LEVEL: The maximum cumulative noise equivalent levels for this Community Plan Area is as follows:

1. Where applicable, a maximum 65 CNEL override for the U.S. Highway 50 corridor is permissible.

2. The maximum CNEL for property in Special Area #2 abutting residential areas is 55 CNEL.

3. The maximum CNEL for all areas of the Community Plan except as noted in 1 and 2 above is 65 CNEL.
Proposed Language Amendments to the Round Hill Community Plan
October 1, 1998

New Language Underlined/Deleted Language Struckthrough

AMENDMENTS TO CHAPTER VII – Page VII-1

This Element is a supplement to the Implementation Element of the TRPA Goals and Policies Plan. This Element details the Capital Improvement Program, Mitigation Fee Programs, Incentive Programs and Monitoring Programs to implement the Community Plan and to achieve the environmental targets which may be used.

A. IMPLEMENTATION OBJECTIVES AND POLICIES

1. From CP adoption until December 31, 1996-2006, an additional 0-2,000 sq. ft. of commercial floor may be allocated within the Round Hill Community Plan Area. Incentive programs should assign priority to commercial development projects which emphasize area-wide improvements and rehabilitation of substandard development.

   a. Policy: Within the [none assigned] 2,000 square foot limitation, allocation of commercial floor are shall be issued by TRPA upon project approval pursuant to Chapter 33 of the TRPA Code of Ordinances...

2. From Community Plan adoption until December 31, 1996-2006, provide other incentives to encourage area-wide improvements. Incentive programs should assign priority to projects which emphasize area-wide improvements or remodeling of substandard or inefficient development. [This policy to be effective upon assignment of bonus units or other incentives.]
New Language Underlined/Deleted Language Struckthrough

AMENDMENT TO CHAPTER II – Page II-11

**RESIDENTIAL BONUS UNITS**: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Community Plan Area is 130 units.

**TOURIST ACCOMMODATION UNITS**: Pursuant to Chapter 35, the maximum number of tourist accommodation bonus units which may be permitted for this Community Plan Area is 25 units.

**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 Community Plan Area. Specific projects and their timing area addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in person at one time:

- **SUMMER DAY USES**: 0 PAOTs
- **OVERNIGHT USES**: 0 PAOTs
- **WINTER DAY USE**: 0 PAOTs

**COMMERCIAL FLOOR AREA ALLOCATION**: Pursuant to Chapter 33, the maximum amount of commercial floor area which may be allocated for additional development in the Community Plan Area until December 31, 2006, is 14,050-17,050 square feet.

**MAXIMUM CUMULATIVE NOISE LEVEL**: The maximum cumulative noise equivalent levels for this Community Plan Area is as follows:

4. Where applicable, a maximum 65 CNEL override for the U.S. Highway 50 corridor and a maximum 55 CNEL for the Highway 207 corridor is permissible.

5. The maximum CNEL for Special Area #3 60 CNEL.

6. The maximum CNEL for all areas of the Community Plan except as noted in 1 and 2 above is 65 CNEL.
New Language Underlined/Deleted Language Struckthrough

AMENDMENT TO CHAPTER VII – Page VII-1

This Element is a supplement to the Implementation Element of the TRPA Goals and Policies Plan. This Element details the Capital Improvement Program, Mitigation Fee Programs, Incentive Programs and Monitoring Programs to implement the Community Plan and to achieve the environmental targets which may be used.

B. IMPLEMENTATION OBJECTIVES AND POLICIES

1. From CP adoption until December 31, 4996-2006, an additional 44,060, 17,050 sq. ft. of commercial floor may be allocated within the Kingsbury Community Plan Area. Incentive programs should assign priority to commercial development projects which emphasize area-wide improvements and rehabilitation of substandard development. The distribution of allocations between Stateline Community Plan and the Kingsbury Community Plan may be reconsidered two years after the adoption of this plan.

   a. Policy: Within the 44,060-17,050 sq. ft. limitation, allocation of commercial floor are shall be issued by TRPA upon project approval pursuant to Chapter 33 of the TRPA Code of Ordinances...

2. From Community Plan adoption until December 31, 4996-2006, provide other incentives such as 25 tourist accommodation bonus units to encourage area-wide improvements. Incentive programs should assign priority to projects which emphasize area-wide improvements or remodeling of substandard or inefficient development.
MEMORANDUM

October 5, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff


Proposed Action: This is an information item only; no action is required of the Advisory Planning Commission (APC) with regards to this agenda item. The purpose of this status report is to advise the APC and the general public that TRPA staff has entered into an assistance agreement contract with the U.S. Environmental Protection Agency (USEPA) towards development of the Lake Tahoe Source Water Protection Program.

Staff Action: Staff is developing this program in accordance with the USEPA approved work program described in the contract by and between TRPA and USEPA for the SWAPP Regional Coordination Project Assistance Agreement. The Lake Tahoe Source Water Group has been formed and is working with USEPA and TRPA staff to develop the program. In addition, a list of interested parties (Stakeholders) has also been created. The Stakeholders will periodically review and comment on development of the program.

Background: Because Lake Tahoe is a source of drinking water for the basin, the USEPA has provided funding under the Safe Drinking Water Act to TRPA to ensure protection of public health. The Lake Tahoe Water Quality Management Plan, also referred to as the 208 Plan, has served the region indirectly towards the protection of drinking water sources for many years. However, the 208 Plan is not focused on drinking water quality concerns. The requirements of the Safe Drinking Water Act are unclear where the development of source water assessment and protection plans involve interstate source water areas. The Lake Tahoe Source Water Protection Program includes development of a Coordination Plan that will integrate the preparation of state source water assessment and protection plans in the Lake Tahoe Region. The Coordination Plan will be developed using a watershed approach. USEPA is looking for this plan to serve as a model for application to other interstate watersheds in the United States.

This program is one of several Presidential Deliverables/Actions described in the status report entitled "The Clinton-Gore Commitments of the Lake Tahoe Presidential Forum." $50,000 has been awarded and is budgeted for this contract. The contract period is April 1, 1998 through April 1, 1999.

JPK/dmc

AGENDA ITEM VI.D.
Scope of Work: TRPA staff and the Lake Tahoe Source Water Group are in the process of developing a program with at least four components: 1) Public Outreach Plan. 2) Data Management Plan. 3) Capital Improvements Plan. 4) Coordination Plan. TRPA staff and the Source Water Group will coordinate California and Nevada’s efforts towards developing Source Water Assessment and Protection Plans. TRPA will identify EIP projects and programs aimed at the protection of drinking water sources in the Lake Tahoe Region. The Draft Coordination Plan, which requires additional development and refinement, is attached for your review. Products expected of this first phase of the program include the Final Coordination Plan, a Regional Source Water Inventory Map, a Regional Source Water Protection Plan, a Public Outreach Website, and a Project Report.

A critical product is the Coordination Plan, which will describe methods that bridge state source water protection programs where state lines bisect watersheds. Once completed, and if satisfactory, USEPA will consider providing additional funding to further refine and implement the Coordination Plan elements (Phase two of the Program). Elements of this program will be incorporated into the Lake Tahoe Water Quality Management Program (208 Plan) when the 208 Plan is updated. The Lake Tahoe Region Source Water Inventory Map will alert planners of potential impacts to drinking water sources during review of proposed projects.

TRPA staff will give a second status report to the Advisory Planning Commission on February 10, 1999, and upon its completion, will seek Advisory Planning Commission approval of the Coordination Plan. In addition, status reports will be given to, and approval of the Coordination Plan will be sought from the TRPA Governing Board.

If you have any questions or comments regarding this program, please contact Jon Paul Kiel at 702-588-4547, extension 261.

Attachments: Coordination Plan
Source Water Group List
SWAPP Mailing List/Interested Party Directory
LAKE TAHOE SOURCE WATER PROTECTION PROGRAM:
COORDINATION PLAN DEVELOPMENT

Background: Because Lake Tahoe is a source of drinking water for the basin, the USEPA has provided funding under the Safe Drinking Water Act to TRPA to ensure protection of public health. The Lake Tahoe Water Quality Management Plan, also referred to as the 208 Plan, has served the region indirectly towards the protection of drinking water sources for many years. However, the 208 Plan is not focused on drinking water quality concerns. The requirements of the Safe Drinking Water Act are unclear where the development of source water assessment and protection plans involve interstate source water areas. The Lake Tahoe Source Water Protection Plan includes development of a Coordination Plan that will follow the development and implementation of state source water assessment and protection plans in the Lake Tahoe Region. The Coordination Plan will be developed using a watershed approach. USEPA is looking for this Coordination Plan to serve as a model for application to other interstate watersheds in the United States.

This project is one of several Presidential Deliverables/Actions described in the status report entitled “The Clinton-Gore Commitments of the Lake Tahoe Presidential Forum.” $50,000 has been awarded and is budgeted for this contract. The contract period is April 1, 1998 through April 1, 1999.

Introduction: Coordination Plan elements and tasks which have been previously identified by USEPA and TRPA staff include the following: Overall State and Regional Coordination Tasks, Inventory Tasks List, Protection Plan Development, and Public Outreach Plan Development. The Coordination Plan shall include EPA/TRPA originally identified tasks including first year program products to be delivered. The Coordination Plan should be expanded to include tasks identified by the Source Water Group and Stakeholders.

The development of a Coordination Plan containing elements that can be applied regionally, statewide, and to other watersheds is a key objective of the program. A coordinated approach will avoid duplication of effort, and assure that information obtained is standardized and compatible, thus speeding the completion of source water assessment and protection program development and eventual implementation. Key elements of the plan include the formation of working groups, and development of program tasks. Development of the Coordination Plan must include the identification of tasks that will improve coordination between federal, state, regional, and local agencies with jurisdiction within a common watershed.

Source Water Group: The following Draft Coordination Plan was developed by the USEPA, TRPA, and the Source Water Group, a selection of parties with a strong interest in the development, regulation, and protection of drinking water sources. The Source Water Group was formed to steer and develop the program’s Coordination Plan. The final plan shall address coordination needs within the Lake Tahoe Region, and also be adaptable to other watersheds in the nation where coordination of separate state Source Water Assessment and Protection Plans (SWAPPs) is desired.
**Stakeholder Group:** In addition to the Source Water Group, a list of potentially interested parties has been identified as having a stake in the process of developing the Lake Tahoe Source Water Protection Program's Coordination Plan. These Stakeholders are invited and expected to refine the draft Coordination Plan, and review implementation of the plan.

**Why Develop a Coordination Plan?** To demonstrate the need to develop a Coordination Plan, the Source Water Group identified the following problems which may be solved through active coordination of Source Water Assessment and Protection Programs within a watershed:

1. Surface water sources (lake intakes) are particularly vulnerable to out-of-state sources of contamination which a single state's source water protection program may not otherwise be capable of addressing.
2. Lack of jurisdictional and enforcement authority across state lines presents political barriers to control of out-of-state contaminant threats.
3. The ability to share data, or provide secondary use of data, could be limited if data collection is not coordinated within the watershed.
4. If the assessments of contaminant threats differ greatly between states, data standards may differ from state to state, and affect the identification of protection needs.
5. State Revolving Funds may not be used in some states to finance protection measures across state lines, utilizing a watershed approach.
6. Effort towards the development and implementation of totally separate SWAPPs without coordination will result in undue duplication of effort.
7. Development of separate public outreach programs duplicates effort and may actually confuse, rather than inform, the general public.
8. Development of separate, distinct protection measures for common threats to drinking water sources duplicates effort, may confuse the public, and may result in lesser protection.

**Project Goals:** Goals of the Lake Tahoe Source Water Protection Program are to address drinking water source protection in accordance with the Safe Drinking Water Act and the Water Quality Management Plan for the Lake Tahoe Region under Section 208 of the Clean Water Act; to integrate elements of the Safe Drinking Water Act and the Clean Water Act; and to protect drinking water sources by implementation of new management strategies and through physical improvement of watershed conditions.

The Coordination Plan outlines the tasks required to meet the above goals, and describes a program that will solve typical problems encountered within interstate source water areas where drinking water programs are being developed.

**COORDINATION PLAN ELEMENTS AND TASKS**

The Source Water Group, the Stakeholder Group, and the general public will collaborate in the development and eventual adoption of a Coordination Plan which will require additional, future funding to implement. However, during the course of developing this plan, a number of “first year” products are expected to be delivered as part of the Lake Tahoe Source Water Protection Program. The Coordination Plan itself is one of those products. Other first year products are described under the various Coordination Plan elements described below.
Eight essential elements, or steps, have been identified in the plan. The development of the elements is not necessarily required to occur sequentially. Some obviously are prerequisite of others, but many of the elements can be developed concurrently. The eight elements are as follows:

1. Form a Working Group(s).
2. Establish a Means of Communication.
3. List Inventory Tasks Required; Develop a Data Management Plan.
4. Develop a Coordinated Protection Plan.
5. Develop a Coordinated Public Outreach Plan.
6. Develop a Finance Plan.
7. Develop an Implementation Plan.
8. Evaluate the Coordination Plan’s Effectiveness.

1. Form a Working Group(s)

A working group shall be identified which will guide development of the Coordination Plan, and direct implementation of Coordination Plan tasks to insure that the development and implementation of State Source Water Assessment and Protection Programs remain coordinated within the watershed. Currently, the Source Water Group has been formed to develop a Coordination Plan by April 1, 1999. It is not certain that the members of this group specifically will continue to meet and implement an adopted, financed Coordination Plan, although this is a program goal. In addition to the core working group, a list of stakeholders shall be developed. The stakeholders shall be kept abreast of plan developments and their comments towards plan refinement solicited. The stakeholders shall also review implementation of the Coordination Plan.

*First Year Products:* Source Water Group Member List
Stakeholders List

2. Establish a Means of Communication

A means of group communication must be established in order for the diverse members of the Working Group to effectively develop and carry out the tasks identified in the Coordination Plan.

A regular meeting schedule shall be established. The selection of a Working Group Facilitator, a Recorder, and the establishment of a routine meeting schedule is the typical means of facilitating group communication.

Other communication methods in addition to meetings shall be explored. Conference calls can facilitate communication of small groups, but are often prohibitively expensive. Group communication may be further facilitated through the use of electronic mail, assuming all group members have e-mail access. The development of a Lake Tahoe Source Water Protection Program Website, which is regularly updated, will keep group members and the public informed of activities and tasks underway. For more information regarding a program website, see Public Outreach section below.

The general public shall be informed. Public involvement early on is essential towards earning public understanding and confidence in the program. Public hearings should be held, and comments taken and incorporated into the program. See Public Outreach section below for additional tasks.
3. List Inventory Tasks Required; Develop a Data Management Plan

Existing source water location data shall be inventoried. A review of the current inventory of source water location data in the watershed will identify data gaps and determine data compatibility. Initially, multiple-user well and intake line location data will be collected, including their service areas if possible. In the short-term, an Inventory Subcommittee will direct the existing data inventory collection process. In consultation with USEPA, state inventory efforts within the Lake Tahoe Region will be coordinated to promote data compatibility and secondary use of the data.

Potential contaminating activities shall be inventoried. A list of potential contaminating activities is required to be completed to determine the vulnerability of source waters to contamination. Development of the initial contaminant inventory may be in the form of a general list which may be further defined by identification of specific potential contaminating activities within TRPA Plan Areas. Further development of contaminant threat inventories by the states shall be coordinated by the working group to insure that interstate contaminant threats are not overlooked.

Existing contaminated source waters shall be inventoried. Existing contaminated source waters shall be inventoried and mapped. This information can be used to develop regional strategies towards prevention of similar contamination events in the future. If applicable, regional strategies towards remediation of contaminated sites could be pursued.

Utilize the existing source water location data inventory to provide for immediate protection of source water. The initial inventory (To be completed, a first year product) should be used in the short-term as a planning tool during the review of proposed projects within the watershed. For specific protection applications of the initial source inventory database/map, see Protection Plan Development below.

Review the types of inventory data which is required to be collected by both states’ SWAPPs. The collection of source water and contaminant threat inventory data should be coordinated to reflect the requirements of the State’s Source Water Protection Programs and US EPA’s Program Guidance and Requirements.

Determine existing data compatibility and conversion methods. An inventory or technical advisory subcommittee should determine the most efficient methods of data conversion which results in compatible data formats without unacceptable loss of accuracy or precision. If acceptable, the existing, converted data could be used to develop the required source water and contaminant threat inventories. The collection of new inventory data should then follow collection and data format protocols which are compatible with the existing, converted databases, and meet USEPA SWAPP data collection requirements.

Develop data sharing program. The Working Group or a subcommittee of that group should be able to share inventory information quickly and easily and apply data to each State’s SWAPP to promote protection of source waters across state boundaries. This process, at the most simple level, would be facilitated by the Working Group’s meeting schedule, where data requests could be made and fulfilled. Assuming each state has geographic information system capability, data sharing could be as simple as the passing an electronic storage disc. The sharing of data would be facilitated by identification of State SWAPP data managers within the watershed who could be contacted outside of a meeting format to request data from a neighboring state.
First Year Product: Initial Source Inventory Database/Map, Initial Contaminant Inventory List/Map.

4. Develop a Coordinated Protection Plan

Identify basin and sub-basin protection measures currently in place or proposed. Existing protection measures should be evaluated for their effectiveness at protecting source water. Examples include the Lake Tahoe Water Quality Management Plan, the California Regional Water Quality Board-Lahontan Region’s Basin Plan, and South Tahoe Public Utility District’s proposed Ground Water Management Plan.

Distinguish between point and non-point pollution threats. Non-point sources of pollution to source water may be further managed by integration of source water protection measures into TRPA’s Draft Stormwater Runoff Plan. (This plan has not been completed/adopted at this time.) The Stormwater Runoff Plan should be redrafted to strengthen protection of ground water quality from urban runoff.

Distinguish between regulatory management strategies and non-regulatory management strategies, and determine when and where regulatory strategies are necessary to provide immediate protection of source water.

Determine what additional protection measures and coordination tools may be required to protect source waters from interstate contamination.

Research the existing regulatory agencies/authorities currently in place, and determine their jurisdictional authority with respect to the protection of drinking water sources. Upon completion of this research task, those agencies with authority and jurisdiction across the watershed would be identified. If necessary, ordinances could be proposed for adoption which address the protection of drinking water sources.

Determine what amendments may be made to the Lake Tahoe Regional Plan which will address the protection of source water.

Update the Lake Tahoe Water Quality Management Plan and TRPA Code of Ordinances: Currently, the TRPA Code of Ordinances requires storm water runoff to be controlled by infiltration to facilities located onsite or within a project area. The purpose of this requirement is to attenuate peak surface runoff volumes and to provide treatment of runoff by directing potentially polluted storm water through treatment facilities, and ultimately, through the soil profile. This requirement applies to land uses such as fueling stations, which have the potential to discharge pollutants directly to ground waters via an infiltration facility.

Update the Best Management Practices Handbook: The challenge at fueling stations is to provide for the separation of stormwater runoff from fuel discharges. This could be accomplished either by designing an infiltration facility (Best Management Practice) which allows the passage of storm water runoff, but which can be controlled to prevent the infiltration of contaminants such as gasoline, or by complete isolation of the fueling operation from storm runoff conveyance and treatment facilities.

Isolation could be accomplished by requiring fueling stations to have roofs over dispenser islands, and by installation of dikes around dispenser pads to contain above-ground fuel discharges from dispensers.
Adopt Plan Area Statement Special Policies: Utilizing the initial regional source water inventory map and initial regional potential contaminant list/map, TRPA's Plan Area Statements should be amended to include special policies to protect drinking water sources present. During review of a proposed project, the planner would be alerted to the presence of drinking water sources, and consult the contaminant map/list to determine if development of the project may threaten drinking water sources without mitigation.

Update watershed and water quality project priority setting tools such as the 208 Watershed Priority, Vol VII, Appendix C. This priority classification, and other project and watershed priority schemes could be amended to include the effects of projects, positive or negative, on drinking water sources.

Identify the regional protection measures which could be easily implemented independently from those identified in the Coordination Plan, resulting in additional protection of source water early on. Updating TRPA's Plan Area Statements, and design of new Best Management Practices are examples of management strategies which may be implemented immediately.

Capital Improvement Projects designed to protect drinking water sources shall be identified, and their implementation costs estimated. Upon completion of this task, the identified projects should be included in the Region's water quality and soil conservation components of the Environmental Improvement Program (EIP).

First Year Products: Detailed Coordinated Protection Plan Description.
Identified Regional Protection Plan elements to be implemented immediately.
Identified EIP projects and cost estimates.

5. Develop a Coordinated Public Outreach Plan

Develop a Lake Tahoe Source Water Protection Program Website. A website which introduces the Lake Tahoe Source Water Protection Program to the public, and allows communication between working groups would facilitate public involvement and group communication.

Inventory existing public outreach programs currently in-place, and evaluate their effectiveness at protecting source water.

Inventory public outreach programs currently proposed. There are a number of programs proposed which are aimed at protecting source water. The South Tahoe Public Utility District is promoting their "MTBE Free" campaign. Incline Village General Improvement District (IVGID) has proposed a Beach and Boat Ramp Sign Program, and a Lake Intake ID Program. IVGID's programs aim to reduce the impacts posed by beach and lake recreationists on raw source water.

Conduct a needs assessment which will determine what the public needs to know, and what the public needs to do.

Based on the above inventory and needs assessment, identify new outreach programs which are necessary to inform the public and protect source water.

Publish pamphlets in conjunction with the Nevada Cooperative Extension.
Encourage public participation in the development and implementation of protection plans.

Develop implementation plans for each program, including finance plans. An Outreach Subcommittee should be formed to examine the proposed programs, develop work programs, and estimate program costs. This task will allow the programs to be prioritized and the most feasible programs selected for implementation.

First Year Products: Lake Tahoe Source Water Protection Program Website.
Additional Public Outreach Programs to be identified.

6. Develop a Finance Plan

Whereas the Lake Tahoe Source Water Protection Program will develop useful products which will aid in the protection of drinking water sources in the short term, implementation of the Coordination Plan (which is beyond the scope of work and term of the original Lake Tahoe Source Water Protection Program) will require additional funding.

Estimate the Staffing and Budget Required to Implement the Program. The capital and program elements of the Coordination Plan must be broken down by critical tasks, and a work program and budget developed to estimate the staffing, time, and financing required to implement the program. Persons/positions responsible for implementing the coordination plan must be identified, tasks assigned, and task completion deadlines specified in order to estimate person-year costs.

Determine program funding sources. Once the work program required to adequately implement the Coordination Plan has been developed, a search of potential funding sources may then be conducted, and an analysis of each funding source completed to determine the most likely sources of reliable program funding.

Funding must be sought from the identified sources. Once the likely funding sources have been identified, their acquisition must be actively pursued.

7. Develop an Implementation Plan

Plan for the Future. Upon confirmation of adequate funding, the various Coordination Plan elements and tasks therein may be implemented as identified in the work program. However, the Coordination Plan and work program must be flexible to allow for changes in future conditions. Water systems will be expanded and/or modified; inventories must then also be updated. Existing protection programs may be determined to be either ineffective or overly burdensome, and require amending.

8. Evaluate the Coordination Plan’s Effectiveness

The effectiveness of the Coordination Plan must be evaluated, and adjustments made to the plan as required. All aspects of the plan, once implemented, should be monitored and/or evaluated to determine the plans effectiveness, and changes made as required.

(End of Coordination Plan)
<table>
<thead>
<tr>
<th>Member:</th>
<th>Alternate:</th>
<th>Affiliation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judy Bloom</td>
<td>Jane Freeman</td>
<td>U.S. Environmental Protection Agency</td>
</tr>
<tr>
<td>Jon Paul Kiel</td>
<td>Gabby Barrett</td>
<td>Tahoe Regional Planning Agency</td>
</tr>
<tr>
<td>Jim Smitherman</td>
<td>Laura Helsel</td>
<td>Nevada Division of Environmental Protection</td>
</tr>
<tr>
<td>Chris Adair</td>
<td>Laurie Kemper</td>
<td>California Regional Water Quality Control Board</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– Lahontan Region</td>
</tr>
<tr>
<td>Robert Hultquist</td>
<td>Leah Walker</td>
<td>California Department of Health Services</td>
</tr>
<tr>
<td>Jonathan C. Palm</td>
<td>James R. Balderson</td>
<td>Nevada Bureau of Health Protection Services</td>
</tr>
<tr>
<td>Ginger Huber</td>
<td></td>
<td>El Dorado County Environmental Management Department</td>
</tr>
<tr>
<td>Lee Hitchcock</td>
<td></td>
<td>Placer County Environmental Health Services</td>
</tr>
<tr>
<td>Rick Hydrick</td>
<td>Ivo Bergsohn</td>
<td>South Tahoe Public Utility District</td>
</tr>
<tr>
<td>David C. Antonucci</td>
<td>Neil Vickers</td>
<td>Tahoe City Public Utility District</td>
</tr>
<tr>
<td>John Hassenplug</td>
<td></td>
<td>North Tahoe Public Utility District</td>
</tr>
<tr>
<td>Tim Oliver</td>
<td></td>
<td>City of South Lake Tahoe Public Works Department</td>
</tr>
<tr>
<td>Carl Ruschmeyer</td>
<td>Eric Tietelman</td>
<td>Douglas County Community Development, Engineering</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Division</td>
</tr>
<tr>
<td>Vacant</td>
<td></td>
<td>Natural Resources Conservation Service</td>
</tr>
<tr>
<td>Sue Duerksen</td>
<td></td>
<td>Incline Village General Improvement District</td>
</tr>
<tr>
<td>Vacant</td>
<td></td>
<td>U.S. Forest Service, Lake Tahoe Basin Management Unit</td>
</tr>
<tr>
<td>Candice Rohr</td>
<td></td>
<td>Kingsbury General Improvement District</td>
</tr>
<tr>
<td>Brian Wallace</td>
<td></td>
<td>Washoe Tribe of Nevada and California</td>
</tr>
<tr>
<td>Bill Hoffman</td>
<td>Robert Erlich</td>
<td>California Tahoe Conservancy</td>
</tr>
<tr>
<td>Larry Hoffman</td>
<td></td>
<td>Tahoe Sierra Preservation Council</td>
</tr>
<tr>
<td>Jeff Cutler</td>
<td>Ken Smith</td>
<td>League to Save Lake Tahoe</td>
</tr>
<tr>
<td>David Smith</td>
<td></td>
<td>Western States Petroleum Association</td>
</tr>
<tr>
<td>Vacant</td>
<td></td>
<td>Retired Senior Volunteer Program</td>
</tr>
<tr>
<td>Ted Morgan</td>
<td></td>
<td>National Marine Manufacturers Association</td>
</tr>
<tr>
<td>Kelly Bergis</td>
<td>Mike Howard</td>
<td>Sierra Pacific Power Company</td>
</tr>
<tr>
<td>First Name</td>
<td>Last Name</td>
<td>Affiliation</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Steve</td>
<td>Achard</td>
<td>Elk Point Country Club</td>
</tr>
<tr>
<td>David C.</td>
<td>Antonucci</td>
<td>North Lake Tahoe Truckee Water Purveyor's Association</td>
</tr>
<tr>
<td>James R.</td>
<td>Balderson</td>
<td>Nevada Bureau of Health Protection Services</td>
</tr>
<tr>
<td>Judy</td>
<td>Bloom</td>
<td>U.S. Environmental Protection Agency, Region 9, WTR-9</td>
</tr>
<tr>
<td>Debbie</td>
<td>Burket</td>
<td>Logan Creek Estates General Improvement District</td>
</tr>
<tr>
<td>James</td>
<td>Cornelius</td>
<td>Tetra Tech, Inc.</td>
</tr>
<tr>
<td>Denise</td>
<td>Couttakis</td>
<td>U.S. EPA, Prevention and Support Branch, 4606 Waterside Mall</td>
</tr>
<tr>
<td>Jeff</td>
<td>Cutler</td>
<td>League to Save Lake Tahoe, North Shore Office</td>
</tr>
<tr>
<td>Pam</td>
<td>Drum</td>
<td>Tahoe Regional Planning Agency</td>
</tr>
<tr>
<td>Dawn</td>
<td>Forsythe</td>
<td>South Shore Public Utility District</td>
</tr>
<tr>
<td>Jane</td>
<td>Freeman</td>
<td>U.S. Environmental Protection Agency</td>
</tr>
<tr>
<td>Chet</td>
<td>Gyldk</td>
<td>Glenbrook Homeowners Association</td>
</tr>
<tr>
<td>John</td>
<td>Hasenplug</td>
<td>North Tahoe Public Utility District</td>
</tr>
<tr>
<td>Carl</td>
<td>Hasty</td>
<td>Tahoe Regional Planning Agency</td>
</tr>
<tr>
<td>Doug</td>
<td>Hegenson</td>
<td>Tahoe Keys Water Co.</td>
</tr>
<tr>
<td>Lee</td>
<td>Hitchcock</td>
<td>Placer County Environmental Health Services</td>
</tr>
<tr>
<td>Ginger</td>
<td>Huber</td>
<td>El Dorado County Environmental Management Department</td>
</tr>
<tr>
<td>Robert H.</td>
<td>Hultquist</td>
<td>California Department of Health Services, Drinking Water Tech. Prog.</td>
</tr>
<tr>
<td>Laurie</td>
<td>Kemper</td>
<td>Regional Water Quality Control Board, Lahontan Region, Tahoe Unit</td>
</tr>
<tr>
<td>Jon Paul</td>
<td>Kiel</td>
<td>Tahoe Regional Planning Agency</td>
</tr>
<tr>
<td>First Name</td>
<td>Last Name</td>
<td>Affiliation</td>
</tr>
<tr>
<td>------------</td>
<td>-----------</td>
<td>-----------------------------------------------------------</td>
</tr>
<tr>
<td>Bruce</td>
<td>Lee</td>
<td>El Dorado County Transportation Department</td>
</tr>
<tr>
<td>Bob</td>
<td>Loding</td>
<td>Roundhill General Improvement District</td>
</tr>
<tr>
<td>Danny</td>
<td>Lukins</td>
<td>Lukins Brothers Water Co. Inc.</td>
</tr>
<tr>
<td>Ed</td>
<td>McCarthy</td>
<td>Tomaho Douglas District</td>
</tr>
<tr>
<td>Colin</td>
<td>West</td>
<td>Lake Tahoe Basin Management Unit</td>
</tr>
<tr>
<td>Tim</td>
<td>Oliver</td>
<td>City of South Lake Tahoe Public Works Department</td>
</tr>
<tr>
<td>Jonathan</td>
<td>Palm, Ph.D., P.E.</td>
<td>Nevada Bureau of Health Protection Services</td>
</tr>
<tr>
<td>Rob</td>
<td>Palmer, REHS</td>
<td>Placer County Environmental Health Services</td>
</tr>
<tr>
<td>William</td>
<td>Quesnel, P.E.</td>
<td>Incline Village General Improvement District</td>
</tr>
<tr>
<td>Candice</td>
<td>Rohr</td>
<td>Kingsbury General Improvement District</td>
</tr>
<tr>
<td>Brian</td>
<td>Schafer</td>
<td>Asst Chief Lake Valley Fire Protection District 2</td>
</tr>
<tr>
<td>Jim</td>
<td>Smitheman</td>
<td>Nevada Division of Environmental Protection</td>
</tr>
<tr>
<td>Eric</td>
<td>Teitelman</td>
<td>Douglas County Community Development, Engineering Division</td>
</tr>
<tr>
<td>Joseph</td>
<td>Thompson, W.</td>
<td>Natural Resources Conservation Service</td>
</tr>
<tr>
<td>Dave</td>
<td>Usher</td>
<td>Lakeside Mutual Water Co. o/o Lakeside Park Assoc., Inc.</td>
</tr>
<tr>
<td>Alisa</td>
<td>Wong</td>
<td>U.S. Environmental Protection Agency, Region 9, WTR-9</td>
</tr>
</tbody>
</table>
MEMORANDUM

October 5, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to the Stateline/Ski Run Community Plan Recommended by the Redevelopment Project 3 EIS/EIR, to Delete the Laurel Avenue Concept Plan and Related Goals and Policies, and Transfer Commercial Floor Area to Project 3

Proposed Action: Staff proposes to amend the Stateline/Ski Run Community Plan to delete the Laurel Avenue Concept Plan and related goals and policies and transfer 10,000 square feet of commercial floor area from the Laurel Avenue Concept Plan to Project 3 (See Attachment A for proposed language amendments to the community plan).

Staff Recommendation: Staff recommends that the Advisory Planning Commission (APC) conduct the public hearing as noticed and, recommend approval of the amendment to the TRPA Governing Board based on:

1. The environmental impacts identified in the Project 3 EIR/EIS have been mitigated as provided in the EIR/EIS and, therefore, are not considered to be significant; and

2. The proposed amendments do not materially change the planned character of the districts in which the change occurs nor the Community Plan as a whole.

Discussion: As background, the Stateline/Ski Run Community Plan was adopted by the City in May, 1994, and by the TRPA Governing Board in March, 1994. At the time the Plan Team anticipated that the lakeside frontage of U.S. 50 would be improved by the individual property owners and the plan was drafted accordingly.

Subsequently, a plan proposal, prepared by the Harveys/Yuri Group, was approved by the City to remove the majority of the existing buildings within an area bounded by U.S. 50, Stateline Avenue, Cedar Avenue and Park Avenue (see Attachment B), which includes the Laurel Avenue Area. The proposal called for redevelopment of the entire area with a compatible design, architecturally and programmatically, as the approved Park Avenue Project.
Amendment of the Stateline/Ski Run Community Plan
October 6, 1998
Page 2

Although the scale and intensity of the Harvey's/Yuri project is different than what was envisioned by the Planning Team, the Plan's basic Goals, Objectives and Policies have been met except in the following area as noted in the EIR/EIS. The EIR/EIS stated that the redevelopment project is inconsistent with the Laurel Avenue Concept Plan as envisioned in the Stateline/Ski Run Community Plan. Policy H of the Urban Design and Development Goal of the community plan established a policy for the property owners to rehabilitate their property. The policy encouraged the development of an urban design plan as a property owner's participation project for Laurel Avenue to improve the scenic quality and enhance the business environment by providing sidewalks, street lighting, landscaping, onstreet parking as well as providing for the rehabilitation and/or rebuild of the commercial area which fronts on both U.S. 50 and Laurel Avenue.

The Laurel Avenue Concept Plan was intended to demonstrate a method to organize the existing onstreet parking and thereby encourage the rehabilitation of the existing land uses along Cedar Avenue. Since the adoption of the community plan, the proposed Project 3 of the Redevelopment Plan proposes to acquire all the properties within the Laurel Concept Plan Area and include it as part of the redevelopment project. Project 3 will acquire all the private properties, eliminate onstreet parking and relocate it underground, provide scenic quality improvements, and community design improvements; therefore, the concept plan is no longer necessary and should be deleted from the Community Plan. The amendment will do the following in order for Project 3 to be consistent with the Community Plan.

- Delete Figure 12, Parking Concept/Laurel Avenue;
- Delete Urban Design and Development Goal, Objective 1, Policy H, which addresses the formation of a plan for Laurel Avenue;
- Delete a portion of the Land Use Strategy and Economic Feasibility Goals, Objective 2, Policy B, which addresses that the Laurel Avenue Property Owners eligibility for commercial floor area provided they create a mechanism to fund and build the improvements;
- Delete a portion of the Capital Improvement Plan (Chapter 7), regarding Parking Improvements on Laurel Avenue; and
- Delete Land Use Strategy and Economic Feasibility Goals, Objective 2, Policy A, which addresses an allocation of 10,000 square feet (maximum of 2,000 square feet per project) to Laurel Avenue, and amend the language to transfer the 10,000 square feet to Project 3.

Findings: Prior to amending the Stateline/Ski Run Community Plan, 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 will not adversely affect implementation of the Regional Plan. The adopted Stateline/Ski Run Community Plan and the South Tahoe Redevelopment Demonstration Plan for the Ski Run and Stateline Areas (Redevelopment Plan) are consistent with the Regional Plan. These adopted plans are meant to supersede the Plan Area Statements and Maps for guiding land use decision in the Stateline/Ski Run area.

The two plans encourage that the land use pattern in the proposed project area continue as a major tourist center that provides visitor accommodation and services. Emphasis should be placed on redirection through redevelopment, which will provide scenic, economic, and environmental improvements. The plans establish goals and policies that encourage concentrated commercial uses and intensification of tourist accommodation units in the proposed project area.

The certified EIS/EIR identified that Project 3 was inconsistent with the Laurel Avenue Parking Concept and therefore a significant impact. The Laurel Avenue Concept was originally created to allow individual properties owners to rehabilitate and improve the area, but is not needed anymore. Project 3 proposes to acquire all the properties within the Laurel Avenue District and incorporate it as part of Project 3. The onstreet parking called for in the concept plan will be undergrounded and the commercial floor area transferred to Project 3. Although Laurel Avenue Concept Plan is being deleted, Project 3, its replacement still meets the Plan's basic Goals, Objectives and Policies.

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

Rationale: Amending the Stateline/Ski Run Community Plan will not cause the environmental thresholds to be exceeded. The proposed amendment will make the adopted community plan and redevelopment plan consistent. Furthermore, the Stateline/Ski Run Community Plan Conservation Element establishes the goals and policies that will ensure that physical development is consistent with environment and ecology of the area.
Amendment of the Stateline/Ski Run Community Plan
October 6, 1998
Page 4

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

**Rationale:** See findings 1 and 2 above. The adopted documents have adopted goals and policies to achieve and maintain water and air quality standards.

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

**Rationale:** See above findings. The amendment will apply to projects that are located in the Stateline/Ski Run Community Plan and Redevelopment Area and must comply with all aspects of the Regional Plan, Code and the adopted Stateline/Ski Run Community and Redevelopment Plan. Any project proposed will be required to meet all standards of the Code and implement environmental projects to achieve and maintain the thresholds.

**Ordinance 87-8 Findings**

1. **Finding:** That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

**Rationale:** See Chapter 6 Findings. The proposed amendment is consistent with attainment or maintenance of the thresholds, and the Compact. The adopted community plan and redevelopment plan requires environmental improvement projects to help attain and maintain the environmental thresholds in return for use of community plan and redevelopment incentives.

2. **Finding:** One or more of the following:

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

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

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

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

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

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

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

3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has 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.

Rationale: Staff proposes to make Finding (f). As noted in previous findings, the proposed Project 3 and the Stateline/Ski Run Community Plan are inconsistent. The original intent of the Laurel Avenue Concept Area to help individual property owners rehabilitate their properties is not needed. Park Avenue Project proposes to acquire all the properties and redevelop it as part of Project 3; therefore, the Laurel Avenue Concept Area is not needed and should be deleted from the community plan.

Environmental Documentation: Based on the Chapter 6 findings, 87-8 findings and because of the nature of this amendment, and because the Code, the Redevelopment Project 3 EIR/EIS required mitigation of environmental impacts, staff recommends a Finding of No Significant Effect (FONSE).

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 702-588-4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
New Language Double Underlined/Blue Text
Deleted Language Struckthrough/Red Text

Amend Chapter II - Land Use Element, Urban Design and Development Goal, Objective 1, Policy H as follows:

**Policy H:** Prepare an urban design plan as a property owner's participation project for Laurel Avenue to improve the scenic quality and enhance the business environment by providing sidewalks, street lighting, landscaping, on-street parking as well as providing for the rehabilitation and/or rebuild of the commercial area which fronts on both US-50 and Laurel Avenue.

Amend Chapter II - Land Use Element, Land Use Strategy and Economic Feasibility Goals, Objective 2, Policy A and B as follows:

**Objective 2:**
Define receiving areas within the Community Plan boundaries and institute a system for distribution of commercial allocation and bonus TAsUs.

**Policy A:** Within the 45,000 square foot limitation, allocations of commercial floor area shall be issued by TRPA upon approval pursuant to Chapter 33. However, TRPA shall only consider for approval, projects recommended by the City of South Lake Tahoe. On a first come first serve basis, the City shall review proposed projects based on the following criteria and make an appropriate recommendation. The City's recommendation shall expire two years after its action. Consistent with the findings of the "Economic Analysis and Opportunities Study", (as provided by Rosall Remmen Cares, 1989) distribute the 45,000 sq. ft. of commercial allocation within the Stateline/Ski Run Community Plan area as follows:

**Project 3 project area** located between U.S. 50 and Cedar Avenue and from Stateline to Park Avenue along U.S. 50, (portions of Districts 2a and 1a): Laurel Avenue Sub-Area within the Stateline Pedestrian District 2a located along the north-side of U.S. 50 from Stateline to Park Avenue:

*Total Allocation: 10,000 square feet*  
*Maximum per-project: 2,000 square feet*
Policy B: Projects within the Laurel Avenue subarea (portion of 2a) and the Ski Run Pedestrian District (3b) shall be eligible for the commercial floor area allocation described in Policy A, above, based on the following conditions:

(1) A property owners association, an assessment district or other such implementing entity is formed by at least 75% of those property owners adjacent to Laurel Avenue; and for Ski Run, a property owners association, an assessment district or other such implementing entity is formed by at least 75% of those owners whose properties front Ski Run Boulevard.

(2) Each entity shall fund a study/plan to establish parking and street improvements for portions of district 2a and 3b substantially consistent with the conceptual plan in Exhibits 3, 4, 5 and 6.

(3) Upon approval of the plan by the City of South Lake Tahoe and TRPA, the allocation may be reserved for projects based on an approved implementation program administered by the City.

(4) If either of the entities are not formed and the plans not approved within two years from the adoption of this community plan, the City and TRPA shall reconsider the distribution of allocation reserved for that specific district which does not meet this requirement.

Amend Chapter VII – Implementation Element, Capital Improvement Program, Traffic and Air Quality, Parking Improvements to delete Laurel Avenue as follows:

b. Parking Improvements:

The purpose is to provide joint parking facilities in close proximity to the concentrated retail activities:

(4) Laurel Improvement: To construct parking within the existing Laurel Avenue right-of-way, between Stateline Avenue and Friday Avenue. The design of the lot will resemble
that of a small street with parking, undergrounding of utilities, curb/gutter (see Exhibit 12).

Schedule: The parking lot will be constructed with the Stateline drainage improvements scheduled for the building seasons of 1995/96.

Estimated Cost:
- Acquisition: none
- Construction-Parking: $43,500
- Undergrounding: $100,000

Funding:
- Assessment District, Stateline
- Erosion Control and SPPCO/Utilities

Note: Laurel Avenue (2a) shall have two years to provide an irrevocable commitment to fund the capital improvement required for the area, such as sidewalks, parking lot striping, curb and gutter. At such time as this irrevocable commitment is secured, the allocation would be available for disbursement based on the above. Should the irrevocable commitment not occur, the disbursement process would change to the "phased rations" (see Chapter II, Goal 2-Obj 2, Policy A).

(1) 2) Ski Run Village (3b)...
(2) 3) Stateline - Parking Garages...
(3) 4) Ski Run - Parking Garages...
(4) 5) Ski Run - Surface Parking Lot...

Amend The Stateline Community Plan to delete Exhibit 12, Parking Concept/Laurel Avenue