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, September 9, 1998, at the Horizon Casino Resort, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

August 31, 1998

[Signature]

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 Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
Stateline, Nevada

September 9, 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. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of PAS 111, Tahoe Island, Special Designation to Allow the Transfer of Existing Commercial Floor Area Into Parcels in Special Area #1 Which Contain Legally Existing Commercial Uses

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

VI. PLANNING MATTERS

A. Status of Metropolitan Planning Organization (MPO)

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

C. Status Report on Regional Revenue Source Analysis

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VII. REPORTS
A. Executive Director
B. Legal Counsel
C. APC Members

VIII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

August 12, 1998

North Tahoe Conference
8318 North Lake Boulevard
Kings Beach, California

REGULAR MEETING MINUTES

Vice-Chairperson Gary Marchio called the regular August 12, 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. Lohman, Mr. Doughty, Mr. Westerdahl, Mr. Adair, Mr. Porta, Ms. Rohr, Mr. Poppoff, Mr. Lawrence, Mr. Morgan (arrived at 10:45 a.m.), Ms. Kvas, Mr. Combs, Mr. Marchio
Members Absent: Mr. Jolley, Mr. Hansen, Mr. Morros, Mr. Oden, Mr. Joiner, Mr. Haen, Mr. Jepsen

II. APPROVAL OF AGENDA

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

III. PUBLIC INTEREST COMMENTS – None

IV. DISPOSITION OF MINUTES

Mr. Doughty noted that on page 6, the fourth paragraph, he clarified his comments by stating “what the County is asking is consideration by the Agency to accept certificates of allocations from Douglas County to allow the County to mail the originals to TRPA rather than having them forwarded to the applicant and run the risk of being lost in the mail, and then having to go through the long process of reissuance of the allocation”.

Ms. Rohr commented that on page 2, the twelfth paragraph, the words “the Agency turned” should be added after the phrase “the Community Planning Team suggested that in the update”. In addition, the word “what” should be added on page 3, in the third paragraph.

MOTION by Ms. Kvas, with a second by Mr. Doughty, to approve the July 8, 1998, APC minutes as amended. The motion carried with Mr. Porta abstaining.

Executive Director Jim Baetge introduced TRPA’s new Agency Counsel, John Marshall, who is now on board full time.

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment to Code Chapter 21, Density Relative to Tourist Accommodation
Principal Planner Gordon Barrett presented the staff summary amending Chapter 21 of the Code of Ordinances to allow projects located within Special Height Districts to deviate from the established Table of Maximum Densities.

Mr. Doughty commented that he believed that Section 21.3.C, which refers to timeshare use in an adopted community plan, should not be removed. He stated that it falls into a Special Height District. The community plan should not be removed from that concept.

Mr. Barrett stated that we would retain Section 21.3.C and add a new Section 21.3.D, along with the findings, which is the new underlined language proposed in blue print.

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

Mr. Lew Feldman, appearing on behalf of Park Avenue and Project 3, stated that it was very important that we move forward with the density proposal which has been disclosed in the EIS, and the proponent has demonstrated that the impacts have been mitigated.

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

MOTION by Mr. Doughty, with a second by Ms. Kvas, to recommend approval to the Governing Board to amend Chapter 21 to allow special projects located within Special Height Districts to deviate from the established Table of Maximum Densities, with an amendment to retain Section 21.3.C and include a new Section 21.3.D, which is written in blue in the staff summary, along with the findings.

Agency Counsel John Marshall clarified the motion by stating that on page 19, Section 21.3.C, would be replaced by Section 21.3.D and strike the redline so there would be a new section. Mr. Doughty replied that he wanted to retain Section 21.3.C as written, include Findings 1, 2, 3 and 4, and create a new Section 21.3.D, along with the necessary findings. Mr. Marshall suggested adding a new Subsection 21.3.D which would read as it is and ignore the redlines.

The motion carried with Mr. Popoff voting no.

Mr. Popoff stated he voted no because he is against issues involving increasing density.

Mr. Marchio thanked Mr. Marshall for his input on the motion.

B. Amendment of Code Chapter 18, Permissible Uses, and Related Chapters to Add the Public Service Use of Environmental Improvement Program (EIP) Research Facilities

Principal Planner Gordon Barrett presented the staff summary amending Chapter 18, Permissible Uses, and related chapters to add the Public Service Use of Environmental Improvement Program (EIP).

A discussion ensued.

Mr. Popoff did not agree with the statement that the research facilities shall be primarily used to implement those projects listed in the Environmental Improvement Program (EIP). He did not
believe that TRPA should be setting the research tasks that a university should or should not be doing.

Mr. Barrett commented that on the other side of that issue, if someone has a research project that they would like to see put on the EIP, they just needed to demonstrate that and TRPA would have it put on the EIP.

Mr. Popenoff stated that he did not think that TRPA should be telling researchers what they can and cannot do.

Mr. Baetge replied that the idea of the EIP was if it a research project makes sense to do in Lake Tahoe, let's list it in the EIP so that all the other players know that it's there. He did not believe it was restrictive.

Mr. Popenoff commented that the wording and definition was very restrictive. He said it was proper to state that the research is relative to Lake Tahoe; it should not be restricted to whatever TRPA decides should be listed in the EIP.

Mr. Westerdahl believed that the word "primarily" was too vague and suggested an example be given in the Code.

In addition, Mr. Westerdahl questioned whether it was customary for non-profit organizations, such as universities, to post a security when they want to put in a research facility.

Mr. Doughty commented that we don't require any other government or public service entity to post securities. In the past, we have required deed restrictions. He did not agree with the requirement to post a security.

Mr. Baetge commented that he felt strong on this issue because we would be making an exception to let research facilities go into areas where you normally would not let it take place happen. The end result, say in two years, could be that the research facility becomes unfunded and then what happens to the building. After the research ends, we don't want the use of the building to change, so the bond would be insurance that the building would be removed upon completion.

Mr. Doughty believed that it was unreasonable to require that of a government facility or non-profit organization.

Agency Counsel John Marshall stated that arrangements could be made with the property owner to have them sign a deed restriction or some type of contract stating what happens to the premises when it is vacated.

Mr. Westerdahl commented that the posting of a security will cause a lot of grief for university systems because they are self-assured and don't have the money available. The language could cause problems for non-provide and university systems.

A discussion ensued.

Mr. Popenoff commented that he had not seen a lot of duplication between research facilities, and if there is, it can be taken care of better by a coordination group between the research facilities rather than through TRPA. In addition, the stakeholders', meaning the research facilities, input should be included in this proposal, along with their comments and/or suggestions.
Mr. Barrett stated that TRPA met with the research groups in June. TRPA did not review the Ordinance language with them. The TRPA Governing Board made some policy issues with the purpose of meeting some of the TRPA thresholds.

Mr. Porta agreed with Mr. Westerdahl that the word "primarily" was too vague. He stated that the wording "projects listed in the EIP and other Tahoe Basin-related research projects" could be added to Section 18.1. He questioned if deed restrictions or bonds were defined in the Code.

Mr. Barrett replied no.

Mr. Westerdahl stated that TRPA's intention about the removal and conversion of the building needed to be defined in the Code.

Ms. Kvas asked that in non-commercial plan area statements where this is going to be a permissible use, would it be with a Special Use Permit? Mr. Barrett replied yes. Then, if you have a Special Use Permit, you can address those specifics within those recreational plan area statements.

Ms. Kvas asked for clarification on "not undeveloped" in No. 3 on page 25 of the Staff Summary. In addition, she had problems with the statement "overnight accommodation facilities other than caretaker facilities are not included as part of this use". Ms. Kvas suggested that some flexibility be given in the event employees are working on different shifts doing research on a specific project and coming and going from the facility where it would be more convenient to provide housing and overnight accommodations.

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

Mr. Jeff Cutler, representing the League to Save Lake Tahoe, commented that the Code amendment needed more thought before moving forward to the Governing Board for approval. He had a problem with converting floor space if it is designated as public use to another use. He believed that the Agency should draw down from the overall pool of commercial availability.

Ms. Mary Galnfarr, Executive Director of the Tahoe-Sierra Preservation Council, stated that the amendment was a clear policy direction and the importance of research and their facilities. She was of the opinion that there is a big need for research in the Tahoe Basin and this an amendment was an important item that needs to be implemented.

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

MOTION by Mr. Poppoff, with a second by Mr. Morgan, to send the amendment back to the TRPA staff for more work and the convening of a consensus group composed of the stakeholders involved, such as the individuals representing the research facilities.

Mr. Baetge asked Mr. Doughty if there was a problem with timing if the amendment did not go forward and he replied no.

Mr. Poppoff stated that he wanted the issues that had been raised at the meeting today reviewed, such as the security issue, type of research, housing and review what is written in the Compact pertaining to research in the Tahoe Basin.
Mr. Westerdahl suggested that the administrators and risk managers of the proposed research facilities be included in the consensus meeting.

The motion carried unanimously.

(Break taken at 11:20 a.m.)

(Reconvened at 11:28 a.m.)

C. 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 and to Allow the Conversion of Commercial Floor Area To Tourist and Residential Units

Principal Planner Gordon Barrett presented the staff summary amending Chapter 33, Allocation of Development, Chapter 34, Transfer of Development, and Chapter 35, Bonus Incentive Program.

Mr. Doughty commented that he was concerned about the loss of TAU}s from the pool. He stated that this should be looked at on a Basin-wide basis. In addition, he was concerned about the conversion and loss of the 150,000 square feet of commercial floor that was being lost. He believed that if we are allowing the conversion from TAU}s to housing, we should focus that on affordable housing. Mr. Doughty questioned where the conversion factor came from and believed that this issue should be seriously looked at. He commented that the TRPA and local government standards issue needed to be defined, in addition to the approval of the local government issue.

Mr. Adair questioned if the 1,200 square foot per unit reduction in land coverage was retired or banked. Mr. Barrett replied that the intent is to retire the coverage, and Mr. Adair suggested that this should be made clear.

A discussion ensued.

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

Ms. Jaye Von Klug, Redevelopment Manager for the City of South Lake Tahoe, stated that when the public purchases a piece of property for public use that includes open space, the City pays the full value for the property and there is no need for an owner to get a bonus. Ms. Von Klug had no problem including some language that excluded public acquisition from the amendment. She urged the APC to stay with the staff recommendation of allowing conversions when it is coming out of sensitive land to an EIP or it's meeting the standards. She does not want to see uneconomical hotels going into uneconomical stripped, commercial centers. In addition, the City is looking into putting condominiums in some of their urbanized projects, such as near the gondola at the Heavenly Resort.

Mr. Cutler, representing the League to Save Lake Tahoe, had concerns over the procedures presented as opposed to the substance. He did not believe that what had been presented in the staff summary gives the public or the decision makers the tools to tell if the proposals are good or not. Mr. Cutler believed that a moment of crises is approaching where a series of small incremental changes are being proposed and approved where each in of themselves may not be the straw that breaks the camel backs, but each in of themselves is starting to stray further and further away from what was contemplated and analyzed in the Regional Plan. An example of that is allowing public service uses to convert and free up the commercial space, allowing exceptions
for density requirements, and adding research facilities as another public service use. He was of the opinion that the findings cannot be made to adopt the proposed amendment. Mr. Cutler believed more research and analysis was warranted.

Ms. Leah Kaufman, a planning consultant, believed that there had been strong environmental analysis on Item No. 2 of the staff summary.

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

A discussion ensued.

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

Mr. Renz Robinson, owner of the Dunes Resort in Tahoe Vista, suggested that by the time a new study is conducted, and the study attempts to take in all the different types of land uses from commercial to residential to tourist to public uses and the different types of land capabilities, there would be a dozen new things that have since been developed. His concerns are that this is a never ending process. Mr. Robinson commented that he didn't know how anything ever gets done and suggested that TRPA start bifurcating these things and looking at individual issues.

Ms. Nancy Sjursen, representing Sierra Planning, stated that the preliminary analysis by the TRPA staff is good. She believed that the items that were non-controversial could be separated out and approved. She was of the opinion that Item No. 1 was non-controversial and did not like to see a non-controversial item being held up by more controversial additions.

Ms. Fran Robinson, owner of the Dunes Resort, was of the belief that the group would bifurcate these issues and look at something that was not controversy and go forward.

Mr. Cutler stated that from the League's prospective, an environmental analysis needed to be done based on the Regional Plan as it exists today.

Ms. Kaufman stated that an environmental analysis had been done.

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

MOTION by Mr. Doughty, with a second by Mr. Combs, to bifurcate Item No. 1 of the staff summary, including the clarification that reduction in land coverage is permanently retired, clarification by staff on Item No. 5 in Section 34.4.B in terms of what governmental approvals are required, and in Item No. 7 in Section 34.4.B, an explanation of what is necessary to conform to TRPA's plans and Codes, then forwarding on to the Governing Board for approval. The motion carried unanimously.

D. Amendment of Code Chapter 33, Allocation of Development, To Redistribute Commercial Allocations from Outside to Inside Community Plans in Douglas County

Principal Planner Gordon Barrett presented the staff summary amending Chapter 33, Allocation of Development, to redistribute Commercial Allocations from Outside to Inside Community Plans in Douglas County.

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

**MOTION** by Mr. Poppoff, with a second by Mr. Porta, to recommend approval to the Governing Board amending Chapter 33, Allocation of Development, to redistribute Commercial Allocations from Outside to Inside Community Plans in Douglas County. The motion carried unanimously.

E. Amendment of the Meyers Community Plan Relative to Residential Bonus Units and Density and to Transfer of Development Rights for Special Area #1

Principal Planner Gordon Barrett presented the staff summary amending the Meyers Community Plan relative to residential bonus units and density and to transfer of development rights for Special Area #1.

A discussion ensued.

Mr. Mike Dill, with Aspen Environmental Services and representing the property owners of the proposed amendment, stated that he was asking the APC to approve a use definition in the residential category for nursing and personal care. This use as proposed is to be added to the use chart as a special use to the Meyers Community Plan. The specifics of a project would be required to go back to the Governing Board on its own merits.

Mr. Cutler, representing the League to Save Lake Tahoe, stated that he did not find the required findings in the staff summary to support the proposed project. He believed more analysis needed to be done of the possible environmental affects.

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

A discussion ensued.

**MOTION** by Mr. Combs, with a second by Mr. Lohman, to recommend approval to the Governing Board amending the Meyers Community Plan to add nursing and personal care as a Permissible Use. The motion carried unanimously.

A. Executive Director

1. Status Report on Alternative Regional Revenue Feasibility Study

Executive Director Jim Baetge stated that the status report on Alternative Revenue Sources done by Arthur Bower would be presented to the APC in September for more details and comments. The Sedway streamlining report was recently received and is consistent with the way TRPA was going.

B. LEGAL COUNSEL

Agency Counsel John Marshall stated that the Lake Tahoe Watercraft Association, et al. v. TRPA litigation has been stayed pending the development of new information from staff and possibly switching to a recommendation for an admissions standard. The stay runs through the end of December. TRPA's motion for a judgment on the pleadings and the League's motion to dismiss will be heard in a couple of weeks. If TRPA adopts a revised ordinance, that would be the focus of
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any legal challenge from the industry or local interests. In the TSPC case, a pretrial statement was filed that listed out the various issues and is moving towards trial. In the Suitum case, discovery has been concluded and is also moving towards trial to be set sometime next year.

C. APC MEMBERS

Mr. Poppoff stated that he was concerned when things develop that give TRPA a bad image. He received a phone call about a house that is being built in a stream environment zone by Third Creek. The house looks like it is being built on the bank, and it is in a high groundwater area. Mr. Poppoff continued that he called TRPA and the answer he received was that the project is being taken care of by an MOU with Washoe County and TRPA was not involved. He questioned the MOU allowing things to be built in a stream environment zone.

Mr. Baetge stated that the delegation of local government falls under the same threshold issues as TRPA and he would personally look into this situation.

Mr. Poppoff stated that the house was on Trap Street off of Fairway Drive.

Ms. Kvas said she would also look into this situation.

X . ADJOURNMENT - The meeting was adjourned at 12:59 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 Dorla Court, Zephyr Cove, Nevada.
MEMORANDUM

September 1, 1998

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of 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

Proposed Action: The applicant for two parcels along Highway 89 in South Lake Tahoe (APNs 023-141-08, and -151-03), proposes to amend Plan Area 111 to designate Special Area #1 as a Receiving Area for the Transfer of Existing Development on parcels with legally existing commercial uses. This will be accomplished through a new Special Designation and a modified Special Policy.

Refer to Exhibits A through C which show the vicinity map, surrounding land uses, and proposed Plan Area Statement changes.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and, based on its outcome, recommend approval of the amendment to the TRPA Governing Board. The staff modification would require installation of design and site planning improvement identified for this roadway threshold travel unit in TRPA’s Scenic Quality Improvement Program (SQIP) as part of project development. It is shown in existing Special Policy #5 of the Plan Area Statement (Exhibit C) which the Governing Board added in 1994 for another commercial use amendment in this plan area. This policy would be modified to apply to parcels eligible to use the provisions now being considered.

Discussion: The subject parcels are located within Special Area #1 of Plan Area 111. This plan area is a residential plan area with certain commercial and tourist accommodation uses permitted in the special areas. Plan Area 111 lies along Highway 89 between the South "Y" (a preliminary community plan) and National Forest lands at the edge of town. The applicant’s site is composed of two parcels. One presently has a commercial use on it, Dixon’s Restaurant, along with some tourist accommodation uses in the back that are currently boarded up. The other parcel contains the Rustic Mountain Inn and Emerald Pines Resort (tourist accommodation uses).
The Highway 89 corridor is a mix of tourist, commercial, and residential uses. It has been identified in TRPA's Scenic Quality Improvement Program (SQIP) and the Environmental Improvement Program (EIP) as an area targeted for scenic and community design restoration. Special Area #2 lies adjacent to Special Area #1 and together the areas possess a strip commercial appearance and use pattern.

Special Policy #3 in the Plan Area Statement encourages the City of South Lake Tahoe to prepare and implement a redevelopment plan for the Highway 89 corridor. It is a worthwhile goal, however, it does not appear to be a high priority. In the meantime, property owners do not have many options available to them to undertake redevelopment on their own. In order to redevelop sites such as this, make them economically viable, and make needed environmental improvements, the applicant proposes to allow commercial expansions through the transfer of existing development. Presently, existing commercial floor area may not be transferred into the Special Area. Since this is a residential plan area, it does not, and will not, have new commercial floor area allocated to it. The Transfer of Existing Development Special Designation is needed to allow transfers and expansions.

To limit the potential applicability of this amendment, which would likely worsen the form and function of the existing commercial/tourist strip, the applicant proposes to limit the transfer provisions only to parcels with legally existing commercial uses. That would result in one of the applicant's two parcels eligible for the transfer. TRPA staff estimate that the Special Designation would be available to three additional sites in Special Area #1 and 1 site in Special Area #2.

City of South Lake Tahoe Zoning and General Plan Designations: The subject parcels are zoned by the City of South Lake Tahoe as Tourist Commercial (TC). The General Plan designation is Tourist Accommodation.

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

A. Chapter 6 Findings:

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

   **Rationale:** The proposed amendments to the Plan Area Statement will not adversely affect implementation of the Regional Plan because commercial uses are already permitted and the amendment will only apply to a limited number of parcels within the Special Area fronting on State Route 89.
2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: The amendment has been conditioned to require the installation of scenic and community design threshold improvements as part of project development. Any projects that are proposed due to this amendment will be required to comply with all aspects of the Regional Plan package, including applicable thresholds.

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

Rationale: Any new or expansion of development due to this amendment will continue to be subject to federal, state, and local 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: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold. It will not utilize any resources, nor have any "project-type" impacts discussed in Section 6.3.B of the TRPA Code.

5. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: See findings 1 and 2 above

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: The amendment will not expand the area of commercial uses beyond that which presently exists and is zoned for. The new Special Designation of Transfer of Existing Development will enhance the Region's ability to implement threshold improvement projects by requiring scenic threshold improvements as a condition of project development.
Amendment of Plan Area Statement 111
September 1, 1998
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**Environmental Documentation:** Staff has completed an Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the following:

1. The amendment will have limited applicability. The applicant has supplied information suggesting the Transfer of Development provisions would only be permitted on two other parcels within the Special Area.

2. Threshold-related improvements which have been discussed with the applicant are anticipated as part of project development (including scenic, community design, and water quality).

3. The amendment would not approve development greater than contemplated by the Regional Plan. Allowing the Special Designation to existing developed sites merely rearranges the location of transferred development.

4. Additional vehicle trips and associated vehicles miles of travel (VMT) which may be created by project development must be offset by mitigation measures. Since the additional development is expected to come through a transfer of existing commercial floor area, the increase is expected to be insignificant.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at (702) 588-4547, or via email at John.Hitchcock@trpa.sierra.net, if you have any questions regarding this matter.
111
TAHOE ISLAND

PLAN DESIGNATION:

Land Use Classification: RESIDENTIAL
Management Strategy: MITIGATION
Special Designation: TDR RECEIVING AREA FOR:
1. Existing Development (Special Areas #1 & #2 Only)
2. Multi-Residential Units (Special Area #2 Only)

SCENIC RESTORATION
PREFERRED AFFORDABLE HOUSING AREA
MULTI-RESIDENTIAL INCENTIVE PROGRAM

DESCRIPTION:

Location: This Plan Area is located north of the South Tahoe "Y" and south of the Tahoe Keys and is depicted on TRPA maps G18 and F-18.

Existing Uses: The predominant use of this area is residential although non residential development includes motels, restaurants, and heavy equipment and storage area. The area is approximately 70 percent built out. Residential density is primarily one single family dwelling per parcel although some high densities are associated with duplexes, apartment buildings, and a planned unit development. Three Tahoe Keys Property Owners Association (TKPOA) single family dwelling subdivisions and TKPOA's water treatment facility are located within this area.

Existing Environment: Nearly half of this area (250 acres) is classified as SEZ. Substantial portions of the area classified as SEZ have been disturbed by existing development. Undeveloped lots within the SEZ total 322. The balance of the area is low hazard land with 238 undeveloped lots remaining. Over half of the planning area is disturbed with hard and soft coverage. Vegetation consists of fir, lodgepole pine, willow, and marsh grasses. Two TKPOA subdivisions in this area have been reclassified as man-modified.

PLANNING STATEMENT: This area should continue to be residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. There is an excess of land coverage and disturbance within the SEZ.
2. Portions of the area are subject to flooding.
3. This area contains a site reserved for possible affordable housing.
4. Additional fire hydrants and water system improvements are needed in this area.

5. This area is the location of Tahoe Valley ball field and Tallac Park (20 acres).

6. Thresholds require the scenic restoration of the Highway 89 corridor.

SPECIAL POLICIES:

1. Drainage problems on developed parcels should be remedied.

2. Restoration of disturbed SEZ and reduction of soft coverage have high priority.

3. Redevelopment is encouraged along Highway 89 consistent with a City of South Lake Tahoe redevelopment plan. Noncommercial and tourist accommodation uses permitted in this area should be located on Highway 89.

4. Expansion of the Tahoe Valley ball field and Tallac Park may be permitted, consistent with a TRPA-approved master plan, which specifies the PAOT capacity of the improvements.

5. A senior citizen affordable housing project of up to 60 units may be permitted to be developed on a six-acre site designated to the City in this area. The option must be exercised by the City prior to 1987 or the land reverts to Dillingham for any use authorized by law.

6. Extensions of commercial development should be limited to Special Area #1 along Highway 89 to help facilitate concentration of commercial development, except for parcels within Special Area #2 adjacent to Highway 89, which had previously legally existing commercial uses and have existing commercial floor area as verified by TRPA. For Special Area #1 and Special Area #2 adjacent to State Route 89, additional commercial development shall be limited to parcels adjacent to State Route 89 with legally existing commercial development.

Any project proposed on parcels fronting Highway 89 within Special Area #1 or #2 must comply with the Recommendation for Improving the Scenic Quality as listed in the Scenic Quality Improvement Program Appendix B pages B-6 through B-7 (b.(1) through (5)). If the improvements are not completed within two years from the date this policy becomes effective, PAS 111 Permissible Uses, General Merchandise Stores and Nursery, will be eliminated from the Special Area #2 Permissible Uses list.

7. Special Area #2 in the Eloise area should be primarily a multi-residential area and professional offices and health care services shall be limited to parcels fronting the east side of Tahoe Keys Blvd.

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

General List: The following list of permissible uses is applicable throughout the Plan Area (except as noted in Special Areas #1 and # 2):

Residential

Single family dwelling (A).
Public Service
Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), churches (S), schools-kindergarten through secondary (A), and day care centers/pre-schools (S).

Recreation
Participant sports facilities (S), day use areas (A), and riding and hiking trails (A).

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

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

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

- Residential
  - Multiple family dwellings (A).

- Tourist Accommodation
  - Hotel, motel and other transient dwelling units accommodations (S) and bed and breakfast facilities (S).

- Commercial
  - Eating and drinking places (A), food and beverage retail sales (S), nursery (S), and outdoor retail sales (S).

- Recreation
  - Outdoor recreation concessions (S).

**Special Area #2:** The following list of permissible uses is applicable in Special Area #2.

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

- Residential
  - Multiple family dwellings (A), nursing and personal care (S), and residential care (S).

- Commercial
  - Professional offices (S), health care services (S), nursery (S), and general merchandise stores (S).

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

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwellings</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwellings</td>
<td>8 units per acre</td>
</tr>
<tr>
<td>Nursing and Personal Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Residential Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel and Other Transient Units</td>
<td></td>
</tr>
<tr>
<td>• with less than 10% of units with kitchens</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>• with 10% or more units with kitchens</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>10 units per acre</td>
</tr>
</tbody>
</table>

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

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area, including the Highway 89 corridor is 55 CNEL.

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

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

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

1. Improvements required by Volume IV of the Water Quality Management Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 50 and 89 corridors.
September 1, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

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

Proposed Action: As a follow up to Governing Board direction in June, staff proposes to amend Chapter 14, Community Plans, and Goal 2, Land Use Subelement of the Goals and Policies, to require allocation guidelines and irrevocable commitments in preparation of community plans. See Exhibit A for the proposed language changes to Chapter 14 and Exhibit B for changes to the Goals and Policies.

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

Discussion: In June, the Advisory Planning Commission recommended approval of the amendment to Chapter 14, Community Plans, to allow flexibility in preparation of the remaining community plans. The Governing Board unanimously approved the amendment to Chapter 14. The League to Save Lake Tahoe supported the amendment, but requested that TRPA codify allocation guidelines and irrevocable commitment for all community plans if applicable. Currently, the Code and the Goals and Policies do not require allocation guidelines and irrevocable commitments for community plans. Although these requirements are not codified, staff adds allocation guidelines and irrevocable commitments if they are applicable in the community plans.

Staff informed the Governing Board that it would require an amendment to the Goals and Policies as well as the Code, and could bring the amendment to the APC and Governing Board in September. After adoption of the amendment to Chapter 14, the Governing Board directed staff to amend Chapter 14 and the Goals and Policies to address allocation guidelines and irrevocable commitments for the remaining community plans.

JH/dmc

AGENDA ITEM V.B.

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Findings: Prior to amending Chapter 14, Community Plans, 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 amendment to Chapter 14 and the Goals and Policies will not adversely affect implementation of the Regional Plan. All applicable community plans that have been adopted have included guidelines for establishing allocation of commercial floor area and irrevocable commitments. Irrevocable commitments required environmental improvement projects to be funded and permitted prior to the release of commercial floor area. This amendment is administrative in nature and will codify the allocation guideline procedures and irrevocable commitments for the remaining community plans.

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

   **Rationale:** The amendment will not cause the environmental thresholds to be exceeded. The amendment will result in achieving environmental thresholds as established in each community plan. The irrevocable commitment established in each community plan will require environmental projects to be funded and permitted prior to release of commercial floor area. The amendment will also require guidelines that will establish the way in which additional commercial floor area is allocated to projects.

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, as amended, achieves and maintains the thresholds.

   **Rationale:** See findings 1 and 2 above.
5. **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.

**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 amendment is consistent with the Compact and with attainment or maintenance of the thresholds. The amendment will require the remaining community plans to include allocation guideline procedures and irrevocable commitments as part of the adoption of the community plan if applicable. If applicable to a community plan, irrevocable commitment will require environmental improvement projects to be funded and permitted prior to the release of additional commercial floor area. In addition, this amendment will require allocation guidelines to be established for each community plan. The release of additional commercial floor area will be in accordance with those guidelines.

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: Finding f) is the most appropriate. With the adoption of the previous community plans, staff has included allocation guidelines and irrevocable commitments if they are applicable in the community plans. This amendment is administrative in nature and is intended to help achieve and maintain the thresholds. The amendment is a better means of implementing the Regional Plan by requiring that environmental improvement projects established by each community plan be funded and permitted prior to the release of additional commercial floor area. In addition, the release of commercial floor area will be in accordance with the guidelines for allocating commercial floor areas established in each community plan.

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

JH/dmc
14.6.B Approval Of Preliminary Plan And Work Program: Upon completion of
the initial assessment, the planning team shall develop a preliminary
plan and work program.

(1) The preliminary plan shall include proposed plan boundaries,
estimations of additional commercial floor area and tourist
accommodation unit requirements, public recreation objectives,
vehicle trip reduction targets, land coverage reduction targets,
and other threshold related targets, consistent with this Code,
new standards to be included in the plan, the level of
environmental documentation required, and other detail on the
scope and scale of the proposed plan. It also shall include a
theme for the community plan, such as the following:

(a) Major retail and services.

(b) Major tourist accommodation, retail, and services.

(c) Industrial, storage, and services.

(d) Local-serving retail, services and storage.

(e) Local and minor recreation area serving retail and services.

(f) Minor tourist accommodation.

(2) Appendix "A" to Chapter 14, incorporated herein by this reference,
provides guidelines for mixes of uses that may be appropriate for
the themes listed above.

(3) After consultation with responsible public agencies, a work
program shall be included with the preliminary plan and shall
indicate time schedules for individual work elements, staffing
requirements, and funding sources.

(4) The preliminary plan and work plan shall be presented to the
TRPA and local government.

(5) TRPA and local government shall consider the recommendations
of the planning team and approve, deny, or modify the preliminary
plan and work program.

(6) Based on the preliminary plan, TRPA shall make a preliminary
allocation to that community plan for additional commercial floor
area from the amount allocated by TRPA to that jurisdiction.

14.6.C Community Plan Preparation: Upon approval of the preliminary plan
and work program or approval of an alternative process pursuant to
Subsection 14.6.E, the planning team or staff shall carry out its work as
follows:

(1) Refine the goals for the community plan;
(2) Complete the assessment of environmental opportunities and limitations. This includes the establishment of baseline information about the location, amount, and condition of all threshold-related elements applicable to the community plan. This also shall include, at a minimum:

(a) Stream environment zones.
(b) Fish habitat.
(c) Coverage (hard, soft, and potential).
(d) Scenic resources.
(e) Traffic level of service.
(f) Vehicle miles travelled.
(g) Outdoor recreation facilities.
(h) Tributary and littoral water quality.
(i) Air quality.
(j) Visibility.
(k) Noise.

(3) Refine the inventory and needs assessment. This includes determining the following:

(a) The amount and land capability of vacant land.
(b) The amount, type, and condition of the inventory of commercial floor area, housing, public service facilities (including transportation facilities) and recreational facilities.
(c) The type and amount of commercial, housing, public services, and recreational facilities needed to meet the community goals, with priorities for each.
(d) A description of environmental improvement projects needed in the area to meet environmental thresholds.

(4) Identify the applicable ordinance standards, constraints, and direction from federal, state, local, and TRPA sources.

(5) Develop a draft plan which addresses the following:

(a) Description.
(b) Planning statement.
(c) Planning considerations.

(d) Special designations.

(e) Plan boundaries.

(f) Land use element with uses and locations addressed in the following categories:

(i) Existing and new uses appropriate and compatible, to be designated allowed uses.

(ii) Existing and new uses appropriate under some circumstances or in some limited amount, to be designated special uses.

(iii) Existing uses which are inappropriate or incompatible, to be designated nonconforming.

(g) Appropriate findings, in addition to those in Chapter 18, that would be required for approving special uses.

(h) Transportation provisions including traffic circulation; routes; pedestrian and bicycle routes; and any transit modes, routes, and stops.

(i) Parking provisions.

(j) Public service provisions including snow removal and storage.

(k) Housing provisions.

(l) Recreation, open space and public access provisions.

(m) Special features or policies including setbacks and height restrictions.

(n) Special standards pursuant to Subsection 14.5.C

(o) Requirements for commercial floor area, tourist accommodation, outdoor recreation allocations, and multi-residential units. Provisions for the allocation of commercial floor area, tourist accommodation, outdoor recreation allocations, and multi-residential units.

(p) Relationship to plan area statements, including those nearby and affected by the community plan.

(q) Monitoring provisions.

(r) Implementation schedule showing how development is to be coordinated with public works environmental improvement
projects, including transportation and water quality improvements. At least one major Community Plan environmental improvement project must be completed or an irrevocable commitment (i.e., all permits and funding acquired) must be made prior to any project relying on the incentives of the Community Plan.

(s) The manner in which the targets and requirements set forth in the preliminary plan are to be achieved (see 14.6.B(1)) including location of proposed projects.

(l) Mitigation measures.

(u) Manner in which the goals established in 14.6.C(1) are to be achieved.

(v) Other relevant provisions which may include applicable state or local planning provisions.

(6) Prepare environmental documents, with appropriate circulation for public review.

(7) Recommend preferred alternative to TRPA and local government.

14.6.D Approval Of The Community Plan: The final plan shall contain all the elements set forth in 14.6.C(5) and shall be approved as follows:

(1) Upon receipt of a recommended final plan from the planning team or staff, the TRPA Advisory Planning Commission (APC) shall review the proposed final plan and make recommendations to the TRPA Governing Board. The APC shall obtain and consider the recommendations and comments of the local government and other responsible public agencies. The review, to the extent possible, shall be coordinated with the processes of local government.

(2) The Governing Board shall consider the proposed final plan as a Regional Plan amendment and either approve, deny or modify the community plan, based on all applicable factors, including consistency with the Goals and Policies, the Code, the attainment of the targets and requirements of 14.6.B(1) and consideration of comments of responsible public agencies. The Governing Board also shall determine the effect, if any, on other plan areas considered in the study, but not included within the community plan boundaries. (See 14.6.A(1)) The Governing Board may consider appropriate amendments to those plan areas pursuant to Chapter 13.

(3) The Governing Board shall establish the initial allocation of additional commercial floor area for the planning period, pursuant to Chapter 33.

(4) The Governing Board shall allocate the appropriate amount of
tourist accommodation units for the planning, pursuant to Chapter 33.

(5) The Governing Board shall allocate the appropriate outdoor recreation units, pursuant to Chapter 33.

14.6.E For smaller community plans, if TRPA finds that an alternate process to Subsections 14.6.A and 14.6.B would better facilitate the planning process while still meeting the objectives of this chapter, a modified process may be approved.

14.7 Maintenance And Modification Of Community Plans: Adopted community plans shall be reviewed by TRPA at five year intervals to determine conformance with approved schedules of development and adequacy of programs, standards, mitigation and monitoring. TRPA may defer approval of projects within community plans, if the review indicates approved goals, targets, and requirements are not being achieved. Community plans may be modified as a result of such reviews as deemed appropriate by TRPA to achieve environmental thresholds or to otherwise improve the community plans. The procedure for modification shall be consistent with this chapter.
6. IN ORDER TO BE RESPONSIVE TO THE NEEDS AND OPPORTUNITIES OF VARIOUS AREAS WITHIN THE REGION, SPECIFIC COMMUNITY PLANS (CPs) MAY BE DEVELOPED FOR DESIGNATED COMMERCIAL AREAS. COMMUNITY PLANS SHALL GUIDE DEVELOPMENT IN SPECIFIED AREAS FOR AT LEAST THE FIRST TEN YEARS OF THE PLAN AND SHALL BE KEPT CURRENT BY PERIODIC REVIEW. THE TRPA SHALL ACTIVELY ENCOURAGE PROMPT DEVELOPMENT OF COMMUNITY PLANS FOR ALL DESIGNATED AREAS, WITH A GOAL OF COMPLETING THE COMMUNITY PLANS BY DECEMBER 1, 1989. THE AREAS DESIGNATED SHALL BE THOSE WHERE COMMERCIAL USE IS CONCENTRATED OR SHOULD BE CONCENTRATED. THEY SHALL BE AREAS SERVED, OR EASILY SERVED, BY TRANSIT SYSTEMS, WHICH HAVE ADEQUATE HIGHWAY ACCESS, WHICH HAVE, OR CAN HAVE, HOUSING IN THE VICINITY AVAILABLE FOR EMPLOYEES WORKING IN THE AREA, AND WHICH OTHERWISE QUALIFY AS AREAS SUITABLE FOR CONTINUED OR INCREASED LEVELS OF COMMERCIAL ACTIVITY. SOME AREAS, BECAUSE OF THEIR EXISTING AND PROPOSED DEVELOPMENT PATTERNS, MAY INCORPORATE MORE THAN COMMERCIAL USE CLASSIFICATIONS.

A. Areas eligible for community plans are shown on the map located inside the back cover:

B. Plan Area Statement Maps shall show preliminary boundaries for the community plans, as well as the hydrologic boundaries within which certain land coverage transfer programs can occur.

C. Ordinances shall establish standards that apply to community plans. Some standards may be replaced by specific provisions of adopted community plans if such specific provisions are more appropriate to the situation and provide equal or superior measures to satisfy the environmental thresholds. If none are set in community plans, the regional standards shall apply.

Standards which may be replaced include:

1. parking requirements;
2. sign rules;
3. snow storage provisions;
4. landscaping requirements, other than erosion control requirements;
5. scenic design standards; and
6. density rules.

Standards not subject to replacement by community plans include:

1. land coverage; and

D. Ordinances shall establish other requirements to be met by community plans such as:

1. fair share of public recreation facilities;
2. provisions for reducing vehicle miles traveled; and
3. targets for reducing existing coverage;
4. provisions for the allocation of development; and
5. assurance for the implementation of CP environmental improvement projects.

E. Components of a community plan shall include:
   1. assessment of needs, opportunities, limitations, and existing features;
   2. statement of goals and objectives for the area;
   3. maps, showing final boundaries, land uses permitted on specific parcels, and other relevant information; and
   3. an integrated plan addressing land use, transportation, traffic circulation, parking, public service, housing (including affordable), recreation, allocation procedures, commitments for environmental improvement projects, special features or standards, CP implementation, consistency with the applicable plan area statements, coordination with monitoring, and other requirements of the Regional Plan.

F. Community plans shall set forth a schedule showing how development is to be coordinated with public projects, including water quality improvements, transportation improvements, and other remedial projects, so that attainment of the applicable goals and standards is achieved.

G. The process for developing community plans shall follow the methods outlined below:
   1. In consultation with local governments and the community, the Agency shall set the priorities for development of the community plans.
   2. The process for each CP shall begin as a result of a local government request, or by Agency initiative in recognition of local interest.
   3. In partnership with one another, TRPA, local government, and the community shall assess the feasibility of undertaking the CP process. If the process is found to be feasible, recommendations shall be made concerning plan boundaries, time schedules, applicable standards required to be met, fair share of public recreation facilities, provisions for reducing vehicle miles traveled, targets for reducing existing coverage, preliminary estimates of commercial floor area needs, and environmental documentation requirements.
   4. The Agency shall review and approve, at its discretion, the community planning process proposed pursuant to (3) above. Also, based on the above recommendations, a preliminary allocation for additional commercial floor area from the amount allocated by TRPA to that jurisdiction shall be made. (See Development and Implementation Priorities Subelement Goal #2, Policy 4.)
   5. A planning team, representing TRPA, local government, and the community, shall develop each community plan according to the following process:
      a) assessment of environmental opportunities and limitations;
      b) inventory and needs assessment;
      c) identification of applicable standards and constraints;
d) development of draft alternative plans;
e) environmental analysis and documentation (see (9) below); and
f) selection of recommended alternative.

To the extent possible, consistent with available resources and community initiative, TRPA shall take a primary, active role in assisting development of community plans. To help ensure that proposed CPs meet all applicable local, state, and TRPA requirements, TRPA shall seek review and comment from all responsible public agencies at appropriate points in the CP planning process. It is the Agency’s goal that each proposed community plan, when presented to TRPA for approval, will have addressed the needs and concerns of the community and will be consistent with all applicable local, state, and regional requirements.

6. Following completion of the above steps, the TRPA Advisory Planning Commission shall review the recommendations from the planning team and make a recommendation to the Governing Board.

7. TRPA must approve a community plan before it can take effect. Prior to such approval, TRPA shall determine compliance with: required standards, allocations of development limitations, and phasing of development with associated programs, such as remedial programs.

As part of the approval, TRPA shall establish the allocation of additional commercial floor area for the period ending December 31, 1996. TRPA shall make the initial allocation of additional commercial floor area taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other CPs and plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes. (See Development and Implementation Priorities Subelement, Goal #2, Policy 4.)

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

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

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

September 1, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Status of Lake Tahoe Metropolitan Planning Organization (MPO) Designation

Proposed Action: No action is requested at this time. Staff requests that the Advisory Planning Commission participate in the discussion regarding the MPO designation.

Background: President Clinton signed into law the Transportation Equity Act for the 21st Century (TEA 21) on June 10th, 1998. Contained in the Act is, in part, the following language: "...The consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population..."

For the past several months, the MPO Implementation Working Group has been meeting to define the MPO structure, associated legal issues, develop the necessary documents required for the MPO, and to address other issues related to this new organization. Based on these meetings, the following organizational approach is being evaluated for the MPO structure. Staff will make a presentation and update for the APC at the meeting.

TAHOE METROPOLITAN PLANNING ORGANIZATION (TMPO)

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

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.

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.

RW/dmc

AGENDA ITEM VI.A.
Status of MPO
September 1, 1998
Page 2

Objectives
To provide policy guidance and decision-making to the TTC 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 TTC 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. Voting procedures will
need to be developed.

Administration
On behalf of the TMPO, 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; and,
- Any other changes as necessary over the next several years to ensure the MPO 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 the nine voting members of the TTD and one
representative from the LTBMU, one representative from the Washoe Tribe of NV and
CA, and one Tahoe Basin resident appointed by the Citizen committee and endorsed by
the Commission.

Authority
The Commission shall be vested by resolution with authority for various functions.

RW/dmc

AGENDA ITEM VI.A.

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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 project programming.

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 shall 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.

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 work tasks to be completed, the sources and uses of funds, and the schedule. TRPA staff shall support the functions of the Commission.

If there are any questions on this item, please contact Richard Wiggins at (702) 588-4547, extension 242.
Memorandum

August 31, 1998

To: Advisory Planning Commission

From: Paul Nielsen, Associate Planner
       Project Review Division

Jeanne McNamara, Assistant Planner
       Project Review Division

Subject: Request for Comments Regarding the Scope of an Environmental Assessment for Construction of a Gondola for Heavenly Resort

Heavenly Ski Resort is planning to construct a new gondola from the proposed Park Avenue Development to a top station at Von Schmidts Flat. The project components include:

- The gondola alignment.
- A gondola mid-station with passenger loading and unloading plus a viewing deck of approximately 15,000 square feet with covered seating areas. No other associated facilities at the mid-station are proposed at this time.
- A two-story gondola top station of approximately 48,000 square feet of floor area. The top station will include gondola cabin storage, a restaurant, bar, lockers, rental shop, retail space, activity center, junior ski program area, first aid station, restrooms, administrative offices, viewing deck, and an interpretive center.
- Associated lifts:
  Lift J: Lift J will travel from Sky Meadows to a top terminal approximately 400 feet west of the proposed gondola top station. This lift will be either a Triple or Quad chair with an hourly capacity of 1,800 persons.

/JMC
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Lift HH-1: Lift HH-1 will be located in Nevada, with its base terminal located approximately 800 feet northeast of the gondola top station. This will provide terrain for beginner and novice skiers and will be a Quad chair with an hourly capacity of 1,000 persons.

Lift HH: Lift HH will be located in California with its base terminal approximately 400 feet north of the gondola top station. It will provide access to beginner terrain and a snow play area with an hourly capacity of 1,000 persons per hour on a Quad chair.

- Summer uses of the gondola mid- and top stations will include a hiking trail loop constructed from the gondola mid-station to the top station. The decks will be used for special events such as concerts, as outlined in the Master Plan;

- New electric, water and sewer lines will need to be constructed to the mid- and top stations and the associated lifts. Electric supply will be extended from the existing nearby Tamarack Express base terminal. A new well located in Von Schmidts Flat will provide water for the top station and will be stored in two new storage tanks. Sewer will be conveyed through gravity piping to the existing sewer system at Sky Meadows. Utilities will be placed within existing onsite roadways. A temporary 4,000 foot long roadway will be constructed to the gondola mid-station from Von Schmidts Flat to provide access for construction equipment. The gondola mid-station utilities will be placed underneath the temporary roadway.

This project was identified in the Master Plan for Heavenly, adopted in June 1996. Alternatives to this project were considered as a part of the Master Plan adoption process.

Staff requests that the APC assist in the scoping of an environmental document for the project in accordance with current rules and regulations. At present, staff recommends that an Environmental Assessment (EA) be prepared rather than an Environmental Impact Statement (EIS) due to the scale of the development, anticipated impacts, and the approved Master Plan for Heavenly. Representatives from Heavenly will be at the APC meeting to make a presentation on the proposal, including a detailed description of the proposed project components. Items for discussion include, but are not limited to the following:

1. Range of alternatives;
2. Anticipated environmental impacts, and
3. Construction schedule.

Please find attached for your review a draft Table of Contents for the proposed EA and a map of a portion of the project area. Please call Paul Nielsen or Jeanne McNamara at 588-4547 if you have any questions.

/JMC
8/31/98
HEAVENLY GONDOLA PROJECT EA DOCUMENT OUTLINE

1 INTRODUCTION AND BACKGROUND
1.1 Introduction
1.2 Summary of the Proposed Action
1.3 Purpose and Need
1.4 Project Background
1.5 Environmental Regulation
Description of the environmental regulations that apply to the project.
1.6 Key Environmental Issues (see Chapter 3)
Description of the issues identified during Master Plan preparation and project scoping.

2 PROJECT ALTERNATIVES
2.1 Alternatives Considered But Rejected
2.2 No Action/No Project
2.3 Proposed Action
2.4 Alternative Project Components

3 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES
3.1 Water Resources - Hydrology, Water Quality and CWE
The cumulative watershed effects model prepared for the Heavenly Ski Resort Master Plan will be updated for the watersheds that will be affected by Gondola project components. The CWE restoration schedule will be updated to document status of the Master Plan Mitigation Monitoring Program.
3.2 SEZs/Wetlands
No effects anticipated for the Gondola project.

/JMC
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3.3 Water Use and Water Rights

Water needs for domestic, fire flow and snowmaking will be documented and compared to Master Plan estimates.

3.4 Earth

Detailed land coverage calculations will be prepared for the project components. The land coverage calculations will be compared with remaining coverage calculations. Land coverage transfers (if any) for the gondola will be determined and described in the EA as required by the TRPA Code of Ordinances.

3.5 Air Quality

Air quality effects are mitigated with participation in the Coordinated Transportation System. The air quality effects associated with the increased PAOT levels at Heavenly will be addressed along with Heavenly’s compliance with CTS implementation.

3.6 Noise

Noise levels from expansion of upper mountain snowmaking will be documented. Noise monitoring requirements for outdoor concerts at the Gondola Top Station will be outlined.

3.7 Transportation

Transportation effects are mitigated with participation in the Coordinated Transportation System. The transportation effects associated with the increased PAOT levels at Heavenly will be addressed along with Heavenly’s compliance with CTS implementation. The gondola construction sets the timeline for some other mitigation measures related to traffic which must be implemented by Heavenly. These other mitigation measures will be identified in the EA. In addition, site specific transportation mitigation measures included in the Master Plan EIR/EIS/EIS will be referenced and applied to the proposed action if applicable.

3.8 Vegetation

The result of project specific habitat siting surveys will be documented in this EA (note: a Biological evaluation will be prepared for the USDA Forest Service). Recommended project redesigns will be documented, if necessary, to avoid significant plant species or habitat areas. The number of trees to be removed that are greater than 24 dbh will be identified and quantified. In addition, an estimate of the total tree removal within the ski lift and building corridors will be prepared.
3.9 Wildlife

The result of project specific habitat siting surveys will be documented in this EA. Recommended project redesigns will be documented, if necessary, to avoid significant wildlife habitat areas or roost sites.

3.10 Scenic and Visual Resources

Photographs of the proposed project areas will be taken and used to document the existing condition.

A new visual simulation of the gondola alignment may be required from the South Lake Tahoe Commercial Core area (based upon direction from TRPA) to show the visual changes anticipated with the construction of the gondola. The intent of the new visual simulation would be the determination of whether mitigation measures included in the Master Plan EIR/EIS/EIS are adequate, or whether modified measures should be recommended. The viewpoint will be selected with input from the TRPA. Other visual impacts identified in the Master Plan EIR/EIS/EIS will be reviewed for their relevance to the proposed action.

3.11 Cultural & Historic Resources

An archeological spot check will be conducted by the USFS along the proposed lift corridors to determine if any archeological sites exist which were not identified during the surveys performed for the Master Plan EIR/EIS/EIS. Existing archeological data will be used to concentrate the survey efforts at the appropriate locations. If sites are identified along the proposed routes, appropriate mitigation measures or project redesigns will be developed to reduce the potential impacts.

3.12 Land Use

This section will determine the requirements for commercial floor area transfers to the Gondola Top Station from the existing Top of the Tram and will provide analysis to support required findings.

3.13 Recreation

Specific summer uses will be identified in the project description. Potential site-specific impacts from the construction or operation of summer uses will be identified.

3.14 Public Safety and Safety Hazards

The gondola will require the preparation of an evacuation plan for emergency situations. The evacuation plan will be reviewed to determine if any new impacts may occur from required evacuation equipment or procedures.
3.15 Socioeconomics

The proposed action is not anticipated to have any significant effects to socioeconomics.

3.16 Population and Housing

The proposed action is not anticipated to have any significant effects to population and housing.

3.17 Public Services and Utilities

Service providers will be contacted, including but not limited to; electrical service, water, sewer and solid waste disposal. Each entity providing service will be contacted to determine the present level of service. Any impacts resulting from project implementation that were not addressed in the Master Plan EIR/EIS/EIS will be identified and mitigation proposed.

APPENDICES

A  Gondola Project Site Plans and BMP Plans

B  Heavenly Cumulative Watershed Effects Monitoring Report
PROPOSED NEW LIFT ALIGNMENTS
(PARTIAL MAP)
MEMORANDUM

August 28, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Regional Revenue Feasibility Study Report

Recommended Action: This is an informational item only.

Background: The objective of the Study is to identify any viable local public and private sector revenue sources to finance the local/regional responsibility under the adopted Environmental Improvement Program

Phase I of the Study was primarily a fact-finding phase that identified a number of revenue source alternatives, 10-year revenue projections, and an introduction to some of the legal and institutional issues to be addressed.

The principles guiding the project are:

- Tax revenues must support clearly identified projects.
- Projects must have clearly recognizable benefits.
- A cooperative relationship among governments and between government and the private sector is necessary.

During the course of Phase I, Arthur Bauer & Associates and subcontractor J.D. Franz Research conducted extensive interviews with 27 stakeholders, gathered additional information from 65 sources of technical information, reviewed more than two dozen documents, conducted three focus group sessions, conducted a statistically valid telephone survey, and held three stakeholder workshops.

8/28/98
PD:jf

AGENDA ITEM VI.C.
With the conclusion of Phase I, TRPA is ready, with the support of the community, to move to Phase II. Over the next several weeks, staff will invite public comment on the Phase I findings and reach agreement with our funding partners and others on the scope of work for Phase II.

Additional report information, including an appendix of methodologies and the results of the telephone survey, will be available at the APC meeting. If you have comments or questions regarding this agenda item, please call Pam Drum at (702) 588-4547, extension 237.