TRPA
APC
PACKETS

JULY
2000
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 July 12, at the Tahoe Seasons Resort, Saddle Road at Keller, South Lake Tahoe, California. The agenda for the meeting is attached hereto and made a part of this notice.

June 30, 2000

John L. Marshall
Acting 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

July 12, 2000
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 HEARINGS

A. Scoping Session for Environmental Document for Stonewood Estates Condominiums (formerly South Shore Estates), Douglas County APN 007-050-05

VI. PROJECT REVIEW

A. Tahoe City Public Utility District, Lakeside Trail Phase 1A, Placer County APN 94-180-65, File No. 200225

VII. PLANNING MATTERS

A. Status Report on Transit-Oriented Development, Urban Boundaries, and the Two-Step Subdivision Process

B. Consideration of FY 2000 Tahoe Metropolitan Planning Organization Federal Transportation Plan
C. Consideration of the Tahoe Metropolitan Planning Organization FY 2000 Federal Transportation Improvement Program (FTIP)

VIII REPORTS

A. Executive Director

   1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

IX. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8381 North Lake Tahoe Boulevard
Kings Beach, California

June 14, 2000

REGULAR MEETING MINUTES

Acting Chairperson Robert Jepsen called the regular June 14, 2000, 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, Ms. Moss, Mr. Cole, Mr. Honcoop, Mr. McDowell, Ms. Kemper (arrived at 10:15 a.m.), Mr. Lane, Mr. Horton, Mr. McIntyre, Mr. Morgan, Mr. Tolhurst, Ms. Kvas, Mr. Combs, Mr. Marchio (arrived at 9:47 a.m.), Mr. Jepsen

Members Absent: Mr. Kehne, Ms. Baldrica, Mr. Porta, Mr. Popoff

II. APPROVAL OF THE AGENDA

Acting Deputy Director Gabby Barrett stated that the staff summary for Agenda Item No. VI.A. had been corrected and distributed. He suggested combing Agenda Items V.A. and VI.A. for discussion purposes because they were both related to one another. Since Agenda Item No. V.A. was an action item, Mr. Barrett stated that Item VI.A. should be discussed first.

MOTION by Ms. Kvas, with a second by Mr. Morgan, to approve the agenda as modified. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

MOTION by Mr. Cole, with a second by Mr. Morgan, to approve the April 12, 2000, APC minutes as presented. The motion carried unanimously.

Mr. Cole stated that on page 2, the third paragraph of the May 10, 2000, APC minutes, the words "to avoid meeting" should replace the words "to meet".

MOTION by Mr. Cole, with a second by Mr. Morgan, to approve the May 10, 2000, APC minutes, as amended. The motion carried with Mr. Jepsen abstaining.

Chairperson Gary Marchio took over conducting the meeting.
VI. PLANNING MATTERS

A. Discussion on Excess Coverage Mitigation Fees

Mr. Joe Pepi, Senior Planner with the Long Range Planning Division, presented the staff summary discussing the excess land coverage mitigation fee.

Ms. Kvas suggested that TRPA acquire input from contractors and residents that are building homes so their opinions and/or comments would be included into the mix.

Mr. Honcoo asked if the option that the excess coverage mitigation program is no longer a useful tool and proves to be the one that TRPA comes up with after some study, how would that impact the MOU which is about to be agreed upon.

Agency Counsel John Marshall said that the MOU is broader than the single coverage issue that is being discussed. There are more things covered than just the one transfer of development right of impervious coverage. The MOU has practical affects beyond this isolated issue of what we do about coverage. Secondly, there are still opportunities, even given the existing circumstances, for transfers and banking of coverage. TRPA does not feel that even though there is this outstanding issue out there about what we do about retirement of coverage and the excess mitigation fee, there is still an opportunity to serve the public and gain an environmental benefit from retiring coverage by the creation of a land bank.

As a follow-up question, Mr. Honcoo questioned if at the end of the discussion, TRPA is going to propose having on this excess land coverage mitigation fee, the Agency comes up with something that is different than what is already assumed in the MOU, will the MOU be amended. Mr. Barrett stated that it is possible that it will have to be amended. The excess coverage mitigation fee program is just one element of what the land bank does and the program may need some Code amendments, different ways of actually implementing that, or different techniques. The basic land bank that TRPA is proposing with the MOU has more functions than that and will be going on, no matter what, and should be going on.

Mr. Jim Lawrence, Program Coordinator for the Nevada Division of State Lands, stated that Nevada State Lands supports TRPA's recommendation of getting all the necessary parties together and start to discuss this issue because it is a discussion that needs to take place. A correction needs to be made on the second page and second paragraph of the staff summary, where it states that "the State of Land has no land bank to receive the mitigation fees"; in fact, they have had an MOU in place with TRPA, and we have been receiving excess coverage mitigation fees from TRPA since about 1996, and Nevada State Lands has an ongoing program retiring land coverage in Nevada. The State found out that when they started receiving fees, the $5 per square foot was a little bit out of wack. The point that the coverage price is actually based on area, not necessarily state, is a very good one because the prices do vary, whether it is in South Shore or North Shore. The State has been working with TRPA and doing the best they can with the mitigation funds and making the best purchases possible. But the time is now to sit down and see what we are going to do about this. Also, the figures in the second paragraph about what the actual obligation is in the State of Nevada, need to be fine-tuned. Even though we have been receiving these fees since 1996, the State of Nevada has had a land acquisition in place since 1986. In fact, they have done about 28 million dollars worth of acquisitions on the Nevada side, buying properties, retiring them and extinguishing the development land coverage rights on them. We need to figure out what the obligation is of the State of Nevada.
APC REGULAR MEETING MINUTES JUNE 14, 2000

The MOU and Amendment of Chapter 4 are exclusive. There is some interrelation in the fact that one purpose of the land bank is the excess coverage mitigation programs, but really the MOU, in establishing this land bank, the primary interest is to facilitate the implementation of the EIP programs. By having this flexibility of being a land bank and transferring land coverage, this will give State Lands more flexibility in order to implement EIP programs as we go down this EIP path for the next ten years.

Chairperson Marchio stated that the APC supported the staff summary.

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

V. PUBLIC HEARINGS

A. Amendment of Chapter 4, Project Review and Exempt Activities to Provide for an MOU Between TRPA and Nevada State Lands Relative to Land Bank

Special Programs Administrator Rick Angelocci presented the staff summary amending Chapter 4, Project Review and Exempt Activities, to Replace the Existing 1993 MOU Between TRPA and Nevada Division of State Lands Relative to a Land Bank.

(Ms. Kemper arrived at 10:15 a.m.)

Mr. Jepsen complimented Mr. Angelocci on the way he presented the staff summary; it was very easy to follow and see what the changes were. Mr. Angelocci thanked Mr. Jepsen and also complimented the staff at State Lands for their hard work in exchanging data through floppy disks.

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

MOTION by Ms. Kvas, with the caveat that if changes need to be made after the agencies work through the excess mitigation, it would be brought back to the APC for review, with a second by Mr. Jepsen. The motion carried unanimously.


Associate Transportation Planner Jim Allison presented the staff summary on the 64-Acre Tract Intermodal Center Environmental Document (TRPA Draft Environmental impact Statement, NEPA Draft Environmental Impact Statement, CEQA Draft Environmental Impact Report), in addition to a slide presentation.

Ms. Jackie Failke, with the U.S. Forest Service, discussed the history of the 64-acre tract and how it was formed.

Mr. Jim Jordan, with Balloffet & Associates, commented that numerous concerns have been raised about the project from a land use point of view, and one is that there was a contention
that the project would be incompatible with the findings required under Section 4F of the Transportation Act. The Forest Service, as we proceeded through the development of the EIR/EIS/EIS, did considerable analyses of the requirements with respect to Section 4F, which basically is a requirement that if recreational land is going to be used for purposes other than recreation, then the sponsoring agency has to make certain findings. The Forest Service looked at it and they also consulted with the Federal Transit Administration ("FTA") because one of the potential funding sources for the intermodal transit center would be FTA funds. Both agencies found and notified us that Section 4F is not really applicable to this particular parcel, based upon their findings. With respect to land use, we looked at compatibility with all of the planning documents to make sure that this proposed use, as we have done with other environmental documents prepared for TRPA and other sponsoring agencies in the Basin, is compatible with all of the sequence of planning that has been going on since the formation of TRPA thirty years ago. We could make a finding that the proposed project was compatible, but it does require a finding of Special Use by TRPA and Placer County with respect to conformance with Plan Area Statement 174, and also requires a Special Use permit from the Forest Service. The findings that were necessary for those we found could be made and therefore there would be no impact.

Mr. Jordan suggested that Gordan Shaw, with Leigh, Scott & Cleary, speak to discuss the controversy over the traffic issues.

Mr. Gordan Shaw, with Leigh, Scott & Cleary Transportation Consultants, stated that there is more demand on Highway 89, particularly Northbound, then there is capacity on that roadway. This is not generated by the traffic signal at the “Y”, which runs at a level of service “C”; level “F” being the worst. The problem really shows up more in the capacity constraint, particularly around Fanny Bridge, of the pedestrians that are on the bridge. There is about five feet of sidewalk on one side; the fish side; and at times a few hundred people are either on that bridge or walking to that bridge or walking from that bridge, and the natural reaction of anyone driving past a sidewalk that is overflowing with people and bikes is to drive by very slowly. As the traffic creeps by when there is a high pedestrian volume, we lose the capacity of that roadway. There are times when the delay from that constrict point is a few miles long and can take an hour or more of delay on that highway. This is typically happening from about 10:00 to 4:00 through the peak summer months. What we have determined as our standard of significance, because of the severity of that existing problem, is that any increase in that problem would be treated as significant, which is a very stringent standard of significance.

During this force flow condition, when we have this long queue, we have done some surveys and TRPA and Placer County staff have one some surveys, to find that the turn to turn into this traffic stream is actually not all that bad. Somewhere around 1 out of every 3 drivers is letting people in. The average delay is around 30 seconds for the vehicles that we had pull out from the side street into the through traffic. We borrowed a TART bus and used that so we would be consistent. During these force flow conditions, the left turnouts are not particularly a problem; it’s the queue along the highway. We also have free flow conditions. (Mr. Shaw made a slide presentation showing this.)

In terms of the project and how it affects these conditions, our firm has gone and looked at the existing bus usage in the area and the proposed plans for new bus services. The bottom line number is about 160 buses per day would come in and out of the center. During the p.m. peak hour, we would see 120 vehicles and buses going in or out of this site. A large majority of that traffic is already on the highways. The bus that goes from Tahoe City to Tahoma is already going by and would simply divert into this site. Most of that traffic doesn’t show up away from the site; it does show up on the site driveway. We do have an increase in traffic in the
Northbound condition where we have the long queue of traffic. People coming from Squaw Valley and Alpine Meadows largely generate that; they are going to Tahoe City or they are going to catch a bus somewhere else around the Lake. They would not otherwise be coming across Fanny Bridge into the site, but they are now because this is where the parking and the transit center is. We have estimated that we will be adding 16 cars Northbound to this long queue of traffic. Also, we have determined that to be a significant impact. It turns out to be about a 2.5% increase in the length of that queue.

There is a plan on the books now, after the Tahoe City Public Utility District has been working on a bike trail program and pedestrian program, that would widen Fanny Bridge on the downstream side so that we could move the traffic lanes over and get a much wider sidewalk on the upstream side where the people want to look at the fish. Hopefully, we could put a visually attractive barrier between the pedestrians and the cars, and remove some of the Northbound friction. It will not solve the problem; but it would certainly help the problem. In fact, that would help the problem more than this project, in either of its configurations, would exacerbate the problem.

There is a significant impact on the left turns out on the free flow conditions. We have looked at putting traffic signals, but we don't meet the numbers to put in traffic signals. Another option is putting in a two-way left turn lane in the middle of the street. The traffic analysis shows that this would mitigate the traffic impact for turning left out of the sites. We have looked at circulation issues of pedestrian traffic, and there is a traffic guard at the bridge at the present time. There is a need to expand that, but with the crossing guard program, we can mitigate the impact of more pedestrians crossing the road in a friendlier manner than traffic signals.

We have developed a parking management program for this parking area that states that it is there for transit use; it is there for commercial use; people can walk into Tahoe City, but they cannot use it for taking rafts off the top of their cars and putting them into the river. The two-way left turn lane in the middle of Highway 89 solves the transit impact.

Mr. Jordan briefly reviewed some of the other significant issues based upon the comments they had received and the analysis they have performed.

Mr. Allison commented that once the mitigation measures are applied, there are no remaining significant impacts, and that includes very stringent transportation levels. The comment period ends on July 21, 2000. After that, TRPA hopes to respond to all the comments received on the project and bring it back to the APC and Governing Board in August or September for approval of whatever alternative is selected.

Mr. Tolhurst questioned why the 17,500 square feet of land coverage was not considered significant. Mr. Allison believed it was not considered a significant impact because there is a mitigation plan according to the TRPA Code of Ordinances to accomplish that. If it was over the allowable coverage allowed on that parcel, then there would be a significant impact and we would have transfer in more coverage or some other instance of that nature.

Mr. Tolhurst commented that he noticed that the same responses on several items, and under “biological resources”, it says that there will be people coming to the site because that is what the site is for; people coming to the site for transportation. The mitigation measure is discouraging recreational people from using it, but there still are people using it for transportation, so it appears that this is an impact that hasn't been addressed. Mr. Tolhurst believed that a response needed to be elaborated on as to why that's not significant. The other
issue is Fanny Bridge, which seems like the crux to the main issue, and he wondered if there isn't a cultural problem there. Mr. Allison responded that there are several people in the audience today that can address that particular issue. In addition, it is also being addressed through the project application and preparation for the Fanny Bridge widening.

Mr. Tolhurst didn't understand why the pedestrian crossing was so easily dismissed because it seems like a good solution to the problem. Mr. Allison replied that historically, they probably would not be used in this situation because they require somebody to decide to climb the steps or ramp and get up and back down just to cross this little street area. If we have a crossing guard program, we seem to be addressing that situation. In addition, the overhead crossing would have very significant visual impacts, and as our scenic corridors run along the highway, it would significantly detract from the nature of the highway.

Mr. Marchio stated his concern about the noise mitigation measure and trying to incorporate landscaping. He said that unless the landscaping is so dense and so thick, it would not be significant enough to mitigate the noise level. Mr. Marchio suggested that this item be reviewed and pursued.

Mr. Honcoop questioned if they have looked at the exposure by virtual of the concentration of buses in the transfer point in terms of the diesel exhaust being eliminated. In addition, where the "purpose and need" of the project is discussed, he only noticed the reply was "reduce the dependency on autos". That usually is a second step of what really is the primary purpose and what is that; to provide expanded transportation alternatives; to reduce air pollution impacts; reducing dependency on the autos is more of a social cause given, but he requested an elaboration on this issue in the document itself. Mr. Allison said that there is a more in depth discussion in the EIS. We did not list that as an impact, but Mr. Allison believed that maybe it should be. In terms of turning the fleet over to CN&G, we are moving towards that direction, but we have to get the infrastructure in place in the North Shore area. That is the direction we eventually want to go in the Tahoe Basin.

Ms. Kvas asked if there would be provisions for tour buses, and Mr. Allison said that there would be provisions for tour buses to pull in to the site; it is not for long-term parking.

Mr. Will Gardner, with Placer County Department of Public Works, stated that they are the proponent of the project and will end up designing, building, funding and operating and maintaining the facility. In terms of the bus question, we operate Tahoe Area Regional Transit, and we will be running buses in and out of there; that is the primary purpose of it. The analysis in the document doesn't include tour buses; it includes the TART; public transit buses; it includes some hotel and motel shuttles; taxis, and shuttles for employees and visitors to ski areas, but does not specifically include all the tour bus activity. It is not necessarily ruled out, but that is not the County's overall intent to have tour buses parked unloading people.

Mr. Cole suggested to Mr. Allison to look at the TDD documents because a lot of the same issues and controversies have taken place with the South "Y" transit program.

(Break taken at 11:15 a.m.)

(Reconvened at 11:25 a.m.)

Chairperson Marchio opened the meeting up for a public hearing.
Mr. Tony Rossmann, an attorney from San Francisco and the representative for the Tahoe Tavern Property Owners and the Tavern Shores Property Owners' Association, stated that both of these groups of residents first were established in the Basin in 1965, and both developments were completed in 1971. If there is some accuracy in some of the descriptions that the Forest Service has given you, it is the recognition that these two property owners associations represent some of the longer standing residents of this basin. They have made significant investments in creating these exemplary developments, and it is clear that they will be adversely affected by improper development on 64-acres. He was discussing this project with a public official yesterday – I will not embarrass that person by saying whom it was – but the remark was made to me “well, someone does have to suffer for this, and it’s too bad your clients are going to have to be those people who suffer.” That is an unconscionable position for a public official in the position of this person to take. Mr. Rossmann stated that he is here to present issues, obviously, on the environmental impact statement and report to the APC to forward on to the Governing Board. But he wanted to take a minute to tell the APC about his professional background, since the other people who spoke are ones you see pretty frequently and everyone knows them pretty well. Mr. Rossmann’s first involvement with the TRPA was back when Gary Owens was the Executive Director and General Counsel, and it involved the Lake County Estates case that went all the way to the United States Supreme Court. He picked up the case on remand, representing the property owners at what is now the golf course. He looked at the case and he thought, on the one hand, the property owners are saying they want to get a fair return on their investment, and all the public agencies are saying they really want the land to be used for the public, why don’t we just make that happen. It took two or three years of pretty intense effort, but we did make that happen. Mr. Rossmann was able to convince his client to turn away from the court room and sit down with State Parks and Recreation and the Forest Service and with representatives of your predecessors and work out a solution that solved the problem.

Before I took that case, and really until two years, I had the privilege of working with someone I was discussing about with the TRPA Agency Counsel this morning. Mr. Rossmann shared TRPA’s disappointment that Gregg James was not coming to the TRPA because for 21 years, he represented Inyo County and their water fight against Los Angeles. He commented about what a good person Mr. James is and how he has brought about peace in the Owens Valley, combing our litigation with his great negotiating skills.

Mr. Rossmann has had a lot of experience in this area, but he would like to convey to the APC that there are some really severe legal problems with the approach that is being taken by the Forest Service in this case and the County. Unfortunately, it looks like the TRPA staff is also adopting their position. Just so the record is clear, his client’s have authorized him to release a confidential proposal that was made to Juan Palma last year where he looked at this project the way he looked at the Tahoe Estates case when that came to him 17 years ago. That is, is there a way to meet what may be a legitimate public need and still protect public values and the legitimate private values that are represented by the owners of Tahoe Tavern and Tavern Shores. I believe there is a way. It was basically bought off; we never did get a response from Mr. Palma except to say “Thank you. I will think about this in my future decision making.” And, of course, you can read between the lines in the alternative section of the EIS, and see that that is dismissed as something that is just a planning document. That is to say, we should really work together to obtain the realignment or bypass of Highway 89, but functionally, obviously, if that road can be realignment, you are going to solve the problem at the “Y”. Incidentally, some new access would be created that might open up some possibilities on the 64-acre tract that would meet the public needs, but also protect his client’s interests. That’s being dismissed as speculative. And yet, the APC is being told that documents written in 1965 or 1983 now fix the
transit center on this facility. We are really being told two different messages; on the one hand when it serves the interests of the project proponent, planning documents are determinative; on the other hand, when they serve the interest to dismiss something as speculative, they are only planning documents. We are putting into the public record this proposal. In addition, we are also submitting for the record our resolution of our appeal on the decision with the Lake of the Sky facility.

(Mr. Lane left the meeting at 11:46 a.m.)

He stated that he is glad that this meeting is being taped today because some of the testimony that has been heard in the last hour really is the strongest evidence from the proponents themselves of why if that interpretative center is ever to be built, it should not be built on the Lake side, with the parking on the river side. If, in fact, we are told that it is not the “Y” intersection itself but just people walking along Fanny Bridge that are the problem, it is unfortunate that this project is being touted to serve recreation, and yet it is the people who come here for recreation who are the problem that we have to mitigate. But if we have to mitigate the problem of people walking on the road or across the road, what you are being presented with is a recipe for further disaster and exasperation of those impacts.

We do hope that the questions you’ve asked today you will continue to ask, and that the Governing Board will continue to ask, so that if Placer County and the Forest Service approves this, we hope they will approve something that we can all support together. If they don’t take that route, then the right questions will have been asked. Our purpose here is not to engage in litigation or perpetuate dispute. If that were the case, we would not have solicited a resolution of the appeal with Mr. Palma on the transit center two years. But frankly, we are frustrated now because we do see what you’ve heard this morning as the professional bureaucrat private consultant blow off the objector approach, and not honestly addressing the fact that there are limited resources in this Basin. There are honest conflicts over those resources, and we ought to be sitting down to resolve those disputes together.

Mr. Rossmann continued that he did remember in 1986, when the Lake of the Sky plan was adopted and being assured by Forest Service officials at that time that it did not fix anything, and that further environmental review would have to be conducted for every individual project that was proposed for the 64-acres. It is really quite unfortunate that now we are being told that that document somehow makes this transit center part of the recreational use of the land. In fact, later this morning, we heard that this project is not designed to bring any more recreational use into the Basin. Somewhere between those two extremes may be truth, but it cannot be had both ways. If there is one legal point I would ask you to think about is this question of what the prerogatives are to use federal transportation funds to take away a recreational resource. The testimony this morning was very clear about that. We are going to take recreational land to make a transit facility. That is not an illegitimate government purpose, but it is one that has exacting requirements under federal law because what they are doing is what Congress intended to stop them from doing; the path of least resistance. The public already owns it; it is a park; it’s recreational land; let’s put the freeway there; let’s put the transit facility there. That’s what Section 4F is all about. I have litigated that issue to the Ninth Circuit many times. I have seen few cases as clear as this one. You are getting bad advice if you are being told, based on nothing in this record — and if there is an official position in writing from the Federal Transit Administration, it deserved to be in this EIS/EIR, and if there is such an official written determination in their view that Section 4F doesn’t apply, we are asking for a copy of that at the earliest opportunity and before the Governing Board meeting.
More importantly, when Congress intends to say that Section 4F does not apply to a particular piece of recreational property, Congress expressly makes that exemption in federal law, and there are two precedents right here in California. The first is the Laguna Beltway case in Southern California - the toll road - Congress made an express finding that Section 4F would not apply. The second is to the double slide issue in San Mateo County - the realignment of Highway 1 where it slid into the ocean so many times because of all of the rains there - and the realignment that is now the proposed project - it took many years to get the bureaucrats to come along, but they finally did. This is a good example where Congress expressly said that one could use parkland for the alternative, and clearly that is not the case here. We don’t want the good lawsuit; we want the planning to be done as the federal law requires; prove that there is no alternative, and even if you can’t prove that, show that you’ve done all possible planning to mitigate the loss of this recreational facility. Because as everyone recognizes, this is a precious 64-acres of recreational land. A judicial termination that somehow showed that it found in 1983 that a transit use was fixed on this land; if the project proponents have anything in that respect, we would like to see that.

We were told that overall this project is not going to solve the problem, and that it is going to make it somewhat worse. The question that needs to be addressed on the merits is can’t this project make it better; or can’t this 64-acres be planned in such a way to mitigate the harm. That is why we have stressed the issue of cumulative impacts of the two proposals. The foremost mitigation measure for locating the transit facility on the 64-acres would be a commitment by the Forest Service to abandon the lakeside alternative for the Lake of the Sky facility and to condition any future development of the Lake of the Sky facility on the development of the Highway 89 bypass.

To reiterate, Mr. Rossmann stated that there are some real problems and he realizes that it is the APC’s job to report and recommend to the Governing Board, and he believes that the recommendation has to be one of real caution about this assessment, and more importantly, about this approach. He believed that some serious rethinking about the substance of what is in the document, and about the approach taken, needs to be done.

Mr. Gary Sharade, a homeowner at Tahoe Tavern, stated that he is here as an interested Tahoe Tavern resident and more importantly as a taxpayer. He is concerned about spending a large sum of public money for a project that will not accomplish its goals. Nothing he has read or heard has convinced him that the proponents of the parking transit center have any concrete substantial evidence that the transit center will help. After today, he feels even more strongly about this. It sounds like the proposed transit center will increase traffic. Nothing he has read convinces him that the intermodal transit center will reduce congestion or pollution; just the opposite seems to be true. He wondered why it was called an intermodal center; intermodal would bring together highway transportation; air, rail, water; this is really just a bus stop. He can’t figure out who is going to use this facility. By the time shoppers drive to that center, they will have already gone through all of the congestion. From the time you get to the transit center or the “Y”, it is a pretty easy drive to go on through town or onto the store that you are visiting. He doesn’t know why TART isn’t working, and is of the opinion that buses are not the answer. Mr. Sharade doesn’t believe that the center is the answer to stopping congestion.

Mrs. Holmes, a homeowner in Lake Tahoe, as well as in the Bay area, stated that while listening to the testimony, she saw a total lack of discussion which is retaining this area to what it should be; recreation. Here in the most congested area on the entire North Shore, we have an opportunity to have a recreational park with a beautiful Lake, with access to the Lake, mandated to find more property offering those two things. Here we have it, and we are destroying it and
handing it over, essentially, to a parking lot, which is going to add to the terrible congestion in this area. Unfortunately, most of the second homeowners and property tax paying property owners on the West and North Shores were not notified in writing of today’s meeting. Her mother’s family owned the Tahoe Tavern years ago, and she has seen her family’s dedication for the love of this Lake; with the love for what it offers to the public, and it makes her heartsick to see and experience evidence of lack of respect for the Lake by Agencies and committees. Over the years, she has notice a degradation of Lake property all around the Lake. The 64-acre should be for recreational purposes. In addition, the studies do not indicate that the center would reduce traffic congestion.

Ms. Emily Duff, who lives in Kings Beach, stated that she is one of those TART riders that do not exist. She does not depend on her automobile, and hasn’t for most of her life. Ms. Duff stated that there are real opportunities to see improvements in transit. She was of the opinion that the transit center is a great opportunity and hopes that it comes to pass and the issues resolved.

Mr. Ken Proudey’s family built their cabin 72 years ago; the year of his birth. He is a seasonal resident at Tavern Shores. There are two parallels between his resident down below and his resident up here; one of them is that we have green space requirements where he lives down below that separate the developments one from the other. Here, we are proposing to take the green space we have – 64-acres – and develop. The second one is that the bus center in his town is not in the center of town; it is way out on the edge of town on an abandoned airfield because that’s where the buses can be accumulated. Those who use the buses go to a stop near them, board the bus, and move on according to whatever the schedule is. He does not see the need to have a bus terminal in the center, or within a quarter of a mile, of the center of town. He thinks bus stops, perhaps even more bus stops, should make transportation convenient. But using this valuable green space for a transit center does not seem logical to him.

Mr. Will Gardner, with Placer County Public Works, stated that the Tahoe Area Regional Transit carries about 250,000 people a year, and that means for a small system, we run four buses most of the year. In the summer time, we put trolleys out there to pick up the peak traveler. That’s a very good number for a very small system that we have. With regards to the lake lapper, that was something that came and went fairly quickly. TART has been around for 25 years, and the number of riders has grown and maintained this level pretty steadily throughout the years.

Ms. Jennifer Merchant, Executive Director of the Truckee North Tahoe Transportation Management Association, stated that they are a private non-profit organization and a public-private partnership. They have over 100 members; every major resort in the North Lake Tahoe Truckee area is a member of her organization, as well as around 100 small businesses. They are advocates of increasing public transportation opportunities in order to reduce traffic congestion in their area. The 64-acre transit facility in no way deterrs from the recreation experience, and is not being put there to reduce recreation. She believed that some of the comments in the EIR/EIS suggest that we need to put limits on parking for some of the uses because the uses are, in the minds of some people, maxed out. There are environmental concerns and constraints on the Truckee River, and especially new rafting on the Truckee River as seen as a possible harm to the environment. Nobody is trying to restrict increased recreation. There are certainly many other uses. We are trying to increase recreation, as well as alternate forms of transportation, which includes bicycling. The facility can serve current and new recreationalists, and it mitigates the impacts that those people cause right now.
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(Ms. Kemper left the meeting at 12:24 p.m.)

Ms. Cindy Gustafson, speaking as a private citizen, stated that in 1986, the number one problem identified for the Tahoe City Community by residents, visitors and second homeowners was traffic. And unfortunately, today it is still our number one problem. We have just begun to finally get things on the ground that were started 14 years ago. She believed that the intermodal center was a solution to the traffic problems in Tahoe City.

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

Mr. Combs stated that he represented Placer County, and this project would go before his Planning Commission. They have to go through the public comment period on the EIR first, then the response to comments and the final EIR. He anticipated the Planning Commission hearing would be in September. On behalf of the people of Placer County, he appreciated everyone who took the time to participate today.

Mr. Cole commented that having been involved in the political process in the Tahoe Basin for a long time, it is always his experience that people who live close by a project and directly affected by a project, are the ones most often times most involved, and often times bring up some issues that are legitimate issues of concern. They can't be dismissed. As is appropriate, as a decision maker and past policy maker, it has always been his intent to look at projects from the standard point of what is the greatest good for the longest period of time. Unfortunately, that does not weight heavily to the people who are most directly impacted; the neighbors; because they are a small segment of the people who are going to be affected. He believed that if we can properly address a lot of the concerns and comments, that this project needs to be continued to be looked at in terms of preferred alternative.

Mr. Horton thought that it did not seem that enough people are convinced of the need for the facility in the first place. Sometimes it behooves us from a marketing standpoint to show or remind people of what the need is for the product in the first place. A lot of people are willing to accept a lot of "mitigation measures" if they feel there is a necessity for the project in the first place. Maybe that is something that we need to look to again; what is the purpose of the project; what will it do — and not just esoteric improvements.

Mr. McIntyre hoped that this project is reviewed on the merits of this project alone, and not tiered against the Forest Service project on the lakefront or on the riverside or even the potential future Highway 89 realignment. We need to stay with the purpose and thoughts of this project alone.

Mr. Marchio looked forward to seeing the final document.

VII. ADMINISTRATIVE MATTERS

A. Resolutions for Former APC Members Bob Barham and Rob Joiner

Ms. Kvas read the resolution into the record for Mr. Barham. MOTION by Mr. Cole, with a second by Mr. Horton, to approve the resolution as submitted. The motion carried unanimously. Mr. Horton read the resolution into the record for Mr. Joiner. MOTION by Mr. McDowell, with a second by Mr. Morgan, to approve the resolution as submitted. The motion carried unanimously.

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VIII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Acting Executive John Marshall stated that there were three APC items for the Governing Board to approve. The first one was Chapter 18, regarding the question related to research facilities, which the Governing Board approved. The second was to move the community plan and plan area statement boundary to include some fourplexes, which the Governing Board approved. The third was the affordable housing issue, which the APC approved, but the Governing Board did not approve. The Governing Board made the finding through October of this year. Currently, there is a moratorium on subdivisions; not actual construction of those commercial or residential buildings, but on actual subdivisions in the preferred affordable areas.

Mr. Cole suggested that Pam Drum do a press release related to subdivisions.

Mr. Barrett clarified the fact this is only residential subdivisions in preferred affordable housing areas. So timeshares or commercial condominium buildings are not subject to the moratorium. It doesn’t have to do with condo conversions of existing pre-’87 structures, or subdivision of affordable projects.

Mr. Marchio asked about the Staples, Safeway and Post Office situations, and Mr. Marshall stated that Commissioner Galloway asked for reconsideration of the Staples, Safeway, and Post Office projects because they may have employee generated impacts, and he would like to have the Board take a clearer position to condition or not condition those projects for the employee-generating side, rather than simply imposing a moratorium on the vacant land half of the equation.

B. Legal Counsel

Agency Counsel John Marshall had no legal report.

C. APC Members

Ms. Kvas wondered if the bike race around the Lake is such a great idea when there isn’t a designated bike lane because the bikers take up the entire road. Until we have designated bike lanes, we should rethink having around the Lake bicycle races.

Mr. Jepsen was concerned about the Lake level; he doesn’t see any drop in the Lake level but sees a lot of erosion going on.

Mr. McDowell questioned if the TRPA had a strategy for the BMP retrofit program and priority watersheds when they don’t get achieved. He also questioned if there was recognition for people who put in BMPs. Mr. McDowell requested a report on the BMP program.

Mr. Barrett state that Matt Graham of the TRPA staff made a presentation at the APC meeting a couple of months ago on the program.

Mr. McDowell commented that there is a lot of power in peer pressure.
Mr. Lohman wanted to see how successful the BMP program has been.

IX. ADJOURNMENT - The meeting was adjourned at 12:55 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 (775) 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

June 29, 2000

To: Advisory Planning Commission

From: Paul Nielsen, Senior Planner, Project Review Division

Subject: Notice of Preparation (NOP) and Determination of Scope, Stonewood Condominiums Environmental Impact Statement (EIS), Douglas County APN 07-050-05 / TRPA File Nos. 200366 & 200377

Proposed Action: No formal action is proposed for this item at this time. Staff is requesting comments on the scope and content of an EIS for a proposed 26-unit multi-family and subdivision project in Douglas County (See Exhibit “A” for proposed EIS outline).

Background: The applicant’s proposal represents a redesign of a previously proposed project on the same parcel. The previous project involved two separate components. The first component involved the construction of 26 detached residential units. The second component involved the subdivision and conversion of those units into 26 single-family dwellings with common area. The applicant also proposed a stream environment zone (SEZ) restoration project and the conveyance of five acres to the Washoe Tribe of Nevada and California.

The original project was discussed before the TRPA Governing Board at several public hearings in 1999. At these hearings, testimony was heard from members of the public, environmental experts, attorneys and TRPA staff regarding the potential environmental effects of the project on traffic, wildlife, water quality and cultural and archaeological resources, air quality, indirect and cumulative effects. The projects’ consistency with The Lake Tahoe Water Quality Management Plan (208 Plan) was also discussed. Staff had recommended approval of the findings for the project based on an Initial Environmental Checklist (IEC). At the September 1999 meeting the Governing Board voted not to make the findings. At the same meeting, a separate motion to require an EIS for the project also failed. In January 2000, the applicant requested that the Governing Board accept an Environmental Assessment (EA) for the project but the motion failed. A subsequent motion to require an EIS was made but that motion also failed.

Project Description: The proposed project consists of two separate components. The first component involves the construction of 26 residential units, which will be contained in five detached buildings (see attached site plan). Each building will have two floors of living area and
an underground parking garage on the first level. On-site common area facilities will include a tennis court; pool/spa and children's play area. The second project component involves the subdivision and conversion of those units into 26-condominium style single-family dwellings with common area. Access to the units will be from a twenty foot-wide common drive that will meander through the site. Grading will involve excavations ranging from two to twelve feet in depth and areas of recontouring to achieve finished grades around the building footprint.

Site Description: Highway 50 is adjacent to the project area to the west, Lake Village Drive to the north and east, and Kahle Park and commercial uses to the south. The project area is substantially vacant excepting a dirt road, a large, potentially historic ditch, fences and a few foot-trails. The topography varies, but primarily consists of moderate to steep south and west facing slopes. There are two large and several smaller, rock outcrops. In the area of the proposed development, the vegetation is composed of large stands of fir and pine trees. Burke Creek enters the property from the east, continues to the southwest, and runs along the southern property line where it enters a culvert to continue under Highway 50. The vegetation along the creek and its associated Stream Environment Zone is primarily riparian.

Scope of Environmental Document and Notice of Preparation: Section 5.8 of the TRPA Code (attached as Exhibit "B") requires that TRPA "utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment." A three-party contract between TRPA, the applicant and the environmental consultant selected by TRPA to prepare the EIS will be signed once TRPA has solicited proposals from at least two consultants as required by Article VI (6) of the TRPA Rules of Procedure. TRPA will select a well-qualified interdisciplinary team with experience evaluating potential adverse effects to the affected environment from proposed development.

Section 5.8 also states in part that TRPA shall "study, develop and describe appropriate alternatives to recommended courses of actions for any project which involves unresolved conflict concerning alternative uses of available resources." Throughout the public scoping process TRPA intends to identify alternatives, which will address the previously identified unresolved conflicts.

The TRPA Code also requires that the Agency consult with federal, state and local agencies with expertise with respect to any environmental impact involved and consult the public during the preparation of the EIS. Staff will be working with the State Clearing House of Nevada and California to ensure appropriate Agency involvement. TRPA will provide at least six public hearings will be conducted with a public comment period for the Scope/Notice of Preparation and a 60 day public comment period once the Draft EIS has been released. In addition, TRPA will hold at least six public hearings during the preparation of the EIS.

TRPA will be the lead agency for the EIS. Comments from the Advisory Planning Commission and Governing Board will be incorporated into the scope of the document. As part of the environmental document process this NOP will begin on July 12, 2000 and close on August 23, 2000 at 5:00 p.m. The purpose of the NOP is to gather input from both public and private entities regarding issues and concerns that should be address in the environmental document. If you have any questions or comments regarding this agenda item please call Paul Nielsen at (775) 588-4547. If you wish to comment in writing, please send all comments to:

Paul Nielsen, Senior Planner
Project Review Division

/PN
06/30/00
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448
Exhibit “A”

Draft Outline for Stonewood Condominiums
Environmental Impact Statement

I. SUMMARY (Including Brief Project Description, Project History with TRPA, Alternatives, Impact and Mitigation Summary Tables)

II. TABLE OF CONTENTS
Contents
List of Tables
List of Figures

III. CHAPTER ONE – PURPOSE AND NEED
1.1 Introduction
1.2 Project Description and Background
1.3 Purpose, Need and Scope of EIS
1.4 Environmental Setting/Project Area Description
1.5 Organization of the EIS
1.6 Required Permits and Approval Process

IV. CHAPTER TWO – PROPOSED PROJECT AND ALTERNATIVES
2.1 Summary: Proposed Project and Alternatives
2.2 Alternatives Considered but Rejected from Further Consideration
2.3 Alternative One: No Project
2.4 Alternative Two: Twenty-six Attached Residential Units and Subdivision (Applicant’s Preferred Alternative)
2.5 Alternative Three: Twenty-six Detached Residential Units and Subdivision
2.6 Alternative Four: Maximum Allowable Density with Attached Residential Units and Subdivision
2.7 Other Potential Alternatives: Identified During Scoping

V. CHAPTER THREE – THE AFFECTED ENVIRONMENT (ANALYSIS BY ALTERNATIVE)
3.1 Cultural, Historic and Ethnographic Resources
  3.1.1 Affected Environment
    3.1.1.1 Washoe Resources
    3.1.1.2 Historic Resources of Hobart Resources
    3.1.1.3 Emigrant Route Resources
    3.1.1.4 Other Resources
  3.1.2 Impact Evaluation Criteria
  3.1.3 Environmental Consequences and Recommended Mitigation
    3.1.3.1 Impact Description
    3.1.3.2 Analysis
    3.1.3.3 Mitigation

3.2 Hydrology and Water Quality
  3.2.1 Affected Environment
  3.2.2 Impact Evaluation Criteria
3.2.3 Environmental Consequences and Recommended Mitigation
  3.2.3.1 Impact Description
  3.2.3.2 Analysis
  3.2.3.3 Mitigation

3.3 Transportation, Circulation and Air Quality
  3.3.1 Affected Environment
  3.3.2 Impact Evaluation Criteria
  3.3.3 Environmental Consequences and Recommended Mitigation
    3.3.3.1 Impact Description
    3.3.3.2 Analysis
    3.3.3.3 Mitigation

3.4 Wildlife and Fisheries
  3.4.1 Affected Environment
  3.4.2 Impact Evaluation Criteria
  3.4.3 Environmental Consequences and Recommended Mitigation
    3.4.3.1 Impact Description
    3.4.3.2 Analysis
    3.4.3.3 Mitigation

3.5 Growth Inducing Impacts
  3.5.1 Affected Environment
  3.5.2 Impact Evaluation Criteria
  3.5.3 Environmental Consequences and Recommended Mitigation
    3.5.3.1 Impact Description
    3.5.3.2 Analysis
    3.5.3.3 Mitigation

3.6 Cumulative Impacts and Indirect Effects

3.7 Short Term Uses and Long Term Productivity

3.8 Significant Irreversible and Irretrievable Commitments of Resources

3.9 Other Potential Impacts Identified During Scoping of EIS
  3.9.1 Affected Environment
  3.9.2 Impact Evaluation Criteria
  3.9.3 Environmental Consequences and Recommended Mitigation
    3.9.3.1 Impact Description
    3.9.3.2 Analysis
    3.9.3.3 Mitigation

VI. CHAPTER FOUR – SUMMARY
  4.1 Less Than Significant Impacts
  4.2 Avoidable Significant Impacts
  4.3 Unavoidable impacts that can be Mitigated
  4.4 Unavoidable Impacts that cannot be Mitigated
  4.5 Comparison of the Alternatives
  4.6 Compliance with TRPA Environmental Thresholds, Regional Plan and Lake Tahoe Water Quality Management Plan (208 Plan)
  4.7 Required Findings

VII. CHAPTER FIVE – DOCUMENT PREPARATION
  5.1 References Cited
5.2 Agencies and Individuals Consulted
5.3 List of Contributors

VIII. TECHNICAL APPENDICIES
Supporting Documents
Comments Received During Circulation of Draft EIS
EXHIBIT "B"

(3) Transfers of development rights and residential allocations (does not include construction of new units).

5.5.B Significant Effect: The above categorical exemptions shall not be used for a project where there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.

5.6 Finding Of No Significant Effect: If TRPA finds that a project or matter will not have a significant effect, no further environmental documentation shall be required.

5.7 Mitigated Finding Of No Significant Effect: If TRPA finds a project or matter will not have a significant effect if certain mitigation measures are incorporated into and made a part of the project, the project description shall be correspondingly modified and no further environmental documentation shall be required.

5.8 Environmental Impact Statement: If TRPA finds a project or matter may have a significant effect on the environment, TRPA shall cause to be prepared an EIS in accordance with its Rules of Procedure, this Chapter and the Compact.

5.8.A Preparation Of EIS: When preparing an EIS, TRPA shall:

(1) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.

(2) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.

(3) Consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.

(4) Consult the public during the environmental impact statement process and solicit views during a public comment period not be less than 60 days.

5.8.B Contents Of EIS: An EIS shall include, at a minimum, the following:

(1) Description of project.

(2) The significant environmental impacts of the proposed project.

(3) Any significant adverse environmental effects which cannot be avoided should the project be implemented.

TRPA Code of Ordinances
CHAPTER 5 - ENVIRONMENTAL DOCUMENTATION
(4) Alternatives to the proposed project.

(5) Mitigation measures which must be implemented to assure meeting standards of the region.

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(7) Any significant irreversible and irretirvable commitments of resources which would be involved in the proposed project should it be implemented.

(8) The growth-inducing impact of the proposed project.

5.8.C Inclusion Of Other Data And Information: An environmental impact statement need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

5.8.D Required Findings: Prior to approving a project for which an EIS was prepared, TRPA shall make either of the following findings for each significant adverse effect identified in the EIS:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.
MEMORANDUM

To: TRPA Advisory Planning Commission
From: Kathy Canfield, Project Review Division
Subject: Lakeside Trail Phase 1A, APN 94-180-65, File Number 200225

The Lakeside Trail project has been placed on the APC agenda pursuant to the request of the APC at their May 1998 meeting. At the May 1998 meeting, the APC recommended that the TRPA Governing Board certify the Environmental Impact Statement (EIS) that was associated with the Lakeside Trail project. The Governing Board certified the EIS at their May 1998 meeting.

This draft Governing Board summary is for the first portion of the trail project. The majority of the project will be located on the "64-Acre" parcel and will connect with the existing trail system on that parcel. This portion of the trail will not connect to the Fanny Bridge area.

The submitted plans included a proposal for a handicap accessible boat launching ramp and a boat launching staging area along the Truckee River. These items were not included in the EIS and the applicant has agreed to remove these items from this application and seek separate TRPA approval for these items.

Plan reductions of the proposed project are included at the end of this staff summary. A copy of the draft permit will be available at the APC hearing.

If you should have any questions, please contact Kathy Canfield at 775-588-4547.
DRAFT
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD STAFF SUMMARY

Project Name: Lakeside Trail, Phase 1A

Application Type: Public Service/Recreation

Applicants: Tahoe City Public Utility District (TCPUD) and U.S. Forest Service (USFS)

Applicant’s Representative: Jerusha Crockett, Auerbach Engineering Group

Agency Planner: Kathy Canfield, Project Review Division

Location: “64-Acre Tract”, Highway 89 and the Truckee River, Tahoe City

Assessor’s Parcel Number/File Number: APN 94-180-65/200225

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

Project Description: The applicant is proposing the first of six phases of the Lakeside Trail project. This portion of the project includes ten foot wide paved pathway for approximately 700 lineal feet. The majority of the trail will be located on the “64 Acre” parcel owned by the U.S. Forest Service with a small portion of the trail adjacent parcel. The proposed trail parallels the Truckee River and connects to an existing trail system on the “64 Acre” parcel. This phase of the Lakeside Trail will not provide a direct connection to Fanny Bridge or Highway 89. The project also includes two river overlooks and a wetland and a weather station interpretive overlooks.

Site Description: The project area for the proposed trail will consist of a lineal easement which will encompass the proposed improvements. The project area is a combination of Class 5 and Class 1b land and is relatively flat except for the river bank area. The trail has been sited to cause the least amount of disturbance and vegetation removal.

Advisory Planning Commission (APC): Because an Environmental Impact Statement (EIS) was prepared for the total Lakeside Trail project, the APC requested to review the proposed project prior to Governing Board reviewing the project. A copy of the draft staff summary was presented to the APC at their July 12, 2000 meeting. The APC offered the following comments: (to be included after APC meeting).

Issues: The proposed project is a project for which an EIS was prepared and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project related issues are:

1. Environmental Impact Statement (EIS): The TRPA Governing Board certified the Tahoe City Public Utility District, Community Trail Intertie Project EIS at the May 1998 meeting. While this staff summary relates to only a portion of the entire trail system, the EIS addressed the entire trail system. As a condition of project approval, the applicant will be required to provide a written summary of the mitigation requirements for the entire project and how the proposed mitigation relates to this phase of the project.
2. **Land Coverage:** As a condition of project approval, the applicant will be required to demonstrate that public access easements have been obtained for the area of the proposed trail system that encompasses Phase 1A. As a public access easement, the project area is calculated based on the area of the easement, not the underlying parcel, consistent with Subsection 20.3.D of the TRPA Code of Ordinances. Because of the public service/recreation nature of the project, the applicant is permitted to transfer additional land coverage to the easement project area for the Class 5 portion of the site and to provide additional restoration for the new land coverage in the Class 1b areas consistent with the findings in Chapter 20. The applicant has worked with the California Tahoe Conservancy to obtain all needed land coverage and restoration credits for the project.

**Staff Analysis:**

A. **Environmental Documentation:** The TRPA Governing Board has certified an Environmental Impact Statement (EIS) for the proposed project. No significant environmental impacts were identified, and staff has concluded that the Phase 1A portion of the trail project, with the mitigation measures identified in the attached permit, will not have a significant effect on the environment. A copy of the certified EIS will be made available at the Governing Board hearing and at TRPA.

B. **Community Plan/Plan Area Statement:** This project is located within the Tahoe City Community Plan (TCCP), Special Area 3 and Plan Area Statement (PAS) 174 - 64 Acre Tract. The Land Use Classification for PAS 174 is Recreation and the Management Strategy is Redirection. The Land Use Classification for TCCP is Commercial/Public Service and the Management Strategy is Redirection. Agency staff has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed trail is an allowed use for both TCCP and PAS 174.

C. **Land Coverage:** The TRPA verified land capability districts for the project area are Class 1b and 5. The project proposes 572 square feet of additional land coverage in Class 1b land and 17,525 square feet of additional land coverage in Class 5 land. All needed Class 5 land coverage will be transferred to the site and all Class 1b land coverage shall be mitigated by demonstrating restoration of Class 1b land at a rate of 1.5 to 1.

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

**Chapter 6 – Environmental Documentation:**

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

a. **Land Use:** The proposed trail is an allowed use for both the Tahoe City Community Plan and Plan Area 174. Surrounding land uses include commercial to the north, the Truckee River and commercial to the west, and Forest Service land to the east and south. The proposed project is an extension to the existing trail system located on the adjacent Forest Service property.

b. **Transportation:** The proposed project is not expected to generate any additional daily vehicle trips (dvte). The proposed trail is the first
phase of the Lakeside Trail project which is expected to reduce vehicle congestion with the Tahoe City community.

c. Conservation: The proposed trail and associated overlooks will not be readily visible from Highway 28 or 89. This phase of the project is not expected to have an impact to scenic quality. There are no known special interest species, sensitive or uncommon plants or cultural or historic resources within the Phase 1A portion of the Lakeside Trail project. The applicants shall install temporary and permanent Best Management Practices (BMPs).

d. Recreation: The proposed project will provide an extension to an existing trail network through the “64 Acre” parcel and to an existing non-vehicular bridge across the Truckee River. Expanding trail systems and encouraging opportunities for dispersed recreation is consistent with the TRPA Goals and Policies.

e. Public Service and Facilities: The linear nature of the project can be considered a transportation route which is identified as a public service facility. No other additions to public services or facilities is required.

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

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

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

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

(Refer to paragraph 2, above.)

Chapter 20 – Land Coverage:

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

This project is not considered additional public service as defined by Section 33.5.B of the TRPA Code of Ordinances.

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

The applicant has proposed a design which provides access for several types of users of the trail system. Reducing land coverage would create the potential for users to leave the trail system.
6. The project, because of its unusual configuration or service requirement, requires special consideration.

The trail is proposed to provide the general public with access and recreation opportunities in a controlled environment. Although these areas are accessible today, the access is through existing vegetation and not defined to a single pathway which potentially creates more disturbance.

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

The trail system is open and available to the general public.

8. The project is necessary for public health, safety or environmental protection.

This finding is necessary to allow for additional land coverage in the Class 1b portion of the project. The new land coverage in the Class 1b will allow for access and an overlook of the Truckee River. By providing a defined access area, the project will reduce the potential for users to leave the trail system and disturb currently undisturbed areas. This will protect the surrounding environment and provide safe access to the Truckee River.

9. There is no reasonable alternative, including bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone.

The project includes a small bridged portion of the trail within the Class 1b land. The alternative to providing access would be to not provide access to the Truckee River which may create disturbance to currently undisturbed areas.

10. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

The applicant has coordinated with the California Tahoe Conservancy to obtained the needed Stream Environment Zone restoration. The applicant will demonstrate that land coverage or disturbance at a rate of 1.5:1 has been restored.

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

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

II. A motion to approve the project, based on the staff summary, subject to the Standard Conditions of Approval listed in Attachment Q and the Special Conditions of Approval listed in the attached draft permit.

The draft permit will be available at the APC hearing.
MEMORANDUM

June 27, 2000

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Status Report on Transit-Oriented Development, Urban Boundaries, and the Two-Step Subdivision Process

TRPA Staff has met once with the Design Development Working Group since the May APC meeting; staff had two goals at that meeting. First, clarify staff's proposed Code amendment concerning the findings that must be made to amend the urban boundary. Second, further the discussion on Transit-oriented Development (TOD) criteria and Two-step Subdivision design criteria.

At the May APC meeting some members expressed a concern that staff may not have fully represented the Group's consensus points, and requested staff return to the Group for clarification and consensus on staff's proposal. Staff presented the proposed Code amendments that the APC heard in May and the group discussed that proposal. After a lengthy discussion, the Group could not reach consensus and abandoned the issue of future Code amendments regarding the Chapter 13 provisions for changing the Urban Boundary via plan area amendments.

Staff has scheduled a meeting for July 5, 2000 from 9 am to 3 pm, at Our Lady of Tahoe Catholic Church. Staff intends to present the recommendations that will come back before the APC and Governing Board as Planning Matters in August or September, regarding potential amendments to the Code of Ordinances relating to TOD findings and two-step subdivision design criteria.

Due to the deadline for the APC staff summaries, a synopsis of the July 5th meeting is not available for this packet. Staff will give a brief presentation regarding the outcome of the July 5th meeting at the July APC meeting.

Questions regarding this agenda item should be directed to Peter Eichar at (775) 588-4547 or, recreation@trpa.org.
MEMORANDUM

June 30, 2000

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: 2000 Tahoe Metropolitan Planning Organization Federal Transportation Plan

Action Request: Conduct a noticed meeting, request public comments and provide recommendations on the development of the 2000 FTP.

Recommendation: Staff recommend public comments be heard on this plan.

Background: The designation of the Tahoe Metropolitan Planning Organization (TMPO) by January, 2000 marked the beginning of several process changes. The TMPO’s objective to provide a cooperative and comprehensive planning process resulted in the establishment of a new set of Public Participation Procedures used to plan transportation at Lake Tahoe. These are the TMPO’s procedures and Compact requirements that bring us before you today.

One task in this process relates to planning regulations for the adoption of a federal, or metropolitan, transportation plan. The FTP for Lake Tahoe will serve as the planning document that will determine the ability to use federal funds, programmed in the Federal Transportation Improvement Program that is also being adopted.

This draft FY 2000 FTP is the first of its kind for TMPO, and reflects to a large extent the current consensus on the projects deemed most desirable for environmental, financial and social reasons. The draft FY 2000 FTP is broken down into four Chapters. In Chapter 1, the Plan presents the context of how transportation decisions are made, discusses choices that must be made, and then describes some of the transportation systems. Chapter 2 provides regional travel and growth forecasts. Chapter 3 describes the Plan’s financial situation, and Chapter 4 then presents the proposed short and long range planning.
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projects. The Lake Tahoe Basin is segregated into several sub-areas to focus the planning effort.

It is important to note that this Plan is fiscally constrained, meaning that the proposed five-year list of projects have funding options to back them up. Called Track 1, this planning is complemented with a Track 2 project list that does not have a clear funding program that would qualify it as fiscally constrained, but are projects to be identified for future consideration and illustrative purposes nonetheless.

Approximately $132,621,000 is projected to be available for expenditure between FY 2000 and FY 2004. The Plan identifies ten categories from which these funds are forthcoming, including the North Lake Tahoe Resort Association, the Regional Improvement Program, and California and Nevada state funding programs. Within each of the sub-areas, the Plan then allocates $131,928,000 over the four years for expenditure. Projects proposed for expenditure include transit related capital and operations, highway intersection improvements, bicycle projects, and water collection and treatment and erosion control projects.

The FY 2000 Federal Transportation Plan meets federal MPO planning requirements as described in 23 CFR Parts 450 and 1410. It is intended for and only satisfies these federal planning requirements. It does not meet Tahoe Regional Planning Compact requirements or the State of California planning requirements for a Regional Transportation Plan (RTP). This Plan is consistent and in conformity with the current 1992 Regional Transportation Plan – Air Quality Plan (RTP-AQP) adopted by TRPA, but this Plan does not update, replace, supercede or otherwise negate the validity of the existing RTP-AQP. One of the primary differences between the two is the inclusion of numerous water treatment objectives and projects in the FY 2000 FTP. However, consider that the RTP-AQP is part of the overall Regional Plan, whose scope encompasses water quality planning goals and objectives, the inclusion of water treatment projects in this Plan is deemed consistent with the Regional Plan and RTP-AQP.

TMPO is not required to seek the Federal Highway Administration’s approval of the Plan - this is a TMPO document. But the FHWA does approve Federal Transportation Improvement Program (FTIP) for programming federal funds for obligation and project execution. The FTIP is scheduled for adoption by the TMPO Board in July, 2000. FHWA could deny approval of the FTIP if there is a disconnect with the FTP.

The State of California requires that MPOs submit their updated FTIPs by August 1 every even-numbered years. Amendments are provided for as information or issues change. The TMPO FTIP is then adopted into the California FSTIP.

TRPA, utilizing Parsons Brinkerhoff Quade & Douglas, Inc. (PB) transportation consultant services, has initiated a more ‘robust’ planning effort that will meet the needs, requirements and expectations of the TRPA, the States of California and Nevada, other public and private sector partners both within and without the Basin. This will be a more
comprehensive assessment of current transportation policy and how it promotes or inhibits investment that truly reflects where our transportation priorities lie.

In addition, this effort will include the development of an Environmental Impact Statement (EIS) to satisfy NEPA and TRPA, and an Environmental Impact Report (EIR) for the State of California. The FY 2000 FTP does not require environmental documentation for federal review, but will be updated annually, with opportunities for amendment, and be incorporated into the umbrella Tahoe Transportation Plan that incorporates and satisfies federal, state and TRPA planning requirements. The expected completion date of the full Tahoe Transportation Plan is December 2001.

Public Participation: Within the past two years, the Tahoe Transportation District, united with the Tahoe Transportation Commission – the TMPO’s advisory commission, has become a pro-active policy, program and project decision-making body focusing solely on transportation issues. This structure is enhanced by the combining of programming responsibility of the TMPO with the revenue producing and operational authority of the TTD, thus linking planning and implementation. Furthermore, a single TRPA Transportation Division staff structure supports the federal, state and TRPA requirements.

The TTD Board of Directors and the members of the Tahoe Transportation Commission received copies of the draft FTP with their agenda packets for their June 9, 2000 meeting. Richard Wiggins spoke of the federal context of the Plan, and the continuing process that will be ongoing for the next 18 months. Project Manager Bryan Porter of PB then provided the audience with an overview of the Plan. Both Board and Commission members and the public in attendance asked questions. The TTC and TTD voted to receive the Plan.

Other agencies have reviewed the proposed plan and have provided written comments, including the League to Save Lake Tahoe, NDOT, Caltrans. It is anticipated that comments received from the APC, as well as those received from those listed above, will be incorporated into a revised draft that will then be submitted to the TTC and TMPO for final adoption.

Staff and consultants will provide an overview of the FTP. Copies of the draft FY 2000 FTP are being delivered to APC members only. For those who are interested, but did not receive a copy of the Plan, please contact Joy Wimer-Biller at (775) 588-4547, ext. 271 for a copy. If you have any questions or need additional information prior to the Board meeting, please feel free to contact Jim Allison or Richard Wiggins at the TRPA offices.
MEMORANDUM

June 30, 2000

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Consideration of the Tahoe Metropolitan Planning Organization FY 2000 Federal Transportation Improvement Program (FTIP).

Action Request: Conduct a noticed meeting, request public comments and provide recommendations on the development of the 2000 FTIP.

Recommendation: Staff recommend public comments be heard on this program.

Background: A brief background discussion on the TMPO formation and requirements related to the proposed Federal Transportation Plan (FTP) is included in the related staff summary. Similar to the requirement for adoption of the FTP, the TMPO must also provide for the adoption of a federal, or metropolitan, transportation improvement program. The FTIP for Lake Tahoe will serve as the programming document that will provide the ability to spend federal funds. The FTIP must be consistent with the FTP. As with the FTP, this FTIP is fiscally constrained, meaning that the proposed list of projects have funding options to back them up.

The FY 2000 FTIP meets federal MPO requirements as described in 23 CFR Parts 450 and 1410. It is intended for and only satisfies these federal planning requirements. The Tahoe Regional Planning Agency is not required to adopt a transportation improvement program under the Compact, but is required to develop a regional transportation improvement program as a California Regional Transportation Planning Agency. It should be noted that the federal transportation improvement program is a separate document and intended for different purposes than the regional document.

The State of California requires that MPOs submit their updated FTIPs by August 1 every even-numbered year. Amendments are provided for as information or issues change.

RW:jrwb
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The TMPO FTIP is then adopted into the California Federal Statewide Transportation Improvement Program and the Nevada Statewide Transportation Improvement Program. All of the projects proposed for inclusion in the FTIP are exempt projects and do not require a conformity determination.

The TTD Board of Directors and the members of the Tahoe Transportation Commission will be reviewing and received comment on the draft FTIP at their meeting on July 14, 2000. The FTIP will also be distributed to numerous public and private transportation stakeholders for their individual review and comment.

Staff will provide the APC with an overview of the FTIP. Copies of the proposed FY 2000 FTIP are being mailed to APC members separately from the APC packet. For those who are interested, but did not receive a copy of the FTIP, please contact Joy Wimer-Biller at (775) 588-4547, ext. 271 for a copy. If you have any questions or need additional information prior to the Board meeting, please feel free to contact Jim Allison or Richard Wiggins at the TRPA offices.