MEMORANDUM

Date: February 14, 2008
To: TRPA Governing Board
From: TRPA Staff
Subject: Community Enhancement Project Supporting Documentation

Enclosed please find copies of Attachments D – G that has been provided as a separate package from the Governing Board packet. The enclosed copies are supplemental materials in support of the Community Enhancement (CEP) public hearing item. Due to the volume of materials, attachments, and other related information for this agenda item, only the staff summary and resolution (Attachments A-C) are included in the Governing Board packet.

If you have any questions, please contact Brenda Hunt at bhunt@trpa.org or (775) 589-5225.

Supplementary Attachments included in this packet:

Attachment D: Recommendation Letters (Items 1-9)
Attachment E: County and City Commitment Letters and Resolutions (Items 1-4)
Attachment F: Pre-applicant Commitment Letters (Items 1-9)
Attachment G: Additional Public Comment Letters (Items 1 - 12)
ATTACHMENT E

County and City Commitment Letters (Items 1-4)

Item 1: Placer County
Item 2: Washoe County
Item 3: City of South Lake Tahoe Resolution
Item 4: Placer County Resolutions
CITY OF SOUTH LAKE TAHOE

RESOLUTION NO. 2007-83

RESOLUTION IN SUPPORT OF COMMUNITY ENHANCEMENT PROGRAM APPLICATIONS FOR THE MILLER/MIKASA SITE BY THE GARFINKLE FAMILY AND FOR THE SOUTH "Y" CENTER (RALEY'S/KMART) BY FIRST COMMERCIAL PROPERTIES

WHEREAS, the City of South Lake Tahoe Council approved a Memorandum of Agreement with the Tahoe Regional Planning Agency (TRPA) on February 13, 2006 regarding TRPA's place based planning and intention to pursue in 2007 demonstration projects that became TRPA's Community Enhancement Program (CEP); and

WHEREAS, the City of South Lake Tahoe has, in partnership with the TRPA, facilitated a series of workshops with the South Shore Planning Working Group (PWG) to review and provide input on various development concepts which have been utilized in reviewing pre-development applications for the CEP process; and

WHEREAS, the Garfinkle Family, who are owners of the Miller/Mikasa Site and First Commercial Properties, on behalf of the South "Y" Center (Raley's/Kmart) have submitted their applications to the Tahoe Regional Planning Agency (TRPA) for consideration under TRPA's Lake Tahoe Community Enhancement Program; and

WHEREAS, these applicants have made all efforts to submit CEP Proposals which meet the CEP criteria; and

WHEREAS, the projects submitted are conceptual in nature that will be reviewed and refined aesthetically and environmentally as part of the next steps in the CEP process under the auspices of City government and TRPA; and

WHEREAS, the projects submitted demonstrate a commitment of resources by existing South Lake Tahoe property owners to update and improve their property to meet community needs, and

WHEREAS, the City Manager is desirous that the City Council express its support for the submittal by these developers of the Proposals to TRPA under the Lake Tahoe Community Enhancement Program; and

WHEREAS, the City has adopted certain ordinances and regulations governing the use and development of the properties which will apply to the Proposals, and the City's support for the submittal of the Proposals by the developers shall not
limit, or be inferred to limit, the exercise of discretion by the City with respect to the City's duties and obligations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of South Lake Tahoe supports the submittal to the TRPA of the applications submitted by the Garfinkle Family and First Commercial Properties for consideration in accordance with TRPA's Lake Tahoe Community Enhancement Program.

PASSED AND ADOPTED by the City Council of the City of South Lake Tahoe at a meeting on December 11, 2007 by the following vote:

AYES:  Councilmembers WEBER, BIRDWELL, CRAWFORD, LONG & LOVELL

NOES:  Councilmembers

ABSTAIN:  Councilmembers

ABSENT:  Councilmembers

ATTEST:

Susan Alessi, City Clerk

Mike Weber, Mayor
January 30, 2008

Brenda Hunt, Associate Planner II, Land Use  
Pathway 2007 Branch  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449-5310

Dear Ms. Hunt:

Washoe County has reviewed the merits of the Community Enhancement Program (CEP) mixed use project pre-application brought forward by Boulder Bay, LLC and is pleased to provide these comments for consideration by the APC and the TRPA Governing Board. We are well aware of the concerns brought forward by TRPA staff in their letter to Lew Feldman dated January 16, 2008, and agree that many of the identified modifications would result in an improved project application and desirable enhancements to the Crystal Bay area.

Washoe County support of the Boulder Bay application would be enhanced by their agreed to contributions to several projects of particular importance in Crystal Bay, including the utility undergrounding and the Environmental Improvement Program (EIP) projects. The first enhancement that will bolster Washoe County support is utility undergrounding in the Stateline area.

Over the past two years, Washoe County has supported the development of a utility undergrounding feasibility study to address unsightly utilities at the CA/NV north Stateline area. This undergrounding involves utility lines in the Highway 28 Corridor on and adjacent to the proposed project boundaries. The entire undergrounding project has an estimated cost of over $1.1 million, and we would anticipate that in the course of construction of the Boulder Bay project, a substantial amount of the undergrounding could be accomplished by the redevelopment project at a reduced cost.

The second enhancement to bolster support for the Boulder Bay project is dedication of a drainage easement at the site of Lake Vista Mini-Park (EIP #115) to Washoe County and Placer County. This action would facilitate the implementation of an important EIP project that will integrate the Crystal Bay Stormwater Management Project, the Brockway Stormwater Management Project and the Mini-Park into a single project located on a parcel at the Stateline on the east side of Highway 28. Although many details remain to be developed, this dedication would allow the development of infiltration facilities sized to accommodate runoff from all of the planned projects and in concert with maintenance agreement would constitute an important EIP commitment.
The third issue of concern to Washoe County support is for the Boulder Bay project to make a substantial commitment to furthering non-motorized transportation. This could include a commitment to work with CalTrans, NDOT, Washoe and Placer Counties to create a multi-use trail connecting Crystal Bay to Kings Beach that would benefit local residential and tourist populations. Also, this commitment would help achieve a portion of the NV Stateline to Stateline trail connecting Crystal Bay to Incline Village. This improvement would assist in reducing basin VMT, automobile dependence and could also constitute a link in the around the lake bike trail. Further, Washoe County and the RTC continue to seek partners, such as Boulder Bay in identifying sustaining funding for the North Lake Tahoe Airport Shuttle Service that benefits commercial interests and tourism in the North Lake Tahoe area.

Washoe County supports some flexibility in the method of building height calculation for the Boulder Bay project, and recommends that a stepped back or graduated floor area ratio (FAR) approach be taken, in conjunction with benching into the slope to accommodate the desired gross floor area while minimizing visual mass. On the other hand, Washoe County’s support for flexibility in calculating allowable building height to recognize the benefits of the project is balanced by the concern that the project should not create adverse impacts on the viewshed and scenic corridors from other vantage points across the Lake and at strategic locations in the Washoe County portion of the basin.

Washoe County supports the TRPA staff’s suggestion regarding the use of high quality natural materials including stone, wood and alternative green building materials in the Boulder Bay project. This includes appropriate building coloration, texture and reflectivity since the Community Plan for Washoe County did not adopt design guidelines. Washoe County also supports all efforts of Boulder Bay to strive for at least the minimum level, or higher LEEDS certification in the design of structures that are part of the redevelopment project.

Lastly, Washoe County has before it an application for abandonment of certain streets in the project area to accommodate the Boulder Bay project and create more desirable patterns of internal circulation and access for those outside the immediate project area. Included in this application is the relocation of essential utilities. Such utility planning and relocation must be carefully planned and coordinated with the Incline Village General Improvement District (IVGID) to insure the preservation and efficiency of infrastructure.

In summary, if the voiced concerns of Washoe County can be satisfactorily addressed, Washoe County is supportive of the Boulder Bay project due to its potential for significant community benefits, environmental enhancements and positive economic impacts. With accomplishment of the improvements and objectives outlined in this letter and the letter of TRPA staff dated January 16, 2008 Washoe County is also supportive of a reservation of 40 tourist accommodation bonus units (TABU) and 48 multi-residential bonus units (MRBU) from the CEP special projects account for the Boulder Bay LLC.
application. An additional 43 Tourist Accommodation Units that would be drawn from the Community Plan are also supported.

We would also welcome the endorsement of Placer County for the Boulder Bay LLC application predicated upon the improvements addressed in this letter.

Thank you for the opportunity to address the Advisory Planning Commission and the TRPA Governing Board regarding the Boulder Bay CEP application.

Sincerely,

Adrian P. Freund, AICP, Director
Washoe County Community Development Department

cc:  Eva Krause, Planner, Washoe County Community Development
     Jim Galloway, Commissioner, Washoe County Board of County Commissioners
January 24, 2008

Ms. Brenda Hunt
Associate II Land Use Planner
Planning and Evaluation/Pathway 2007
Tahoe Regional Planning Agency
PO Box 5310
128 Market St.
Stateline, NV 89449

Regarding: EIP WATER QUALITY BENEFITS RELATED TO CEP PROJECT
APPLICATIONS, PLACER COUNTY

Greetings Brenda:

A major foundation for Placer County’s view of future urban development in the Lake Tahoe basin area of the county is largely based on the Community Enhancement Program (CEP) developed as part of the Tahoe Regional Planning Agency’s (TRPA’s) Pathway 2007 process. Projects applying under the CEP are expected to go above and beyond the typical requirements of a private development project conditioned and permitted in the basin. Often referred to as the triple-net gain, these requirements relate to environmental, social, and economic benefits that CEP project will provide to the region.

With regard to CEP projects being considered in Placer County, the Department of Public Works (DPW) would like the following issues considered in the review and selection of CEP project applications and how they can provide maximum environmental benefit in helping meet the water quality threshold of TRPA’s Environmental Improvement Program (EIP) as well as the forthcoming total maximum daily load (TMDL) of fine sediment and nutrients to be assigned to responsible Basin jurisdictions.

The DPW is the lead Placer County department for developing and delivering capital erosion control and stream environment zone (SEZ) restoration projects that help the county make progress towards the EIP water quality threshold standards and applicable storm water quality discharge standard assigned to Placer County by TRPA and the Lahontan Region Water Quality Control Board (LRWQCB) respectively. These projects all have an assigned EIP project no. and ones currently in the planning or design phases are located throughout the north and west shore areas of the basin including Tahoe Pines, Homewood, Tahoe City, Tahoe Vista, Kings Beach and Brockway. With CEP projects located in Homewood and Kings Beach, a strong nexus exists for fulfilling the goals of our water quality EIP projects and providing maximum water quality benefit by the CEP projects.
In order to more fully develop this water quality nexus between public and private projects, the following points are recommended by DPW for consideration by TRPA staff and CEP applicants. In addition, DPW commits to TRPA and CEP applicants to work through the details as necessary to satisfy final conditions for EIP environmental contributions to be made by the CEP projects that are considered equitable and above and beyond as roughly defined in the triple-net gain concept.

1) For CEP projects located in Kings Beach, DPW has three EIP project nos. that encompass the Kings Beach Watershed Improvement Project (WIP). This project addresses the urban area of Kings Beach just upgradient of State Route 28 (SR 28). The project has been divided into six construction phases corresponding with six sub-watersheds. The estimated timetable for construction of these phases is between 2009 and 2014, pending available funding. The construction cost for the WIP improvements is currently estimated at $17M. Two additional phases of water quality improvements correspond with the Kings Beach Commercial Core Improvement Project (EIP Project No. 10060) with improvements occurring along the SR 28 and storm water outfall zones below the highway. These improvements are scheduled for construction between 2010 and 2011, pending available funding. The construction cost for the CCIP water quality improvements is currently estimated at $9M. These eight water quality construction phases are shown graphically on the attached figure entitled “Construction Phasing Plan.” Overall proposed water quality components for Kings Beach are shown on the second figure entitled “Proposed Water Quality Improvement Components.”

2) The eight phases of Kings Beach water quality improvements combined are estimated to reduce fine sediment discharge from an average of 88,000 pounds per year to 45,000 pounds per year, or nearly a 50 percent annual pollutant loading reduction. Should more specificity be desired with respect to the loading reduction applied to each major construction phase, an additional study will be needed, estimated to cost $50K. This study is underway but should not be considered the critical path for assigned EIP improvements to the various CEP projects as articulated below.

3) DPW’s current budget situation currently has considerable funding assigned to the CCIP water quality improvements ($4.2M) with the anticipation that an additional funding allotment of $3M will be approved in 2008. However, there is no current funding available for the WIP improvements.

4) One or more of the CEP projects in Kings Beach can consider supporting the implementation of both CCIP and WIP improvements with emphasis placed on the WIP improvements as no funding has amassed for these improvements. In order to maximize these environmental benefits, CEP project applicants should propose a logical portion of these capital improvements to be constructed as part of their project(s). The details for a “logical portion” requires an effort to determine what that should be, but at least initially, applicants should make a proposal to TRPA and DPW can provide technical feedback if necessary.

5) DPW believes the design, easement acquisition and/or construction of these proposed water quality improvements, as opposed to collecting mitigation or in-lieu fees based on developed area or commodities given, would be the most productive and efficient means in making progress towards the EIP water quality threshold.
As the CEP project applications progress, additional information can be provided by DPW with regard to specific water quality improvements within each of the eight major construction phases that could be assigned to one or more of the Kings Beach CEP projects.

6) In summary for the Kings Beach CEP project applicants, there is a $26M current construction cost estimate in water quality improvements proposed by DPW’s CCIP and WIP projects with $4.2M acquired to date, and a total potential annual fine sediment reduction of 43,000 pounds per year. Further delineation of both construction cost estimates and pollutant load reduction by sub-watershed will be performed by DPW and should be completed by the end of February 2008. The attached financial spreadsheet shows a total of over $32M for Kings Beach water quality improvements when considering final design tasks, administrative costs, easements needed, and construction management.

7) Regardless of the outcome of the more detailed pollutant load modeling study, DPW sees the entire Kings Beach watershed that includes the six sub-watersheds as needing all the proposed water quality improvements outlined in the attachments. Kings Beach is the densest urban area in the north shore area of Placer County with the fewest water quality improvements. Our view is that right now, water quality improvement projects as delineated in each sub-watershed could be assigned in part or whole to the CEP program applicants. The details of how much of a project gets assigned could be based on the commodities needed and the “score card” concept discussed by TRPA staff in recent CEP meetings. In the end, our recommended approach would be to assign projects to CEP projects that have the closest physical spatial relationship (i.e., BB LLC gets assigned delivering a part of the Coon Watershed improvements with a current total estimated budget of $9.64M). DPW cannot overemphasize the fact that all of the proposed public water quality improvements need to be accomplished to achieve the 50% fine sediment reduction in Kings Beach. In addition, more opportunities will be afforded through a close spatial relationship between the locations of CEP projects and public water quality improvements such as capitalizing on consolidating drainage and treatment infrastructure needed by both parties.

8) For the Homewood CEP project applicant, DPW has water quality improvement planning efforts underway in the Homewood area and a similar process can occur by which an equitable approach is applied using the “score card” or commodities-based approach to quantify the amount the applicant contributes to proposed public water quality improvements still to be finalized by DPW.

9) Additionally, there are several other non-DPW related opportunities for EIP contribution that each of the projects have discussed at this early conceptual stage. The extent to which each project will participate will depend greatly on their proximity and the potential for appropriate application specific to the project. Those projects include, but are not limited to, transfer of development off of sensitive lands, pedestrian and bicycle improvements, transit capital and operating improvements and scenic improvements. The County is committed to working with each applicant to require and maximize opportunities for contribution in these areas.
Should you require any additional information regarding our recommendations, please feel free to contact me at (530) 581-6230.

Best regards,

[Signature]

Peter R. Kraatz, P.E.
Deputy Director, Placer County Public Works Department

Attachments: Kings Beach Construction Phasing Plan
             Kings Beach Water Quality Improvements Cost Summary

cc w/attachments: Allen Breuch, Land Use Manager, Placer County CDRA
                  Jennifer Merchant – Tahoe CEO, Placer County
                  Rae James – Placer County RDA
AGENDA ITEM X.A

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<th>SHEET NAME</th>
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<td>GRIFF CREEK WATERSHED</td>
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<td>B-1 THRU B-3</td>
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<td>CC-1 THRU CC-15</td>
<td>COMMERCIAL CORE IMPROVEMENTS</td>
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WATERSHED BOUNDARY (TYP)
### KINGS BEACH WATER QUALITY IMPROVEMENTS COST SUMMARY

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<th>Watershed</th>
<th>Engineers Estimate</th>
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Note: "Griff Creek Water Quality" and "Griff Creek SEZ" coincide with "Griff Creek Watershed" on the Construction Phasing Plan drawing.
Before the Board of Supervisors
County of Placer, State of California

In the matter of:

Adopt a resolution in support of the submittal to the Tahoe Regional Planning Agency of a pre-application by BB LLC in accordance with the Lake Tahoe Community Enhancement Program.

Resol. No. 2007-347
Ord. No. ..........................
First Reading .....................

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 23, 2007, by the following vote on roll call:

Ayes: ROCKHOLN, WEYGANDT, HOLMEE, UHLER, KRAUZ
Noes: NONE
Absent: NONE

Signed and approved by me after its passage. 

Chair, Board of Supervisors

WHEREAS, by Ordinance No. 4753-B adopted on July 16, 1996, the Board of Supervisors of the County of Placer has adopted the Redevelopment Plan for the North Lake Tahoe Project Area (Project Area); and

WHEREAS, the Redevelopment Agency of the County of Placer (Agency) is vested with responsibility pursuant to the Community Redevelopment Law (Part I of Division 24 of the Health and Safety Code of the State of California) to implement the Redevelopment Plan in the Project Area; and

BH/sb AGENDA ITEM X.A
Resolution 2007-347

WHEREAS, the Agency has engaged in discussion with BB LLC (Developer) regarding the planning and potential Agency participation in a redevelopment project within the Project Area; and

WHEREAS, the Agency and Developer entered into an Exclusive Negotiating Rights Agreement on July 23, 2007 in order to work cooperatively for the planning and implementation of a redevelopment project within the Project Area; and

WHEREAS, the Developer desires to submit its pre-application representing its development concept for a mixed-use resort (Proposal) to the Tahoe Regional Planning Agency (TRPA) for consideration under TRPA’s Lake Tahoe Community Enhancement Program; and

WHEREAS, the Agency is desirous that the Board of Supervisors express its support for the submittal by Developer of its Proposal to TRPA under the Lake Tahoe Community Enhancement Program; and

WHEREAS, the County has adopted certain ordinances and regulations governing the use and development of property which will apply to the Proposal, and the County’s support for the submittal of the Proposal by the Developer shall not limit, or be inferred to limit, the exercise of discretion by County with respect to County’s duties and obligations under the Placer County Code and/or state law arising out of or relating to the granting of any type of regulatory approval or action which may be related to the Proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Placer that your Board supports the submittal to the TRPA of a pre-application by BB LLC of its Proposal for consideration under the Lake Tahoe Community Enhancement Program.
Before the Board of Supervisors  
County of Placer, State of California

In the matter of:

Adopt a resolution in support of the submittal to the Tahoe Regional Planning Agency of a pre-application by Ferrari Family Resort in accordance with the Lake Tahoe Community Enhancement Program.

Resol. No. 2007-346
Ord. No. ...........................
First Reading......................

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 23, 2007, by the following vote on roll call:

Ayes: ROCKHOLM, WEGANDT, HOLMES, UHLER, KRANZ
Noes: NONE
Absent: NONE

Signed and approved by me after its passage.                                             Chair, Board of Supervisors

Attest:
Clark of said Board  

ANN HOLMAN

WHEREAS, by Ordinance No. 4753-B adopted on July 16, 1996, the Board of Supervisors of the County of Placer has adopted the Redevelopment Plan for the North Lake Tahoe Project Area (Project Area); and

WHEREAS, the Redevelopment Agency of the County of Placer (Agency) is vested with responsibility pursuant to the Community Redevelopment Law (Part I of Division 24 of the Health and Safety Code of the State of California) to implement the Redevelopment Plan in the Project Area; and
Resolution 2007-346

WHEREAS, the Agency has engaged in discussion with Ferrari Corporation, Inc., Ferrari Investment, LLC and LaPerrona, LLC (collectively Developer), regarding the planning and potential Agency participation in a redevelopment project within the Project Area; and

WHEREAS, the Agency and Developer entered into an Exclusive Right to Negotiate Agreement on July 25, 2006 in order to work cooperatively for the planning and implementation of a redevelopment project within the Project Area; and

WHEREAS, the Developer desires to submit its pre-application representing its development concept for a mixed-use resort (Proposal) to the Tahoe Regional Planning Agency (TRPA) for consideration under TRPA's Lake Tahoe Community Enhancement Program; and

WHEREAS, the Agency is desirous that the Board of Supervisors express its support for the submittal by the Developer of its Proposal to TRPA under the Lake Tahoe Community Enhancement Program; and

WHEREAS, the County has adopted certain ordinances and regulations governing the use and development of property which will apply to the Proposal, and the County's support for the submittal of the Proposal by the Developer shall not limit, or be inferred to limit, the exercise of discretion by County with respect to County's duties and obligations under the Placer County Code and/or state law arising out of or relating to the granting of any type of regulatory approval or action which may be related to the Proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Placer that the Board supports the submittal to the TRPA of a pre-application by Ferrari Family Resort of its Proposal for consideration under the Lake Tahoe Community Enhancement Program.
Before the Board of Supervisors
County of Placer, State of California

In the matter of:

Adopt a resolution in support of the submittal to the Tahoe Regional Planning Agency of a pre-application by Domus Development in accordance with the Lake Tahoe Community Enhancement Program.

Resol. No. 2007-348
Ord. No. ....................
First Reading ...............

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 23, 2007, by the following vote on roll call:

Ayes: ROCKHOLM, WEYGANDT, HOLMES, UHLER, KRANZ
Nees: NONE
Absent: NONE

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chair, Board of Supervisors

WHEREAS, by Ordinance No. 4753-B adopted on July 16, 1996, the Board of Supervisors of the County of Placer has adopted the Redevelopment Plan for the North Lake Tahoe Project Area (Project Area); and

WHEREAS, the Redevelopment Agency of the County of Placer (Agency) is vested with responsibility pursuant to the Community Redevelopment Law (Part I of Division 24 of the
Resolution 2007-348

Health and Safety Code of the State of California) to implement the Redevelopment Plan in the Project Area; and

WHEREAS, the Agency has engaged in discussion with Domus Development (Developer) regarding the planning and potential Agency participation in an affordable new and replacement affordable housing development within the Project Area; and

WHEREAS, the Agency and Developer entered into an Exclusive Negotiating Rights Agreement on July 23, 2007 in order to work cooperatively for the planning and implementation of developing new and replacement affordable housing scattered within the Project Area; and

WHEREAS, on July 23, 2007, the Agency entered into a pre-development loan agreement with the developer to provide funds up to $1,136,500 for pre-development costs associated with investigation of sites and preparation of development concepts to determine project feasibility; and

WHEREAS, the Developer desires to submit a pre-application representing its development concept for affordable housing (Proposal) to the Tahoe Regional Planning Agency (TRPA) for consideration under TRPA’s Lake Tahoe Community Enhancement Program; and

WHEREAS, the Agency is desirous that the Board of Supervisors express its support for the submittal by the Developer of its Proposal to TRPA under the Lake Tahoe Community Enhancement Program; and

WHEREAS, the County has adopted certain ordinances and regulations governing the use and development of property which will apply to the Proposal, and County’s support for the submittal of the Proposal by Developer shall not limit, or be inferred to limit, the exercise of discretion by County with respect to County’s duties and obligations under the Placer County Code and/or state law arising out of or relating to the granting of any type of regulatory approval or action which may be related to the Proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Placer that your Board supports the submittal to the TRPA of a pre-application by Domus Development of its Proposal for consideration under the Lake Tahoe Community Enhancement Program.