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 December 8, 2004, at the North Tahoe Conference Center located at 8318 North Lake Blvd., Kings Beach, CA. The agenda for the meeting is attached hereto and made a part of this notice.

December 1, 2004

[Signature]

John Singlaub
Executive Director
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. Distribution of 2005 Residential Allocations (60 minutes)  Page 1

B. Amendment of the Round Hill Community Plan to Designate Special Area #2, Douglas County APN 1318-22-001-003, as a Preferred Affordable Housing Area and Designate the Round Hill Community Plan as a Multi-Residential Incentive Area, Providing for Other Matters Properly Relating Thereto; (30 minutes)  Page 9

C. Amendment of Plan Area Statement 051, Tahoe Tyrol, to create a Special Area #1 Encompassing Washoe County APN 126-420-02, and to add Time Sharing – Residential Design and Bed and Breakfast Facilities as a Permissible Use within Special Area #1, and Providing for Other Matters Properly Relating Thereto (30 minutes)  Page 21

VI. PLANNING MATTERS

A. Presentation on Tahoe City Marina Master Plan Final EIS/EIR (30 minutes)  Page 37

B. Presentation on Tahoe Decision Support System (30 minutes)  Page 39
VII. REPORTS

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

VIII. ADJOURNMENT
I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:30 am

Members Present: Mr. Combs, Ms. Kemper, Ms. Krause, Mr. Lohman, Ms. Jamin, Mr. Jepsen, Mr. Plemel, Ms. Bovat (for Ms. Moss), Mr. Oden, Mr. Tolhurst, Mr. Harris, Mr. Poppoff, Ms. Schmidt

Members Absent: Ms. Baldrica, Mr. Cole, Mr. McIntyre, Mr. Porta, Mr. Riley,

II. PUBLIC INTEREST COMMENTS

None

III. APPROVAL OF AGENDA

Ms. Kemper moved to approve.
Motion Carried Unanimously

IV. APPROVAL OF MINUTES

Mr. Jepsen moved to approve.
Mr. Poppoff abstained.
Motion Carried.

V. PUBLIC HEARINGS

A. Amendment to Chapter 95 of the TRPA Code of Ordinances;
   Rental Car Mitigation Program, and other matters properly relating thereto

Staff Member Alfred Knotts presented the amendment to Chapter 95 and handed out an updated staff summary.

No Public Comment

Ms. Poppoff moved to approve.
Motion Carried.
VI. PLANNING MATTERS

C. Recommendation for Adoption of the 2004 Federal Transportation Improvement Program for the Lake Tahoe Region

Staff member Marc Reynolds presented the Federal Transportation Improvement Program adoption recommendation.

No Public Comment

Mr. Poppoff moved to approve with comments of adding California to the SHOPP Program and the Regional Improvement Program to distinguish them from Nevada.
Motion Carried.

A. Presentation and Discussion on TRPA’s Regulatory Framework Update Process and Form Based Plans and Codes

Staff member Paul Nielsen presented the regulatory framework process update.

No Public Comment

Paul Crawford, representing Crawford, Multari & Clark Associates presented Form Based Zoning Codes and how they can relate to issues associated with managing development at the Regional scale.

Public Comment:

Elise Vet, architectural engineer in the Basin, appreciated Mr. Crawford encouragement of public involvement in the process.

This is a no action item.


Staff member Coleen Shade presented the interim strategy for Regional Plan Amendments based on the Strategica report.

Public Comment:

Jon Paul Harries, representing the League to Save Lake Tahoe, encouraged the Board to go with Staff’s proposal as plan Amendments are resource intensive.

Staff member Coleen Shade provided a synopsis of what was stated by the APC; 1) staff should come up with criteria for issues that can go
forward in this next year that won't impact the Pathway process; 2) that staff would coordinate with the jurisdiction that the plan area statement is in and make sure we are in sync with their schedules; 3) TRPA project copies to be mailed to the jurisdiction when submitted; 4) TRPA to send a response back to the person (s) within 3-6 months during 2006 if their project would fit in the process.

Mr. Harris suggested that a deferment on applications for a period of time for the 2006 calendar year might be an alternative.

This is a no action item.

D. Discussion of proposed Lake Tahoe Transportation Governance Including APC’s Proposed Role as the Tahoe Transportation Commission

Staff member Carl Hasty presented the proposed role for APC in the Tahoe Transportation Commission.

This is a no action item.

VII. REPORTS

A. Executive Directors Report

Mr. Singlaub congratulated Teri Jamin for being elected to the School Board in Douglas County.
Mr. Singlaub updated the APC on Governing Board actions taken at the last monthly meeting.

B. Legal Committee Report

Mr. Kahn updated the committee on the following:

1) CCRLT scenic lawsuit is still being pursued.
2) TRPA currently has four active enforcement cases.

C. APC Members

Ms. Krause stated that last month the Nevada State APA was held at Lake Tahoe and she thanked staff for putting together different tours for the group. She also congratulated Matt Graham and the BMP team for winning the Excellence in Planning for Public Outreach for the BMP projects from the Nevada APA.

Mr. Poppoff stated that he concluded that the Thresholds that we have are not really based on environmental carrying capacity of the Basin. No one did a study to decide what that was. We adopted standards that we
thought might help but there wasn’t a study to give us confidence that if we achieved these Thresholds that the Basin would recover. What we really need to do with Threshold evaluation this time is to take a different kind of look. We should try to decide what the environmental carrying capacity of the Basin really is. The TMDL program that’s is going on will be a great help because that will determine what the environmental carrying capacity is of the Lake and we can base the Thresholds on how we control the effects.

Ms. Krause stated that related to Pathway 2007 that the P7 Forum applications are on the website that they are due November 18 and the P7 Executives will be deciding who those members are on November 23. Gabby was successful in hiring Jeremy Sokulsky to be the P7 update coordinator. Next week her Board is meeting on Nov. 15 at 1:00 p.m. and everyone is invited to attend if interested. On Dec. 9 & 10 they are hosting a TMDL Symposium at the Embassy Suites Hotel and they will be describing the projects that we have undertaken the last few years. There will be an agenda on the TIIMS website.

Mr. Combs stated that they are almost finished with their vacation rental ordinance and ready to go to their Board of Supervisors, which should happen in December.

Ms. Bovat stated that Douglas County is still working on their vacation rental ordinance.

XIV. ADJOURNMENT

Mr. Lohman adjourned the meeting at 2:30 p.m.

Respectfully submitted,

Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.
MEMORANDUM

November 29, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Distribution of 2005 Residential Allocations

Proposed Action: As required by Chapter 33 of the Code of Ordinances, consider a recommendation to the TRPA Governing Board to approve the attached resolution (Attachment A) setting forth the number of 2005 residential allocations for each jurisdiction.

Staff and Performance Review Committee Recommendation: TRPA staff and the Performance Review Committee recommend the Advisory Planning Commission recommend to the Governing Board the adoption of the proposed resolution which sets the number of 2005 residential allocations for each local jurisdiction as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of South Lake Tahoe</td>
<td>29 allocations</td>
</tr>
<tr>
<td>Douglas County</td>
<td>12 allocations</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>83 allocations</td>
</tr>
<tr>
<td>Placer County</td>
<td>50 allocations</td>
</tr>
<tr>
<td>Washoe County</td>
<td>34 allocations</td>
</tr>
<tr>
<td>Total</td>
<td>208 allocations</td>
</tr>
</tbody>
</table>

Background

In July 2002, the TRPA Governing Board took action to change the base number of residential allocations from 300 to 150 with the ability to range from a minimum of 78 to a maximum of 294 based on performance criteria in four areas: permit compliance, EIP Implementation, BMP Retrofit and transit. The action followed adoption of the 2001 Threshold Evaluation, which is performed every five years to evaluate TRPA’s progress towards achieving the environmental standards, or thresholds, for the Lake Tahoe Region. The 2001 evaluation concluded that sufficient progress was not being made towards meeting the thresholds and that the rate of implementing environmental improvement programs and projects needed to be increased. These programs and projects are known collectively as the TRPA Environmental Improvement Program (EIP) and its complete and timely implementation is an essential part of the basin-wide cooperative effort to achieve the environmental thresholds. As a result of the evaluation’s findings, staff was given direction to develop a system that links environmental programs to the allocation of additional development. The TRPA Code requires recommendations be included in the Threshold report to ensure progress toward attainment and maintenance of all thresholds. Development of a linkage system was the recommended approach since the TRPA Goals and Policies states, “The timing and phasing of both new development and remedial measures must, therefore, be carefully linked to ensure steady progress toward the
environmental thresholds” (Chapter VII, Implementation Element, Development and Implementation Priorities).

Chapter 33 Code Amendments Adopted in December 2002

In December 2002, the TRPA Governing Board adopted amendments that created the system for linking environmental improvements to the allocation of additional residential development. The amendment language was the result of several TRPA sponsored stakeholder-focused workshops and numerous public hearings that were designed to solicit public input into the development of the new allocation system. As a result of those workshops and hearings it was determined that additional residential development would be linked to:

- Increased efforts in the areas of Best Management Practice (BMP) retrofits
- Accelerated Water Quality/Air Quality/SEZ Restoration EIP implementation
- Increased Transit Level of Service (TLOS)
- Memorandum of Understanding (MOU) monitoring and compliance

TRPA worked with sub-groups of the larger stakeholder group and staff of the local jurisdictions to further define the linkage system that allows for the distribution of allocations ranging from a possible minimum of 78 to a maximum of 294.

The ordinance language includes performance targets that have been evaluated in determining the annual number of residential allocations distributed to the local jurisdictions. Allocation enhancement or deduction increments represent the jurisdiction’s proportional share of the historic annual allocations. Each jurisdiction has a baseline number of allocations that represents the starting point from which additional allocations will be awarded or deducted. The Allocation Performance Table adopted as part of the ordinance amendments is as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Minimum Allocation with Deductions</th>
<th>Deduction Increments</th>
<th>Base Allocation</th>
<th>Enhancement Increments</th>
<th>Maximum Allocation with Enhancements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas</td>
<td>9</td>
<td>-1</td>
<td>13</td>
<td>1</td>
<td>21</td>
</tr>
<tr>
<td>Washoe</td>
<td>13</td>
<td>-3</td>
<td>25</td>
<td>3</td>
<td>49</td>
</tr>
<tr>
<td>El Dorado</td>
<td>27</td>
<td>-7</td>
<td>55</td>
<td>7</td>
<td>111</td>
</tr>
<tr>
<td>CSLT</td>
<td>11</td>
<td>-3</td>
<td>23</td>
<td>3</td>
<td>47</td>
</tr>
<tr>
<td>Placer</td>
<td>18</td>
<td>-4</td>
<td>34</td>
<td>4</td>
<td>66</td>
</tr>
<tr>
<td>Total</td>
<td>78</td>
<td>150</td>
<td></td>
<td></td>
<td>294</td>
</tr>
</tbody>
</table>

Note: One deduction or enhancement increment equals the number of allocations shown for individual jurisdictions.
The four linkages are briefly described as follows:

1. **Increase Transit Services:** In an effort to increase level of service for transit operations, jurisdictions will be awarded or deducted allocations for surpassing or failing to approve Transit Level of Service (TLOS) targets and for increasing or decreasing funding levels to meet those targets. Because jurisdiction transit needs are different, the TLOS targets are jurisdiction specific although the criteria are common to all.

   For the 2005 allocation distribution, local jurisdictions will receive one unit of enhancement for improving three of nine of the previous year’s TLOS criteria by greater than five percent and two units of enhancement will be awarded for improving five of nine of the previous year’s TLOS criteria by greater than five percent. A one-increment deduction will be assessed for a five percent or greater decrease in four of the nine previous years TLOS criteria. The base number of allocations will be awarded in this category for maintaining the TLOS criteria as documented in the prior year. The Tahoe Transportation Technical Advisory Committee and the Tahoe Transportation District has reviewed staff’s recommendation for the TLOS performance.

2. **EIP Implementation:** In an effort to increase the rate of implementation of air and water quality EIP projects, jurisdictions will be awarded or deducted allocations for surpassing or failing to meet linkage targets such as through the submittal of EIP project lists or achieving project goals. This performance criteria is similar to the existing performance review requirements, however, it has been expanded to include air quality projects and SEZ restoration projects.

   For 2005, local jurisdictions will be awarded one unit of enhancement for 71% to 100% completion of project components based on 2004-2008 EIP project list submittals. Two units of enhancement will be awarded for greater than 100% completion of project components based on 2004-2008 EIP project list submittals. One unit of enhancement will be deducted for less than 50% completion or for not having an approved EIP component list and a maintenance efficiency plan. No enhancements or deductions will be assessed for completion in the 51% to 70% range.

3. **BMP Retrofit Implementation:** In an effort to increase the rate of BMP implementation, jurisdictions were awarded additional allocations in 2003 based on the establishment of programs designed to meet the annual BMP targets. The program generally include the following four elements: 1) public outreach and education, 2) BMP site evaluations, 3) technical resource assistance, and 4) final inspections. Starting with the 2004 allocations, allocation enhancements and deductions are based on the local jurisdictions ability to meet those program goals and for dedicating resources to the program.

   For 2005, jurisdictions will receive one unit of enhancement for achieving between 50% and 100% of the annual BMP targets and two units of enhancement will be awarded for exceeding the annual BMP targets. The baseline allocation will be earned by maintaining the resources needed to run the BMP program and a one-unit deduction will be assessed for not maintaining the program resources.

4. **Permit Monitoring and Compliance:** This linkage rewards jurisdictions that issue permits and perform compliance inspections in conformance with adopted TRPA Memoranda of Understanding. Penalties, or deductions, will occur where audits show permits and inspections have not been performed in conformance with the MOU. This component is part of the existing system and remains essentially unchanged. An average audit score of 70% is
expected, with many jurisdictions previously scoring near 90%. Jurisdictions receiving scores below 65% in both categories shall be incrementally decreased. Jurisdictions scoring above 75% and 90% in both categories shall be awarded one and two additional increments.

In Douglas County where there is no MOU, TRPA’s performance in issuing permits and performing inspections for projects in Douglas County will be used to determine the level of allocation enhancements or deduction.

Performance Review Committee (PRC):

In May 1997, the TRPA Governing Board adopted amendments to Chapter 33 of the TRPA Code of Ordinances. These amendments created the PRC, made up of a representative from each local jurisdiction receiving allocations and a TRPA representative. The PRC is charged with reviewing each of the local jurisdictions performance in the four linkage categories and making recommendations to the APC and GB on the distribution of allocations for the following year. On November 18, 2004, the PRC members met to determine their recommendation for the number of 2005 residential allocations for each local jurisdiction based on the performance criteria.

Much of the discussion at the November 18 PRC meeting concerned the BMP linkage targets and the large numbers of properties that are not retrofitted with BMPs. PRC members indicated the targets are difficult to attain due to the limited number of resources that are available for assisting the public with achieving the BMP targets. Staff described this year’s request from the City of South Lake Tahoe to use TRPA fines and forfeiture monies to help pay for a staff person dedicated to performing BMP evaluations in the City. Recognizing the need to help provide additional resources to the local jurisdictions for BMP efforts, the request was granted by the TRPA Governing Board; as a result, this year other jurisdictions can make similar requests depending on available funding.

The City of South Lake Tahoe representative requested that TRPA explore the potential for creating a trial program that could allow interested parties to earn allocations by installing BMPs on private properties. TRPA staff agreed that the City should work through the Local Government Committee to discuss whether or not the issue should be explored, but staff also explained that previous discussions identified problems with the proposal. The concept of awarding additional allocations to individuals for installing BMPs and then awarding additional allocations to the local jurisdiction for achieving its BMP targets resulted in a system that earned the local jurisdiction additional allocations twice for contributing toward the achievement of only one environmental improvement.

In regard to the permit monitoring and compliance portion of this year’s evaluation, the Placer County representative suggested that the local jurisdictions give the local building department staff the opportunity to ride along with the inspectors permitting the audits so local staff could observe the identified problems. This could allow for better communication and consistency between TRPA and local jurisdiction staff when applying the rules and regulations to active construction sites. Similar comments were made concerning the need for local jurisdiction’s staff to review the audit results for the permit monitoring exercise so they could learn from their errors and not repeat them in the future.

The PRC members present voted unanimously to recommend the 2005 residential allocations assignments discussed below. The motion included direction that TRPA staff consider reports from Douglas County and Washoe County if those reports had been lost in the mail or not prepared because of a communication error between TRPA and the jurisdiction.
2004 Performance Evaluation Results:

City of South Lake Tahoe – Base number of residential allocations is 23.

Transit Level of Service: The City of South Lake Tahoe will receive a one-increment deduction (three allocations) in this category as a result of a five percent or more decrease in five of nine TLOS criteria.

Permit Monitoring: The City of South Lake Tahoe scored 95.5% on the project review portion of the performance audit and scored 93.5% on the compliance portion. Therefore, two units of enhancement (six allocations) will be awarded in this category since the audit scores in both categories exceed 90%.

EIP Project Implementation: The City of South Lake Tahoe completed 71% to 100% of EIP project components based on 2004-2008 EIP project list submittals. Therefore, one additional unit of enhancement (three allocations) will be awarded in this category.

BMP Retrofit Implementation: The City of South Lake Tahoe maintained adequate resources to implement their BMP Retrofit Implementation Program. Therefore, no additional units of enhancement will be awarded in the category.

Summary: Staff recommends that the City of South Lake Tahoe receive 32 residential allocations in 2005.

El Dorado County – Base number of residential allocations is 55.

Transit Level of Service: El Dorado County will receive a one unit of enhancement (seven allocations) in this category for achieving a five percent or greater increase in three of nine previous years TLOS criteria.

Permit Monitoring: El Dorado County scored 98% on the project review portion of the performance audit and scored 92.5 on the compliance portion. Therefore, two units of enhancement (14 allocations) will be awarded in this category since the audit scores in both categories exceed 90%.

EIP Implementation El Dorado County completed greater than 100% of EIP project components based on 2004-2008 EIP project list submittals. Therefore, two additional units of enhancement (14 allocations) will be awarded in this category.

BMP Retrofit Implementation El Dorado County maintained adequate resources to implement their BMP Retrofit Implementation Program. Therefore, no additional units of enhancement will be awarded in the category.

Summary Staff recommends that El Dorado County receive 90 residential allocations in 2005.
Placer County – Base number of residential allocations is 34.

Transit Level of Service: Placer County will not receive enhancements or deductions in the number of allocations in this category for maintaining the TLOS criteria as documented in the prior year.

Permit Monitoring: Placer County scored 96% on the project review portion of the performance audit and scored 92.5% on the compliance portion. Therefore, two units of enhancement (8 allocations) will be awarded in this category since the audit scores in both categories exceed 90%.

EIP Implementation: Placer County completed greater than 100% of EIP project components based on 2004-2008 EIP Project List Submittals. Therefore, two additional units of enhancement (8 allocations) will be awarded in this category.

BMP Retrofit Implementation: Placer County maintained adequate resources to implement their BMP Retrofit Implementation Program. Therefore, no additional units of enhancement will be awarded in this category.

Summary: Staff recommends that Placer County receive 50 residential allocations in 2005.

Washoe County – Base number of residential allocations is 25.

Transit Level of Service: Washoe County will not receive enhancements or deductions in the number of allocations in this category for maintaining the TLOS criteria as documented in the prior year.

Permit Monitoring: Washoe County scored 92% on the project review portion of the performance audit and scored 92% on the compliance portion. Therefore, two units of enhancement (6 allocations) will be awarded in this category since the audit scores in both categories exceed 90%.

EIP Implementation: Washoe County did not submit an EIP implementation progress report. Therefore, one unit of deduction (3 allocations) will be awarded in this category.

BMP Retrofit Implementation: Washoe County has achieved the annual BMP target developed for Washoe County. Therefore, two additional units of enhancement (6 allocations) will be awarded in this category.

Summary: Staff recommends that Washoe County receive 34 residential allocations in 2005.

Douglas County – Base number of residential allocations is 13.

Transit Level of Service: Douglas County will not receive enhancements or deductions in the number of allocations in this category for maintaining the TLOS criteria as documented in the prior year.

Permit Monitoring: Douglas County scored 89% on the project review portion of the performance audit and scored 93.5% on the compliance portion. Therefore, one unit of enhancement (1 allocation) will be awarded in this category since the audit scores in both categories exceed 75%.
CIP Project List and Water Quality Project Maintenance: A CIP Project List and MEP were not submitted to TRPA. Therefore, one unit of deduction (1 allocation) will be assessed in this category.

BMP Retrofit Implementation: Douglas County has not developed a program that is expected to achieve the BMP retrofit targets. Therefore one unit of deduction (1 allocation) will be assessed in this category.

Summary: Staff recommends that Douglas County receive 12 residential allocations in 2005.

The results are further summarized in the following table.

<table>
<thead>
<tr>
<th></th>
<th>Douglas</th>
<th>Washoe</th>
<th>El Dorado</th>
<th>City SLT</th>
<th>Placer</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base (150)</td>
<td>13</td>
<td>25</td>
<td>55</td>
<td>23</td>
<td>34</td>
<td>150</td>
</tr>
<tr>
<td>Permit Compliance</td>
<td>1</td>
<td>6</td>
<td>14</td>
<td>6</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>EIP Implementation</td>
<td>-1</td>
<td>-3</td>
<td>7</td>
<td>3</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>BMP Retrofit</td>
<td>-1</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Increase TLOS</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>-3</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>12</td>
<td>34</td>
<td>83</td>
<td>29</td>
<td>50</td>
<td>208</td>
</tr>
<tr>
<td>Maximum Possible</td>
<td>21</td>
<td>49</td>
<td>111</td>
<td>47</td>
<td>66</td>
<td>294</td>
</tr>
<tr>
<td>Minimum Possible</td>
<td>9</td>
<td>13</td>
<td>27</td>
<td>11</td>
<td>18</td>
<td>78</td>
</tr>
</tbody>
</table>

If you have any questions or comments on this matter, please contact Paul Nielsen, at (775) 588-4547, extension 249.
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 2005-__

RESOLUTION TO SET THE NUMBER OF 2005 RESIDENTIAL ALLOCATIONS

WHEREAS, Chapter 33 of the TRPA Code of Ordinances was amended on December 18, 2002, to modify the performance-based allocation system; and

WHEREAS, the amendments to Chapter 33 included the previously established Performance Review Committee which includes one member from each local jurisdiction receiving residential allocation; and

WHEREAS, the amendments to Chapter 33 charged the Performance Review Committee with determining the number of residential allocations based on the general guidelines provided by the Governing Board; and

WHEREAS, the Performance Review Committee used the adopted criteria in December 2003 to evaluate the performance of each local jurisdiction receiving allocations, and recommended the assignment of 2005 residential allocations based on these criteria; and

WHEREAS, the Performance Review Committee presented their recommendations for assignment of 2005 residential allocations to the Governing Board on November 18, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board, based on the recommendation of the Performance Review Committee and substantial evidence in the record, hereby sets the number of 2005 residential allocations for each local jurisdiction as follows:

City of South Lake Tahoe ..................... 29 allocations
Douglas County .............................. 12 allocations
El Dorado County ............................ 83 allocations
Placer County ................................. 50 allocations
Washoe County ............................... 34 allocations
Total ........................................... 208 allocations

Passed and adopted this 15 day of December, 2004 by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

_____________________________
David Solaro, Chairman
Tahoe Regional Planning Agency

/pn 11/29/04
AGENDA ITEM V.A
MEMORANDUM

November 30, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Round Hill Community Plan to Designate Special Area #2, Douglas County APN 1318-22-003, as a Preferred Affordable Housing Area and Designate the Round Hill Community Plan as a Multi-Residential Incentive Program Area, and Providing for Other Matters Properly Relating Thereto.

Proposed Action: Staff is proposing to amend the Round Hill Community Plan to designate Special Area #2 as a Preferred Affordable Housing Area and a Multi-Residential Inventive Area.

This amendment to the Round Hill Community Plan has been initiated by staff after receiving an inquiry from a representative of the Our Lady of Tahoe Catholic Church (the Church) regarding the church’s desire to develop a single housing unit for the church’s pastor.

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

Discussion: The proposed amendment stems from an inquiry regarding the inconsistency of the community plan boundary line between various maps in the community plan document, the Final EIS, and TRPA’s adopted Regional Plan Overlay maps. After further research into the matter, staff has concluded that the boundary line, as adopted in the Regional Plan Overlay Map H-15, was drawn incorrectly at the time of the adoption of the Regional Plan. As originally drawn and adopted on the Regional Plan Overlay, the boundary line is drawn east of the actual parcel line of parcel 1318-16-801-001, a timeshare project, and bisects parcel 1318-22-001-003, Our Lady of Tahoe Catholic Church (See Attachment A). Therefore, as mapped, portions of both parcels are located within the recreation plan area where these uses are non-conforming. Further research into the community plan document and the Final EIS, revealed that it was the intention of the plan team that these two parcels were fully included in the adopted community plan. The error may have occurred in the original mapping due to the coarse scale of the Regional Plan Overlay Maps which are set at 1”=400’. Additionally, the base map used for the Regional Overlay map does not illustrate the parcel line between the Church and the U.S. Forest Service parcel. Therefore, it has been determined that the line drawn originally was an approximation of where it was thought the Church parcel ended.
Due to the conflicting boundaries, staff is proposing that the error in map H-15 of the Regional Plan Overlay maps be amended administratively pursuant to Subsection 13.6.A. Subsection 13.6.A states that when uncertainty exists with respect to the boundaries of any plan area or special area because of the scale of the maps, or for any other reasons which make exact boundary determination difficult or uncertain, the precise boundary line shall be established by using the criteria where plan area boundaries appear to follow ownership boundaries, such boundaries shall be the plan area boundaries. This appears to be the case in the Round Hill Community Plan. As stated above, the coarse nature of the 400-scale map made it difficult to identify the parcel lines of the two subject parcels. In addition, review of the community plan document and the EIS indicates that these two parcels have always been considered as part of the community plan (See Attachment A). Therefore, staff is proposing to amend the map administratively and as illustrated in Attachment B.

**Special Designation Amendments:** Subsequent to the inquiry and initiation by staff to amend the mapping error, a representative of the Church requested that TRPA also amend the Special Designations of the Community Plan to allow for the development of a work-force housing unit on site. The request was made in order to facilitate the use of a bonus unit and gain an exemption from the allocation system due to the fact that the housing unit would be considered affordable housing. TRPA reviewed the request and determined that it was reasonable and consistent with the policies of the community plan.

It is staff’s opinion that the proposed use change to the Community Plan areas would not have an environmental impact on the thresholds or the land use goals and policies of the region. Multi-family dwelling and employee housing are currently recognized and permissible uses in all the community plan and the proposed amendment would not trigger the Transit-Oriented Designation (TOD) findings required in Chapter 13 of the Code. The intent of the TOD findings is to encourage the development of higher density multi-family projects within close proximity of transit and services and not in outlying single family residential plan areas. Although this finding is not triggered by this amendment it should be noted that the Community Plan meets the TOD criteria for distance from transit and neighborhood services.

The amendment would not result in any additional development than that allowed by the Regional Plan. Bonus units would be allocated by TRPA within the limits established in the Regional Plan. Although the amendment does not result in increased development potential than that permitted by the Regional Plan, it does result in the movement of bonus units into areas that are conducive and ideal for higher density development. From a land use perspective this is consistent with TRPA findings to locate higher density development within the urban corridors close to operational transit, work centers, and services.

**Land Use Consistency:** The proposed amendment does not result in any changes to the permissible use list that would result in inconsistent land uses or inconsistent land use patterns or the planning statement for the plan areas. The community plan has multi-family dwelling and employee housing as a permissible use. The increased opportunity for multi-family development in these plan areas is consistent with the land use classifications as follows:
Commercial and Public Service Areas are areas that have been designated to provide commercial and public services to the Region or have the potential to provide future commercial and public services. The purpose of this classification is to concentrate such services for public convenience, separate incompatible uses, and allow other non-commercial uses if they are compatible with the purpose of this classification and other goals of the Regional Plan. These lands include areas now developed for commercial or public service uses; in the case of public services, lands designated for, or in, public ownership; areas suitable to encourage the concentration of compatible services; areas of good-to-moderate land capability; or areas with adequate public services and transportation linkages. The amendments are consistent with this classification. Although multi-family is a non-commercial use it is compatible with this classification. A goal of the Regional Plan is to concentrate workforce housing development closer to commercial nodes, to allow access to services, work centers, and transportation linkages, which reduces the dependence on the automobile and reduces the amount of Vehicle Miles Traveled (VMT). The amendment would facilitate and workforce housing closer to commercial and public service nodes.

Plan Area Designations: Consistent with the TPRA Goals and Policies, TRPA has created incentive programs for developing affordable workforce housing in the Region. The programs include designating areas as “Preferred Affordable Housing” and “Multi-Residential Incentive Program”. The “Multi-Residential Incentive Program” permits the use of incentives outlined in Chapter 35 to obtain multi-residential bonus units; however, they are not restricted to affordable housing units. The designations proposed in this amendment is consistent with the plan areas that currently permit the development of multi-family and employee housing and would further enhance and provide the incentive to develop workforce housing. The designation would permit the applicant to apply for a bonus unit to develop a workforce housing project and get an exemption from the allocation requirements.

Transit Oriented Development: As discussed earlier, all the targeted plan areas and community plan currently allow multi-family dwelling and employee housing as a permissible use and the TOD findings are not relevant. However, it is important to note that all the targeted areas meet the criteria established for the TOD findings that include close proximity to transportation linkages, work centers, public services, and commercial services.

Transportation: No significant impacts to Level of Service are anticipated. It is anticipated that the close proximity to services and work centers will reduce the dependence upon the automobile. However, any subsequent project implemented, as a result of the amendment would have to provide adequate parking and mitigate any trips generated.

Effect on TRPA Workload: This amendment is expected to have a neutral impact on Project Review’s workload. The parcels are currently developed and the amendment does not result in any additional work beyond that anticipated for a standard review.

Required Findings: The following findings must be made prior to adopting the proposed amendments:
A. **Chapter 6 Findings:**

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

   **Rationale:** The amendment to the Community Plan will not adversely affect implementation of the Regional Plan. The proposed amendment is consistent with the intent of the Community Plan to allow multi-family dwelling and employee housing development. In light of the need to provide affordable housing in the region, the amendment provides a mechanism to develop such projects. The amendment provides the opportunity to facilitate needed workforce housing development.

   As discussed in the staff summary, the amendment is consistent with the Community Plan and does not result in any increase development potential than that established in the Regional Plan. The amendment will result in transfer of development rights to develop higher density projects that are currently permissible in the Community Plan.

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

   **Rationale:** Any projects that are proposed due to this amendment will be required to comply with all aspects of the Regional Plan package, including applicable thresholds. The amendment will not cause the environmental thresholds to be exceeded. The amendment does not result in any additional development potential beyond that established by the Regional Plan, but rather provides opportunities and encourages higher density development within close proximity to commercial nodes to reduce the dependency on the automobile. Providing opportunities for workforce housing closer to commercial nodes is consistent with the Transit Oriented Findings and will provide access to services, work centers, and transportation linkages, which reduces the vehicle miles traveled (VMTs) in the Basin.

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

   **Rationale:** Any new or expansion of development due to this amendment will continue to be subject to federal, state, and local air and water quality standards.
4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

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

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

Rationale: See findings 1 and 2 above

B. Chapter 13 Findings:

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

Rationale: As discussed in the Land Use Consistency Section above, the ability to develop workforce housing projects in areas designated for multi-residential and employee housing is consistent. The ability to develop workforce housing within areas designated as Commercial/Public is also consistent with the goals of the Regional Plan to encourage higher density development within close proximity of commercial nodes that provide transportation linkages, public services, close proximity to work centers and neighborhood services. In addition the designations of Multi-Residential Incentive Program will provide the mechanism to develop workforce housing the community plan.

Environmental Documentation: Staff has completed the Initial Environmental Checklist and recommends that a Finding of No Significant Effect (FONSE).

Staff will begin this item with a brief presentation. Please contact John Hitchcock at (775) 588-4547 x.220, or via email at jhitchcock@trpa.org, if you have any questions regarding this matter.

Attachments: A. Boundary line change to Map H-15
B. Proposed boundary in Certified Round Hill Community Plan FEIS
C. Adopting Ordinances

Exhibit 1 Proposed Amendments to Round Hill Community Plan
PROPOSED CP AREAS / LAND USES

Legend:

1. Special Area
2. Special Area Boundary
3. Pedestrian Improvements
4. Land Use Proposal
5. Proposed CP Boundary

NOTE: Project locations are schematic. See the text for location descriptions.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2004 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; TO AMEND THE ROUND HILL COMMUNITY PLAN TO DESIGNATE SPECIAL AREA #2, DOUGLAS COUNTY APN 1318-22-001-003, AS A PREFERRED AFFORDABLE HOUSING AREA AND DESIGNATE THE ROUND HILL COMMUNITY PLAN AS A MULTI-RESIDENTIAL INCENTIVE PROGRAM AREA, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by, by Designating Special Area #2 as a Preferred Affordable Housing Area and a Multi-Residential Incentive Area, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code and Article V(g) of the Compact,

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00  Amendment of the Round Hill Community Plan

Subsection 6.10, subparagraph (26) of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated November 17, 2004, which attachments are attached hereto and incorporated herein.

Section 3.00  Interpretation and Severability

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

Section 4.00  Effective Date

The provisions of this ordinance amending the Round Hill Community Plan shall be effective immediately.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held December 15, 2004 by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency
Chapter II
LAND USE ELEMENT

This Land Use Element is a supplement to the Land Use Element of the TRPA Goals and Policies Plan. Consistent with the Regional Plan, this Element sets forth the land use regulations for the Community Plan and provides a Community Plan Area Statement which replaces the existing Plan Area Statement.

A. ROUND HILL COMMUNITY PLAN LAND USE REGULATIONS

Community planning is an option in which the local community in partnership with TRPA and local government may prepare their own plans and to some extent their own standards.

Chapter 14 of the TRPA Code of Ordinances sets forth the provisions for community planning. This section indicates what provisions of the TRPA Regional Plan are applicable and what standards are replaced with equal or superior standards.

This is a brief summary of standards applicable to the Round Hill Community Plan. In general the standards of the TRPA Code apply except as noted by:

1. The Policies of the six Elements of this plan, replace Plan Area Statement policies;
2. The mitigation fee program of Chapter VII, supplements TRPA programs;
3. The Community Plan Sign Ordinance (Appendix B), replaces Chapter 26;
4. The Community Plan Parking Ordinance (Appendix B), replaces Chapter 24; and

Pursuant to Subsection 14.5.B of the Code the following Community Plan Statement replaces the TRPA Plan Area Statements' regulations for this area.

The detailed checklist of applicable standards in Appendix A is provided to assist in the review of projects within the Round Hill Community Plan. The check list also indicates which regulations are special to the Community Plan.
B. ROUND HILL COMMERCIAL COMMUNITY PLAN AREA STATEMENT

This Community Plan Area Statement supersedes TRPA Plan Area Statements within the Community Plan boundaries.

PLAN DESIGNATION:

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<thead>
<tr>
<th>Land Use Classification</th>
<th>COMMERCIAL/PUBLIC SERVICE</th>
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<td>Management Strategy</td>
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<td>Special Designation</td>
<td>TDR RECEIVING AREA FOR:</td>
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<td>1. Existing Development</td>
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<td></td>
<td>2. Scenic Restoration Area Multi-Residential Units</td>
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<td>MULTI-RESIDENTIAL INCENTIVE AREA</td>
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<td>PREFERRED AFFORDABLE HOUSING AREA (Special Area #2, Douglas County APN 1318-22-001-003 Only)</td>
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MEMORANDUM

November 24, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 051, Tahoe Tyrol, to create a Special Area #1 Encompassing Washoe County APN 126-420-02, and to add Time Sharing – Residential Design and Bed and Breakfast Facilities as a Permissible Use within Special Area #1, and Providing for Other Matters Properly Relating Thereo.

Proposed Action: The applicant, Paul Zahler and Philip GilanFarr, proposes to amend Plan Area Statement 051, Tahoe Tyrol, and a residential plan area in Incline Village, to create a Special Area #1 encompassing Washoe County APN 126-420-02, and add Time Sharing – Residential Design and Bed and Breakfast Facilities as a permissible use within Special Area #1. In addition, the density table would be amended to add Timeshares – Residential Design, at a density of up to 15 units per acre and Bed and Breakfast Facilities at a density of 10 units per acre.

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

Washoe County Zoning: Washoe County has not adopted TRPA Plan Area Statements and therefore has its own underlying zoning for that portion of Washoe County located within the Tahoe Basin and known as the Tahoe Planning Area. The standards for development in the Tahoe Basin are either the standards of the Tahoe Regional Planning Agency or Washoe County, whichever is considered more restrictive.

The plan area is zoned High Density Suburban (HDS) Regulatory Zone and it is intended to create and preserve neighborhoods where the predominant housing type is single-family, detached units at seven units per acre. Attached single-family units are also permitted at nine units per acre, subject to special review. Small neighborhood commercial and civic uses may be permitted when they serve the needs of the residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this regulatory zone is seven (7) units per one (1) acre for single-family detached; and nine (9) units per one (1) acre for attached single family and mobile home parks. The minimum lot area in this regulatory zone is 5,000 square feet.

Bed and Breakfast Facilities are currently permitted in the Plan under Washoe County’s zoning for the Tahoe Planning Area, but require a Board of Adjustment Special Use Permit. The use is allowed only upon approval of a special use permit approved by the Board of Adjustment pursuant to Article 810, Special Use Permits. Bed and Breakfast Facilities are defined as single-family dwellings with guest rooms (no cooking facilities in

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guest rooms) where, for compensation, meals and lodging are provided. However, Vacation Timeshare is not currently permissible in areas zoned as High Density Suburban in the Tahoe Planning Area and will require an amendment to the Washoe County Comprehensive Plan. An amendment to the Washoe County Comprehensive Plan would require a finding that is consistent with Policy T.5.2 of the Tahoe Planning Area adopted by Washoe County in August 2004. The policy states the following:

T.5.2 Allow time-sharing only in areas that are designated tourist commercial in this plan and are within TRPA’s plan area statements 032, 044, 045, 046 and 048.

- T.5.2.1 Encourage zone changes that implement this policy where appropriate.
- T.5.2.2 Amend Chapter 110 of the Washoe County Code to restrict timesharing in the Tahoe planning area to tourist commercial land use designations and TRPA’s Plan Area Statements 032, 044, 045, 046 and 048. Timeshares shall only be allowed in areas with both designations.
- T.5.2.3 Amend TRPA’s Plan Area Statements to adhere to this restriction. Specifically, timeshares shall not be allowed in TRPA’s Plan Area Statement 054.

The addition of timeshares to PAS 051 would be inconsistent with the County’s policy regarding timeshare development. If the TRPA Governing Board approved amending the plan area to allow timeshares, but the amendment fails at the County level, the most restrictive zoning regulation would apply which in this case would be the County’s. Staff has discussed this amendment with County staff and was informed that the County did inform the applicant that a comprehensive plan amendment would be required at the County level to add timeshares as a permissible use.

Discussion: The proposed amendment is being submitted by Mr. Paul Zahler and his representative, Philip GilanFarr of GilanFarr Architects. The proposed amendment is an amended regional plan amendment submitted to TRPA in November 2003. The original proposal requested TRPA to amend PAS 051, Tahoe Tyrol, to add Multi-Family Dwelling as a permissible use in the Plan Area. The request was reviewed by staff for consistency with the Code and Regional Plan. Staff met with the applicants and stated that staff could not make a recommendation in the affirmative on the proposed amendment. It was staff’s opinion that the Transit Oriented Design (TOD) findings required in the Code for the addition of multi-family dwelling to a residential plan area could not be made. Subsequently, the applicant requested a continuance to discuss alternative options to the original proposed amendment. The subject property for which this amendment would apply is currently a large vacant parcel in an otherwise built out plan area. The subject property was originally zoned for neighborhood commercial services to serve the subdivision. Subsequently, in 1972 the zoning was amended to delete commercial uses; however, a special policy was adopted specifically for the subject parcel. The adopted policy stated that TRPA should consider amending PAS 051 to permit Multi-Family Dwelling on the subject parcel on the areas designated high capability. This is the provision of the Code that the applicant referenced in support of their original application to amend the Plan Area to add Multi-Family Dwelling. However, TRPA was not able to recommend approval because of the subsequent adoption of the TOD findings. Because of the new TOD findings, TRPA was not able to override the Code findings because of a special policy.

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Discussions on possible alternatives resulted in the most recent proposed amendment to amend the Plan Area to add Time Sharing – Residential Design and Bed and Breakfast Facilities to the permissible use list. In staff’s opinion, these uses are consistent with the land use theme and existing land use pattern of PAS 051. The addition of Time Sharing – Residential Design and Bed and Breakfast Facilities uses to TRPA’s land uses would be consistent with Washoe County’s zoning. The Bed and Breakfast use is generally characteristic of single-family structures and would be consistent with the existing development pattern which is a Planned Unit Development (PUD) consisting of smaller single family residential design with the open space held in common ownership. The addition of timeshares would be limited to residential design and consistent with the existing land use theme and would be designed in a manner that reflects the surrounding single-family units rather than a hotel-motel design, which would be out of scale and character to the neighborhood.

It is staff’s opinion that adding the Time Sharing – Residential Design and Bed and Breakfast Facilities uses to the Plan Area will not negatively affect the existing land use pattern or character of the neighborhood. The result of the design limitation to residential design and/or bed and breakfast is designed to ensure that any resulting project is consistent with the existing pattern and density of smaller single family residential uses. In addition, the amendment will provide an opportunity to provide tourist related uses in close proximity to a recreation use, the Diamond Peak Ski Area. The ski area is located directly adjacent to the Plan Area.

The current Plan Area is designated a Residential plan area. The Code defines residential plan areas as “areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non-residential uses that complement the residential neighborhood. These lands include: (i) areas now developed for residential purposes; (ii) areas of moderate-to-good land capability; (iii) areas serviced by utilities; or (iv) areas of centralized location in close proximity to commercial services and public facilities.” The addition of Time Sharing – Residential Design and Bed and Breakfast Facilities uses to the Plan Area is consistent with this designation that provide for non-residential uses that complement the Plan Area. The addition of Time Sharing – Residential Design and Bed and Breakfast Facilities uses and the very nature that bed and breakfasts are generally single-family structures is consistent with the existing land use pattern.

The amendment would not result in any additional development than that allowed by the Regional Plan. Time Sharing – Residential Design and Bed and Breakfast Facilities uses would be transferred to the site from existing development.

No significant impacts to Level of Service (LOS) are anticipated. It is anticipated that the close proximity to a recreation source would reduce dependence upon the automobile. The projected Daily Vehicle Trips Ends (DVTE) is 193 for the Bed and Breakfast use and 161 for the timeshare use. Both are considered minor increases in vehicle trips and can be mitigated through air quality fees. However, any subsequent project implemented as a result of the amendment would have to provide adequate parking.
Effect on TRPA Workload: The amendment is expected to have a neutral impact on Project Review’s workload. The parcel is currently vacant and the amendment does not result in any additional work beyond that anticipated for a standard review.

Findings: Prior to amending the Plan Area Statement, TRPA must make the following findings.

A. Chapter 6 Findings

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

   Rationale: The amendment to PAS 051 will not adversely affect implementation of the Regional Plan. The proposed amendment would potentially permit the development of tourist accommodation uses within a plan area located directly adjacent to a ski area and recreation access point. This amendment would provide an opportunity to provide tourist related use in close proximity to a recreation area that would reduce dependency on the automobile. In addition, the amendment would make TRPA plan area statement consistent with Washoe County’s current zoning regulations that permit bed and breakfast uses within the Plan Area.

   The provisions of the Code allow non-residential type uses within plan areas designated as residential provided that they are consistent and complement the neighborhood. The addition of tourist related uses that are residential in design would be consistent with this finding and would allow development that reflects the existing character of the neighborhood of smaller single-family residential development.

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

   Rationale: Any projects that are proposed due to this amendment will be required to comply with all aspects of the Regional Plan package, including applicable thresholds. The amendment will not cause the environmental thresholds to be exceeded. The amendment does not result in any additional development potential beyond that established in the Regional Plan, but rather provides an opportunity to transfer existing tourist accommodation uses in close proximity to a recreation access point and reduce the dependency on the automobile.

   In addition, developing tourist uses in areas that provide access to recreational opportunities will help achieve and maintain the environmental thresholds. Visitors will be less dependent upon the automobile and will help achieve the recreation threshold of...
providing access to recreational activities that are located adjacent to the plan area.

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

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

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

**Rationale:** See findings 1 and 2 above. Furthermore, all projects that may occur because of this amendment will still be subject to the Code, Goals and Policies, and the appropriate community plan and its guidelines for achieving and maintaining environmental thresholds.

**B. Chapter 13 Findings:**

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

**Rationale:** As discussed in the land use consistency section above, the addition of Time Sharing – Residential Design and Bed and Breakfast Facilities uses in this Plan Area would not adversely affect the Plan Area’s residential designation. The designation permits non-residential uses provided they complement the neighborhood. Bed and breakfast is currently a permissible use under Washoe County’s zoning regulations and the requirement that the tourist accommodations uses are residential design would further limit any potential development to respect the scale and character of the PUD of smaller single-family residential design.

**Environmental Documentation:** The applicant has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff has reviewed the IEC and proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and 13 findings above.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 775-588-4547 x.220, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

**Attachments:**

- Attachment A. Adopting Ordinance
  - Exhibit 1. Proposed Amendment to Plan Area Statement 051
  - Exhibit 2. Proposed Special Area #1
- Attachment B. Public Comment Letters Received.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by, amending Plan Area Statement 051, Tahoe Tyrol, a Residential Plan Area, Incline Village, Nevada, to add Time Sharing – Residential Design and Bed and Breakfast Facilities as a permissible use within the plan area, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00  Amendment of Plan Area Statement 051, Tahoe Tyrol

Subsection 6.10, subparagraph (26) of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated November 24, 2004, which attachments are attached hereto and incorporated herein.

Section 3.00  Amendment of Plan Overlays

Subsection 6.20, subparagraph (1) of TRPA Ordinance No. 87-9 as amended, is hereby further amended as set forth in Exhibit 2, dated November 29, 2004.

Section 4.00  Interpretation and Severability

The provisions of this ordinance and the amendments to Plan Area Statement 051, Tahoe Tyrol, adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to plan area, shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.

Section 5.00  Effective Date

The provisions of this ordinance amending Plan Areas Statement 051 to create Special Area #1, amend the Special Designations, and deletion of Special Policy #2 shall be effective immediately. The provisions of this ordinance amending the Permissible Uses and the Densities shall be effective 60 days after the adoption of this ordinance.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held December 15, 2004 by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency
**051**  
**TYROLIAN VILLAGE**

**PLAN DESIGNATION:**

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<td>MITIGATION</td>
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<tr>
<td>Special Designation</td>
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</table>

**TDR RECEIVING AREA FOR:**  
1. Existing Development (Special Area #1 Only)

**DESCRIPTION:**

**Location:** This area is adjacent to the Incline Ski Area and can be found on TRPA map H-3.  
**Existing Uses:** Existing uses are primarily residential, both low and high density. The majority of the residential area is a planned unit development. There is also a condominium project which is approved for 185 units. This area is 45 percent built out.

**Existing Environment:** This plan area is 95 percent high hazard and five percent SEZ. The condominium project which has been approved is highly disturbed. The land coverage is 30 percent plus an additional 15 percent disturbed.

**PLANNING STATEMENT:** This area should continue to serve as residential, maintaining the area at current densities.

**PLANNING CONSIDERATIONS:**

1. A condominium project (Bitterbrush) for 185 units has been approved in this Plan Area. The area now contains severe cuts and fills, denuded areas, and major stabilization and drainage problems. Some onsite and offsite improvements will be conducted as a part of the litigation settlement for the project.

2. Improvements in and around the Tyroli an Village planned unit development were not adequate. TRPA and the Tyrolian Village Homeowners have an agreement to provide the needed improvements.

3. There is an IVGID water diversion on Incline Creek in the northern part of this Plan Area.

**SPECIAL POLICIES:**

1. Drainage, slope stabilization, and associated scenic problems in this Plan Area require attention as soon as possible.

2. If lands zoned commercial under the 1972 TRPA Plan are found to have a land capability of 4 or better, this area should be considered for multi-residential TDR to these sites.
**PERMISSIBLE USES:** Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

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

**Residential**  
Single family dwellings (A).

**Public Service**  
Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), and public utility centers (S).

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

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

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

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

**Tourist Accommodation**  
Time sharing – Residential Design (S), bed and breakfast facilities (S).

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

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td><strong>Tourist Accommodation</strong></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>10 units per acre</td>
</tr>
<tr>
<td>Time Sharing – Residential Design</td>
<td>15 units per acre</td>
</tr>
</tbody>
</table>
MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 CNEL.

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

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

ENVIRONMENTAL IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented. 

§ Amended 5/22/02
Mr. Hitchcock,

Attached is a letter from the Tyrolian Village Association Board of Directors, objecting the proposal for the parcel development as submitted by Mr. Zahler and Mr. Gilanfarr's application.

Please contact me if you have any questions and please confirm that you received this email and letter.

Sincerely,

Vojko Lapanja
Association Manager
November 23, 2004

Tahoe Regional Planning Agency  
Attn: John Hitchcock  
P.O. Box 5310  
Stateline, NV  89450

Subject: Zahler/GilanFarr, Proposed Amendment to Permit Tourist Accommodation Uses in PAS Tyrolian Village

Dear Mr. Hitchcock,

This letter is written on behalf of the Tyrolian Village Homeowners Association Board of Directors. The purpose of this letter is to notify TRPA staff that, as representatives of the Tyrolian Village HOA, we adamantly oppose the proposed amendment to allow for Tourist Accommodation Use in this Plan Area.

The applicants originally proposed a 4 unit multi-family development on this parcel, which was acceptable to our association; however, this use was not permitted by TRPA due to the inability of the applicant to make the necessary Transit Oriented Design (TOD) findings.

To get around that obstacle, the applicant is now proposing to amend the PAS to permit Tourist Accommodation Uses, specifically timeshare on this property, permitting 16 units. This change in permitted uses would create a dramatic increase in the intensity of development on the parcel, not limited to: traffic, air quality, water quality, (as they are proposing to modify a beautiful stream zone that is one of our associations most beloved assets), noise and overuse of our existing infrastructure including water, sewer lines as well as roads.

As a planned unit development, we cherish the quiet, residential character of our neighborhood and would prefer that it remain intact. Overall, this amendment would substantially and negatively alter the nature of our surroundings. We have additional concerns and reasons that would support a denial of the application if you or your staff are interested. Please consider the opposition of the members of Tyrolian Village to this project and recommend that the application be denied.

Respectfully,

Eric Pensegrau  
President, Tyrolian Village Board of Directors
We received a Notice of Application and Hearing from TRPA dated Nov. 15, 2004. The notice refers to An Application of Plan Area in Tyrolian Village and the Applicant is Paul Zahler and Gilan Farr and Associates.

We are home owners at 1304 Arosa Ct in Tyrolian Village. From the description in the Notice we are definitely OPPOSED to approving the application and amending the residential Plan area. We feel that timeshares and a commercial operation of a bed and breakfast are not in keeping with the current use of the area which is all privately owned homes or townhouse/Condo type homes. Although some are used as rentals the usage of the common area and the atmosphere of the community is not adversely effected. Having sixteen living units on one parcel, especially with daily to weekly changeover of occupancy does have the potential for very disrupting impact on our quiet residential community.

We are unable to define the exact location of the identified parcel from the map on the back of the notice. Please answer this e-mail with an address or street location to help us be informed of the exact location.

Thank you for your attention and information on this matter.

Judith R. Purvis and Gene H. Purvis
1304 Arosa Court
Incline Village, NV
Dear Mr. Hitchcock:

I am writing in response to the notice I received regarding a meeting on December 8 with the Advisory Planning Commission. It involves the application to amend the Plan Area Statement 051 in Tyrolian Village.

As a Tyrolian Village property owner, I would be very disappointed to suddenly have our neighborhood filled with time share condos and bed and breakfasts. This increase in traffic and transient activity would change the neighborhood significantly.

The current roads in Tyrolian Village, the tennis courts, water and sewer, electricity, trash removal, road maintenance, snow removal, grounds upkeep are all paid for by the Tyrolian Village Association which is sustained by homeowners fees.

This piece of property in question is not part of Tyrolian Village, but can only be accessed, currently, by Tyrolian Village infrastructure. As far as I know there is no easement provided for the parcel in question. I question how the new time share residents and vacationers would get to and from the property, and how their property would be maintained, not to mention how the trucks and traffic needed to build the new developments would reach such a site.

Are they going to build a new road? Put in their own sewer, electricity, dumpster, hire their own maintenance crew? Or are they expecting to use ours? If they expect to use ours what kind of compensation can Tyrolian Village expect for both the short and long terms? This could be a huge burden for current homeowners.

There is also the Incline Creek to consider. The creek runs along one side of the parcel, and feeds into Lake Tahoe. What will the impact be?

I am very much against amending the Plan Area Statement. It would seriously degrade the quality of the neighborhood with a large transient population. It would also degrade the scenic quality of the area, and would likely have a negative impact on Incline Creek.

Tyrolian Village residents have spent many years and energy preserving a charming and safe neighborhood. Please don't destroy it with an ill-advised plan that is being pushed by a developer.

Thank you for your attention:
Sherri Willoughby
Tyrolian Village Homeowner
775-833-3040
November 30, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Presentation on the Tahoe City Marina Master Plan Final EIS/EIR

Proposed Action: No formal action is proposed for this item at this time. TRPA’s environmental consultant, EDAW, will provide a brief presentation highlighting the comments received, responses provided and the schedule for getting the Final EIS/EIR to the APC and Governing Board for certification.

If you have any questions or comments regarding this agenda item please call Coleen Shade at (775) 588-4547 or coleens@trpa.org.
November 30, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Presentation on the Tahoe Decision Support System

Proposed Action: This Pathway 2007 item is presented as an informational item and requires no action. Representatives from USGS in Menlo Park will make a Power Point presentation explaining the system and giving some preliminary modeling results from the prototype system.

Background: The Tahoe Decision Support System (TDSS) is a computer modeling effort being prepared for Pathway 2007. It is a modeling platform that attempts to utilize existing and new modeling techniques to analyze approximately 22 key environmental and socio-economic indicators in relation to Pathway 2007 proposals. TDSS is proposed to assist Pathway as a tool to:

1. Analyze the effects of proposed threshold update scenarios for the Update Report.
2. Analyze the proposed impacts of land use/regulatory/EIP alternatives for the Regional Plan Update.
3. Analyze the effectiveness of post 2007 strategies for the adaptive management system.

In order to develop the system, a prototype is being developed to test the feasibility of implementing TDSS. The prototype is based on what we call the No-Project Alternative. This scenario attempts to analyze the current thresholds, current regulations, current EIP and a continuation of existing allocations. TDSS as proposed or as modified will provide the bases for impact analysis during Pathway 2007 and will be the foundation for the adaptive management system that goes into the future.

If you have any questions or comments regarding this agenda item please call Gabby Barrett at (775) 588-4547.

Attachment A - Power Point Presentation