NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, July 8, 2009 at the TRPA Offices, located at 128 Market Street, Stateline, NV. The agenda for the meeting is attached hereto and made a part of this notice.

July 1, 2009

Joanne S. Marchetta
Executive Director
All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing 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. Recommendation on Environmental Improvement Program Update Including Legislative Affairs Briefing

B. Recommendation on Amendments to Code Chapter 33 and Goals and Policies Chapter 7 Regarding the Carryover of Residential Allocations

C. Recommendation on Amendment of the Boundary Line of Kings Beach Community Plan and Plan Area Statement 028, Kings Beach Residential to Incorporate Placer County APNs 090-122-036 and 037 into the Community Plan Area and Amendment of Urban Design and Development Special Policies of the Land Use Element

VI. ADMINISTRATIVE MATTERS

A. Election of Vice-Chair

VII. REPORTS

A. Executive Director

B. General Counsel

C. APC Members
VIII. ADJOURNMENT
REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting called to order at 9:35 a.m.

Members Present: Mr. Donohue, Mr. Greene, Ms. Jamin, Mr. Jepsen, Mr. Smith for Ms. Kemper, Ms. Krause, Mr. Lefevre, Mr. Loftis, Mr. Plemel, Mr. Maurer, Mr. McIntyre, Ms. McMahon, Ms. Merchant, Mr. Kuchnicki for Ms. Sertic, Mr. Riley, Mr. Tolhurst, Mr. Upton, Ms. Garcia for Mr. Walker

Members Absent: Mr. Goldberg

II. APPROVAL OF AGENDA

Mr. Maurer moved approval with amendments. Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

No Public Comment

IV. DISPOSITION OF MINUTES

Mr. Maurer moved approval with amendments. Mr. Donahue and Mr. Lefevre abstained. Motion carried.

V. PUBLIC HEARINGS

A. Recommendation for Certification of the Final EIS for the Sierra Colina Village Project (APN 1318-23-301-001, TRPA File Number 20060695STD)

Staff member Theresa Avance introduced the process that will be followed, which includes hearing Items V.A., V.B. and VI. A. at one time. She also gave an overview of the proposed project and the Plan Area Statement amendments. She also noted the handouts were passed out listing actions need for approval and recent letters

Sydney Coatsworth, EDAW, presented details of the Environmental Impact Statement for the project and a supplemental water quality analysis. She stated all impacts were mitigated.

Gordon Shaw, traffic consultant, presented details of the traffic study included
Brent Wolf, NHC consulting, presented the water quality and hydrological improvements contained in the proposed project.

Leif Reid, representing the applicant, presented a summary of the project.

Commission Comments & Questions:

Mr. Loftis commented that there was a land capability challenge on the parcel and the map he has regarding that challenge, doesn’t match the current map in the staff summary.

Staff later explained that the map had is not the official map and the staff summary map is the correct version.

Mr. McIntyre commented that the northerly water quality basin and treatment facilities were going to be past on as green belt and that there were easements for both construction and maintenance on that site. He asked whether the maintenance would be funded by the homeowners association in the future.

Staff answered yes.

Mr. Kuchnicki asked if Sierra Colina was paying for the linear public facilities (LPFs) and the pipe removal and restoration for the project.

Staff answered yes.

Mr. Tolhurst stated that he has not seen proposed schedule of when things would be required during the project. He wants to make sure that all the BMPs and improvements are in place before someone goes bankrupt or sells the project to someone else. He also asked about the SEZ and if there is a fire safe plan that has some teeth in it before we have another problem with a wildfire.

Staff responded that the area had been treated.

Mr. Donahoe asked for clarification on the reference to LPF#3 as a road but then stated shared drive. He asked why this was not called a road and having it designated as a shared drive and why this wasn’t separated from the road system. He also commented on whether this would be a gated community and on the easement that people would not be allowed to drive their vehicle through the shared driveway, but could walk and bicycle.

Staff responded that it wasn’t a gate community and the easements were open to the public.

Mr. Tolhurst stated he wants to make sure there is at least one guest parking space for each tenant.

Ms. Garcia commented on cultural resource protection and that their letter of comments and concerns in 2008 was not mentioned in the Environmental Impact Statement. She asked what mitigation would happen if significant
sites are found during excavation. She also had concerns about the draft permit because it says Washoe Tribal members would be notified and it should state the Tribal Historical Preservation Officer.

Staff responded that this could be addressed in the condition.

Mr. Kuchnicki commented that it would be beneficial to have the funding mechanisms outlined in the agreement with the County somewhere in the record. He also commented on the permit language pertaining to the special conditions for the multi-family dwelling, regarding monitoring reports and what will be required.

Mr. Thompson asked regarding detention basins and if this is an evaporation pond or an infiltration basin, as he didn’t see any numbers regarding what the rates are on the site. It would be hard to design BMPs if we don’t know how well the soils perform onsite.

Mr. Loftis asked if this would cause a mosquito problem with standing water. Also is there an issue with designing these basins in the bedrock that is close to the surface.

Staff and the consultants indicated this was considered in the design.

Ms. Merchant stated that in the future, maybe we should consider a ground rule or process policy that if we have issues as APC members that seem to be significant, to contact staff for clarification prior to the meeting.

Public Comment:

Leo Horton, Tahoe Douglas Fire Protection District, stated they feel that fuels reduction is extremely important in a Stream Environment Zone. He also stated that the fire sprinkler component of this project is extremely vital to their mission. He urged the Commission to consider fuels reduction, residential fire sprinklers and moderately priced housing in every project that is considered.

Claire Fortier stated she supports the project and it is needed in the community.

Brenda Donahoe, Friends of Burke Creek, stated they do not support the project because this is a raw, undeveloped land that is in fairly healthy state. Raw undeveloped land is scientifically proven to be the most effective filter for all water flowing into Lake Tahoe, which is the drinking water for residents of the Basin.

Ann Harmon stated that TRPA has been unable to protect that Lake and its surroundings and the last thing that is needed is one more project like this that tears down beautiful acres of forest and replaces it with more asphalt, walls, roof tops and cars.

Gary Midkiff stated that his office has been in the Lake Village since 1997 and at the bottom of the runoff from this parcel. They tried at that time to do something about it. They rock lined the ditch where the drainage comes down through there and with the next storm it was buried with sediment.
This project would fix this major problem that has been there for years.

Andy Chisari, Lake Village Homeowners’ Association, stated that they support this project, as it would continue the EIP 679 work in this area.

Flavia Sordelet, League to Save Lake Tahoe, stated they do not support this project because the EIS is not supported with substantial evidence which makes the EIS inadequate in regards to the evidence of goshawks on the property.

Ben Lehman stated that he is concerned with this project because there are a lot of risks with this project. We will set a bad precedent with this development as it will not be the only one in this area. He has not heard there is funding for this project, as we don’t want another project in this area without proper funding.

Michael Donahoe, Sierra Club, stated they do not support this project because the Regional Plan is focused on redevelopment, not development. The Regional Plan will restore soils to its full functionality and filtering ability, which kept the Lake clean before human beings got here. This project would be impressive if we were doing better on Threshold attainment.

Commission Discussion & Questions:

Mr. Maurer asked if all the conditions of approval for the permit are presently in the staff summary.

Staff stated yes.

Ms. Merchant asked how large is the Burke Creek watershed? What is the distance allowed for development near a Goshawk nest? Is performance bonding provided in the TRPA Code?

Staff stated no.

Mr. Smith asked for a brief explanation how the design storm would flow in these catchments area and how it gets treated in the various treatment trains and the basins. Where is the infiltration, etc.?

Mr. Donahue asked what the targets are for filtration and how are you handling the large volumes of water that is racing down through the project area.

Mr. Loftis stated that the staff summary states that they will capture and infiltrate the 20 year one hour storm event; are we detaining it and with the soils in the area, how are we modifying the soils so we are detaining and not infiltrating. He would recommend that this not be based on soil type but based on actual soil data actually collected from where the system is going in.

Mr. Kuchnicki stated that this project is a model example of what we are discussing regard the Community Enhancement Program and it demonstrates how the private/public partnership can work, especially how we get the private sector to pay for these improvements. When you are talking about LEED Platinum, Energy Star, the benefits of moderate income housing,
public recreation access, trails, the transfer of units out of Stream Environment Zones, public safety benefits and SEZ restoration are great benefits of the project. This could also be a model example in terms of the TMDL and the needed load reductions. His preliminary review of the storm water management approach indicates that this project’s design is conceptually one of the best that was evaluated in an EIS. The water quality analysis that was done is one of the most robust of any EIS that he has reviewed. We need these innovative advance treatments and controls. He asked that staff review the Goshawk data that was presented by the League to Save Lake Tahoe to make sure it doesn’t contain data that should have been included in the EIS prior to the Governing Board.

Mr. Smith stated he definitely agrees with what Jason stated about this being a model project. This is definitely the type of private/public partnership that the TMDL area-wide storm water treatment philosophy is trying to foster. The overall philosophy of these projects coming before the Commission and Governing Board to hash out all the details is something that all the regulatory agencies is working on in the Regional Plan. A big shift is needed to bring these projects to the Commission and Governing Board because the TMDL is not adopted yet and there are no requirements for this right now. This project has done the analysis that we want every project to do and has gone above and beyond the current requirements today. He would also like to see the counties come forward and state that this kind of project is helping reduce their load reduction requirement.

Brandy McMahon, Douglas County, stated that there is a lot of support from the County for this project and it would definitely help them reduce their water quality load reduction requirements.

APC members disclosed what public discussions they had regarding this project.

Mr. Maurer moved to recommend to the Governing Board that they make the Compact Article VII(d) findings for the Final EIS (see Attachment A for the findings).

Ms. Garcia stated that the Tribal Historical Preservation Officer sent in comments on the EIS last October and those comments were not addressed sufficiently in the final EIS.

Motion carried.
Ms. Garcia voted no.

Mr. Maurer moved to recommend to the Governing Board that they certify the Final Environmental Impact Statement for the Sierra Colina Village Project.

Motion carried.
Ms. Garcia voted no.

B. Amendment of Plan Area Statement 073- Lake Village to allow Special Area #1 to be Eligible for the Multi-Residential Incentive Program by Amending Special Policy 3, and Provide for Other Matters Properly Related Thereto

This item was heard with Item V.A.
Mr. Upton moved to recommend that the Governing Board approve the required findings (see Attachment A of the Staff Summary), including a Finding of No Significant Effect.

Motion carried unanimously.

Mr. Upton moved to recommend that the Governing Board approve the proposed amendment to the Plan Area Statement (see Attachment B of the Staff Summary).

Motion carried unanimously.

C. Recommendation on Amendment of Code Section 54.5.B. (3) to Facilitate Streamlining of Buoy Permitting and Enforcement Process

Staff member Jason Ramos presented the proposed Code amendments to facilitate streamlining of Buoy Permitting and Enforcement Process.

Commission Comments & Questions:

Mr. Upton asked what the window is beyond the deadline of October 15 where people can be late. Is there a time when the ability to come in and make an application is not available, i.e. December 31.

Staff has not established any hard rules on this.

Mr. Donahue asked what the thought process was in requiring this when there may not be enough resources to enforce it. Has staff given thought to the level of site plan that is requested because they are receiving more renewals and people who have never been permitted before? What is the minimum level of detail site plans that someone would need?

Staff stated that it is working with the two state lands agencies and the detail would be similar to theirs.

Mr. Greene asked if there will be problems with GPS requirements. He asked for clarification on the fees required.

Staff stated that the GPS has been tested and explained the fees.

Mr. Upton asked regarding the required BMP certificates, how many shoreline lots would this effect. He would suggest that TRPA provide a list of contractors that are qualified and can provide this service.

Staff stated that there is a list and there are about 1,500 littoral parcels with 25% compliance.

Mr. Kuchnicki stated that they support the BMP program and many of the funding sources that are used can fund anything that is required by a permit. He feels that with approximately 1500 parcels that there is at least one person dedicated to processing BMP phone calls and letting people know where they can go for information.
Public Comment:

Nicole Gergans, League to Save Lake Tahoe, stated they oppose the modification of the BMP certification of completion requirements for buoy permits. If applicants have not completed this requirement by the time their buoy permit application is due, then they are in violation of the standard for BMP completion for at least a year. BMP requirements are essential for Lake Tahoe’s water quality and other environmental goals. If this proposal is adopted, you will lose an important incentive for homeowners to comply with their BMP obligations. A much simpler way is to make sure compliance is demonstrated to receive a permit instead of issuing a permit and try to take those permits away for non-compliance, which is their recommendation.

Jennifer Quashnick, Sierra Club, stated they agree with the League and their alternative recommendation.

Commission Comments & Questions:

Ms. Jamin suggested that we just not acknowledge the permit until the BMPs in place.

Ms. Garcia stated that are we just using different words for what was suggested by the League.

Mr. Thompson asked what is involved in removing a buoy. Would we bill the property owner for this action?

Mr. Lefevre asked how this would be tracked to make sure we address non-compliers.

Mr. Donahue stated that an element of their permitting process is that but the buoy owner is responsible for removing their own buoy and he suggested that this be considered.

Ms. Krause suggested that in July next year that TRPA send notices to people who haven’t completed or submitted their BMPs to remind them that we will be enforcing the permit.

Mr. Smith stated that the League had a good suggestion. The problem of having private properties install BMPs has been a problem over the years with varied success. The typical way it is done today is if someone applies for a permit to build a garage, etc. there is a security deposit posted. He doesn’t think money securities are the best tool. We should reward those properties that have the certificate of completion done.

Mr. Upton moved to recommend that the Governing Board make the required findings and a finding of no significant effect (see Attachment A of the Staff Summary).

Motion carried unanimously.

Mr. Upton moved to recommend adoption of the attached ordinance (see Attachment B of the Staff Summary).
Motion carried unanimously.

VI. PROJECT REVIEW

Finding of Consistency for the Sierra Colina Village Project and its Components (Assessor’s Parcel Numbers (APNs) 1318-23-301-001 and 560-201-00, TRPA File Numbers 20060598, 20060599, 20060681, and ERSP2008-1019) with the Environmental Impact Statement Recommended Mitigations

This item was heard with Items V. A. and V. B.

Mr. Loftis asked that the infiltration systems sizing be based on data at the locations where the infiltrations systems are going.

Executive Director Marchetta stated that the technical comments made for adjustment to the permit will be taken and reviewed prior to taking this to the Governing Board to address that this be verified in the field during construction.

Mr. Kuchnicki stated that even thought the monitoring for TMDL is not required how he sees this as a valuable opportunity to do additional monitoring to show the effectiveness of the treatments that are proposed to be implemented, as they have very limited data sets.

I. Bicycle/Pedestrian Pathway Component (TRPA File 20060598)
II. Multiple Family Dwelling Component (TRPA File 20060599)
III. Subdivision Component (TRPA File 20060681)
IV. Intersection Improvement Component (TRPA File ERSP2008-1019)

Mr. Upton moved approval of items 1, 4, 7 and 10 based on this staff summary and the complete administrative record, recommending that the findings set forth in Attachment “A1” are consistent with the EIS and with the addition of notifying the Tribal Historical Preservation Officer in relation to Items 1, 2 and 4.

Motion carried unanimously.

Mr. Upton moved approval of items 2, 4, 8 and 11 and a motion, based on this staff summary and the complete administrative record, recommending a finding that changes or alterations have been made that avoid or reduce the significant adverse environmental effects for all potential impacts to a less than significant level.

Motion carried unanimously.

Mr. Upton moved approval of 3, 6, 9 and 12 based on this staff summary and the complete administrative record, recommending that the project, subject to the attached draft permit, is consistent with the EIS with language modification as relates to the manner in which the Washoe Tribe will be informed.

Motion carried unanimously.
VII. PLANNING MATTERS

A. Regional Plan Update EIS Alternatives Briefing

Neil Crescenti, Assistant Planning & Evaluation Branch Chief, presented the proposed EIS Alternatives on the Regional Plan Update.

This was a no action item.

VIII. REPORTS

A. Executive Director

1. Notice of Preparation (NOP) for an Environmental Impact Statement (EIS) for the Edgewood Hotel and Golf Course Realignment Project, TRPA File No. ENVP2008-0002, Douglas County, Nevada

Ms. Marchetta gave the Executive Director’s report and notified the Commission of the above notice of preparation.

B. General Counsel

No report.

C. APC Members

No reports.

IX. ADJOURNMENT

Chair Tolhurst adjourned the meeting at 12:15 p.m. on Thursday, June 11, 2009.

Respectfully submitted,

Judy Nikkel
Clerk to the Commission

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) 589-5243. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.
MEMORANDUM

Date: July 1, 2009

To: TRPA Governing Board

From: TRPA Staff

Subject: Recommendation on Environmental Improvement Program Update Including Legislative Affairs Briefing

Requested Action: This briefing is informational in nature and focuses on the status of the Environmental Improvement Program (EIP) Update and legislative affairs initiatives relevant to the EIP. Staff will request formal action on the EIP Update by the Governing Board at the July meeting.

Background: In 1996, the Tahoe Regional Planning Agency (TRPA) evaluated the environmental thresholds to determine whether implementation of the TRPA Regional Plan was effective in attaining and maintaining the thresholds. TRPA found that the majority of threshold standards were not being achieved. Some indicators, such as lake clarity, were continuing to decline. The threshold evaluation called for an integrated implementation program to reverse the environmental decline and to increase the pace of environmental improvements and ultimately threshold attainment. This was the catalyst for the creation of the EIP, a strategy to help achieve the environmental threshold carrying capacities for the Lake Tahoe Basin.

The first draft of the EIP was prepared in conjunction with the 1997 Lake Tahoe Presidential Forum. The program was designed to accomplish, maintain or exceed multiple environmental goals. Key to the EIP strategy is reliance upon partnerships with all sectors of the community, including the private sector, local, state and federal government, for necessary funding and implementation of watershed management, air quality/transportation, recreation and other threshold-related projects. EIP projects are linked to the annual evaluations of EIP implementation at the local level, which serves to set the amount of development allocated for subsequent years through TRPA’s Regional Plan.

EIP Update
The Lake Tahoe Forum in August 2007 marked the 10-year anniversary of the Environmental Improvement Program. Since 1997, significant progress has been made by all partners, public and private, through investments totaling $1.1 billion in threshold-related capital EIP projects. Partners invested additional funds on science projects to help inform policy choices by increasing knowledge related to environmental thresholds and for technical assistance.
For the past two years, with assistance from a grant from the Bureau of Reclamation, new cost estimates have been generated to continue the EIP. These estimates were developed under the direction of the Tahoe Interagency Executive (TIE) Steering-Committee, which consists of executives from TRPA, US Forest Service LTBMU, California Tahoe Conservancy, Nevada Division of State Lands and local government. The larger Tahoe Interagency Executive Committee has also been engaged during the process and staff from numerous EIP partner agencies served on the EIP Strategic Planning Group (SPG) which prepared the initial cost estimates and program descriptions.

The elements of the EIP update are as follows:

1. **Program descriptions to guide where future capital funding will be focused over the next 10 years to make substantial progress toward attainment and maintenance of the environmental threshold carrying capacities**

   The next phase of the EIP will focus on six areas:
   - Watersheds, Habitat & Water Quality
   - Forest Management
   - Air Quality & Transportation
   - Recreation & Science Resources
   - Applied Science
   - Program Support

   These six areas reflect a programmatic approach for grouping initiatives under the EIP by connecting projects directly to the benefits they produce. Each of the six areas of emphasis include specific goals, actions, funding needs, measures of success, project development guidance and monitoring needs. A complete list of programs is contained in the attached document (see page 83) and represents the proposed organization of the EIP and those areas where future funding will be focused over the next 10 years.

2. **New 10-year funding targets**

   The new 10-year funding targets (in millions) for each capital program are:

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Funding (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watersheds, Habitat &amp; Water Quality</td>
<td>913</td>
</tr>
<tr>
<td>Forest Management</td>
<td>203</td>
</tr>
<tr>
<td>Air Quality &amp; Transportation</td>
<td>174</td>
</tr>
<tr>
<td>Recreation &amp; Science Resources</td>
<td>213</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,509</strong></td>
</tr>
</tbody>
</table>

   New 10-year funding targets (in millions) for the non-capital programs are:

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Funding (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applied Science</td>
<td>91</td>
</tr>
<tr>
<td>Program Support</td>
<td>44</td>
</tr>
</tbody>
</table>

   Additionally, expenditures related to operating and maintaining EIP projects are expected to exceed $140 million over a 10-year period. A majority of the
expenditures are attributable to the local jurisdictions as a result of maintaining water quality projects to ensure their effectiveness. These costs are consistent with the TMDL estimates for the expected level of effort needed to ensure water quality facilities maintain their effectiveness in removing fine sediment and nutrients.

3. Annual reporting protocol for EIP accomplishments

EIP reporting will consist of three elements:

- Annual Reporting Document – This document will provide the public, policy makers, and agencies with program and project accomplishments and expenditures. A new set of performance measures is in development that will represent a better understanding of how EIP accomplishments are linked to the attainment of the environmental Threshold Carrying Capacities.

- Annual Briefing Report – This report will synthesize scientific information that requires the interaction of EIP partners and members of the scientific community. This information will be used by project implementers and policy makers to make strategic decisions regarding programmatic priorities and project development to maximize the effectiveness of the EIP.

- State of the Tahoe Basin Report - This report will coincide with the 5-year Threshold Evaluation Report and will take a broader look at scientific findings and program effectiveness.

4. Science Program

Significant investments in scientific activities throughout the Lake Tahoe Basin provide valuable information for policy makers and resource managers. Continuing these investments will ensure monitoring of the status and trends of the environmental threshold indicators and applied research continues, and the management, synthesis and reporting of this information occurs on a regular and consistent basis. The purpose of the science program seeks to implement a management system that will:

- Identify and prioritize research, synthesis, and other science information needs of management and regulatory agencies
- Establish processes to track and synthesize science efforts
- Convert the analysis and results into knowledge that can then be used to inform decision making

A complete description of the Lake Tahoe Basin Science Program Management System and funding needs is included in Appendix 4 of the document.
Climate Change

Accounting for the effects of climate change in developing projects and securing funds for EIP projects is a component of the EIP Update. The EIP proposes to link EIP projects to climate change effects to the maximum extent possible to leverage new sources of funds available for this purpose but may also have a direct relationship to needed EIP projects. Both for global and local reasons, climate change are addressed in the EIP update.

Issues/Concerns:

At a special session of the March 2009 Governing Board, an EIP briefing paper discussed several issues related to the EIP. Those issues remain relevant and an updated discussion of those issues is presented below for the APC consideration.

1. Relationship Between EIP and the Regional Plan: The EIP will be incorporated into the Regional Plan as an implementation strategy to address continuing environmental harms of the past that need to be corrected in order to achieve threshold attainment. However, the EIP Update is being presented for consideration in advance of the Regional Plan in order to ensure restoration efforts continue to be funded and implemented as opposed to being postponed until the Regional Plan update is completed. Any changes to the EIP resulting from new Regional Plan policies will be presented for Governing Board consideration as part of the Regional Plan update.

Securing new EIP commitments in advance of the Regional Plan update are needed to ensure restoration efforts continue. The EIP is not a mitigation strategy for new development and an updated EIP is needed to continue efforts to make progress toward threshold gains and attainment. The EIP is one of several Regional Plan strategies geared toward more aggressively correcting past adverse environmental effects that are preventing threshold attainment.

The updated EIP is centered on five areas which are: Watersheds, Habitat and Water Quality, Forest Management, Air Quality and Transportation, Recreation and Scenic Resources and Applied Science. These program areas will provide strategic goals such as treating runoff from local city and county roads and treating hazardous fuels within the wildland-urban interface. A Program Support area is also included in the EIP framework to coordinate program administration, technical assistance, and environmental public education. The re-organization of the EIP more accurately reflects the resource management activities undertaken by our EIP partners, provides a more direct link between potential funding sources and projects and allows for greater detail in reporting financial investments and environmental accomplishments.

2. Local Regional Revenue: Establishing a local regional revenue source to fund the local share of EIP is the biggest issue facing future EIP implementation. The updated EIP Finance Plan makes recommendations for generating local revenue from a variety of sources. Concern exists that the next 10-year state and federal EIP commitments may be difficult to secure without a guaranteed source of local funding.
A significant gap in the 1987 Regional Plan was the absence of sufficient measures to remediate the ongoing adverse effects of past environmental mistakes. The extent of improvements needed to make the gains necessary to attain thresholds as a result of these past policies or lack thereof cannot be achieved by project-level regulation and case-by-case enforcement alone. Needed improvements to correct the effects of past environmental harms are unlikely to be achieved without a relatively secure funding source to pay for needed capital improvements and protections like those initiated during the first 10 years of the EIP.

The updated EIP finance plan includes recommendations for generating local revenue from a variety of sources. A 2006 poll of residents in El Dorado and Placer County living outside the Tahoe Basin indicated support for implementing a fee to fund water quality and transportation-related improvements within the Tahoe Basin, administered potentially as local stormwater assessment districts, sales taxes, or other means. Many jurisdictions across the country have implemented stormwater assessment fees to generate revenue for watershed management activities. These jurisdictions have acted in response to more stringent federal Clean Water Act stormwater control requirements; the same requirements will become effective in the Tahoe Basin as a result of anticipated future TMDL policy.

It should be noted that several local jurisdictions are researching and analyzing approaches to generate revenue for EIP implementation and critical operations and maintenance activities. These efforts are centered on the anticipated need to achieve pollutant load reductions prescribed through TMDL implementation. These efforts may result in new funding sources for local regional revenue that will allow local jurisdictions to leverage state and federal EIP funding and also be in a position to be in or close to compliance once more stringent stormwater requirements take effect.

3. Climate Change Effects and Funding into EIP: Accounting for the effects of climate change in developing projects and securing funds for EIP projects is a component of the EIP Update. The EIP proposes to link EIP projects to climate change effects to the maximum extent possible to leverage new sources of funds available for this purpose but may also have a direct relationship to needed EIP projects. Both for global and local reasons, climate change are addressed in the EIP update. Recent studies indicate that warming trends could have direct consequences on Lake Tahoe.

TRPA is developing goals and policies for inclusion in the Regional Plan that relate to climate change – both reducing carbon emissions in the Region and reducing the adverse effects of climate-related changes. There are two primary considerations relevant to the EIP in regard to global climate change. First, it is important to consider the latest scientific information pertaining to the effects of climate change on resource management activities such as rising snow levels and changes to hydrology. The EIP recognizes that such considerations should be considered when planning and designing EIP projects so that their effectiveness is maintained over time in a changing hydrologic regime.

Second, the EIP will consider how implementing EIP projects may address concerns related to climate change such as the reduction in global greenhouse gases from transit programs or wood stove retrofits. Implementing EIP projects results in
benefits beyond those directly tied to the environmental threshold carrying capacities. More and more funding is being made available for climate change-related projects. Highlighting these benefits is another way to stress the importance of the EIP and may assist in securing funding from revenue sources that may require a project to have a nexus to global climate change. The climate change component of the EIP will be further developed as funding is secured to develop the programmatic details and through the update of the Regional Plan.

Legislative Affairs Relevant to the EIP Update:

TRPA is collaborating with a coalition of Lake Tahoe stakeholders and representatives of the congressional delegation to reauthorize the Lake Tahoe Restoration Act (LTRA) this year. Funds authorized under the current LTRA, currently channeled to Lake Tahoe through the Southern Nevada Public Lands Management Act, are fulfilling the federal share of the EIP and are vital to achieving the mandated environmental threshold standards for the Tahoe Basin. The LTRA reauthorization is crucial to continuing vital EIP projects at Lake Tahoe.

TRPA staff members and the Executive Director are fully engaged in the reauthorization process and worked with Tahoe stakeholders over the last year to submit draft bill language to congressional offices in May. We are hopeful the bill will be introduced in the United States Senate before the summer recess of Congress.

In the 2009 legislative session, the Nevada Legislature passed A.B. 18, a $100 million Tahoe bonds bill to fulfill the state of Nevada’s share of the EIP for the next 10 years. Governor Gibbons recently signed A.B. 18 which definitively continues Nevada’s support for environmental restoration at Lake Tahoe.

California Senate Concurrent Resolution No. 13, or SCR 13, is currently in the California Assembly awaiting a vote after passing the Senate to form the Joint Committee for the Protection of Lake Tahoe. A key function of the legislative committee is to address the state’s share of the EIP over the next 10 years.

Contact Information: If you have any questions regarding this item please contact Paul Nielsen, Branch Chief, Environmental Improvement at 775-589-5249 or Julie Regan, Communications and Legislative Affairs Chief at 775-589-5237.

Attachments:

A. Resolution in support of EIP Update
B. Draft EIP Update
WHEREAS, the lake Tahoe Basin is one of the world’s extraordinary natural features and is an ecological, biological, cultural, historical, and aesthetic resource of great significance to the people of California, Nevada, and the United States, as well as to its permanent residents and to its indigenous people, the Washoe Tribe of Nevada and California;

WHEREAS, the natural and recreational attributes of Lake Tahoe are the foundation of the regional economy, and the future prosperity of the region is dependent upon the sustainable development of the Lake Tahoe Basin and on continued progress in harmonizing conservation and economic goals;

WHEREAS, the United States Congress has consented to the adoption of the Tahoe Regional Planning Compact (P.L. 96-551) between the states of California and Nevada, which created the bistate Tahoe Regional Planning Agency and charged that agency with the adoption, achievement, and maintenance of environmental threshold carrying capacities for the region, as standards to assure the preservation and restoration of significant scenic, recreational, educational, scientific, and natural values or the region, and to maintain public health and safety within the region;

WHEREAS, the Lake Tahoe Basin is threatened by the impacts of land use and road network developed in the last generation which have caused a decline in Lake clarity from fine sediment and algae-nourishing phosphorous and nitrogen

WHEREAS, the States of California and Nevada, the Federal Government, local jurisdictions and private entities collaboratively developed the Environmental Improvement Program in 1997 to help achieve attainment of the environmental thresholds for Lake Tahoe;

WHEREAS, the EIP partner agencies and organizations have collectively contributed more than $1.1 billion from federal, state, local, and private sources in furtherance of the EIP from 1997-2007;

WHEREAS, the EIP expenditures from 1997 to 2007 have made a significant contribution towards the attainment of the environmental thresholds for Lake Tahoe, and have improved the environmental and economic health of the Lake Tahoe Basin;

WHEREAS, the Tahoe Regional Planning Agency and its federal, state, local, and private EIP partners have developed an Environmental Improvement Program Update (EIP Update) setting forth the capital projects and other actions toward the achievement and maintenance of the thresholds for the period 2008 to 2018;

WHEREAS, there exists among the citizens of the Lake Tahoe Basin in both California and Nevada widely shared agreement on the measures and processes needed to protect the natural assets of the Lake Tahoe Basin, including the need for the implementation of the Environmental Improvement Program Update and the need for
continued and expanded participation of public-private partnerships and consensus-building groups in the planning and implementation, of environmental protection measures for Lake Tahoe;

NOW, THEREFORE, BE IT RESOLVED,

THAT, the TRPA Governing Board affirms its commitment to the Tahoe Regional Planning Compact, and to the sound management and protection of the Lake Tahoe Basin’s natural resources and the support of a healthy, sustainable economy;

THAT, the TRPA Governing Board expresses its commitment to the achievement and maintenance of environmental thresholds, cultural and historical values, and economic health for Lake Tahoe and to the support and implementation, of the Environmental Improvement Program Update;

THAT, the EIP Update will provide a framework for establishing funding priorities and cost-sharing among federal, state, local, and private sources, including federal funds through the Lake Tahoe Restoration Act, the Southern Nevada Public Lands Management Act, and other sources; state funding through general obligation bonds and other sources, and local funding through appropriate local sources.

THAT, the Governing Board reaffirms its commitment to the development and coordination of focused scientific monitoring and assessment necessary to evaluate the effectiveness of EIP Update projects and programs, and their contribution to the achievement and maintenance of environmental threshold carrying capacities.

THAT, the Governing Board reaffirm its commitment to continuing and expanding the participation of public-private partnerships and consensus-building groups in planning and implementing environmental protection measures for Lake Tahoe, including, but not limited to, the support, maintenance, funding, implementation, and scientific evaluation of the Environmental Improvement Program Update.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 22, 2009, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Allen Biaggi, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

Date: July 1, 2009

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to Code of Ordinance Chapter 33 and Goals and Policies Chapter 7 Regarding the Carryover of Residential Allocations.

Requested Action: Recommendation to the Governing Board to amend the Goals and Policies (Land Use and Implementation Elements) and the Code of Ordinances (Chapters 33), to extend the expiration dates for allocations distributed to local jurisdictions, enabling them to be carried over until the updated Regional Plan is in place. The proposed amendments relate to the allocation and distribution methods of additional residential units as follows:

1. Amend Goals and Policies Plan, Chapter VII (Implementation Element) to add language to allow local jurisdictions the option to retain unused allocations distributed through the annual performance review process until the adoption of the Regional Plan update.

2. Amend TRPA Code of Ordinances Chapter 33 Subsections 33.2.A and 33.2.B to add language to allow local jurisdictions the option to retain unused allocations distributed through the annual performance review process until the adoption of the Regional Plan update.

3. Amend TRPA Code of Ordinances Chapter 33 Subsection 33.2.B.(5) to add language that will allow for the continuance of the performance review system in the event that the number of allocations available for distribution is less than the minimum and base described in the Allocation Performance Table. This is due to the uncertain number of allocations that will be available for next year’s distribution to local jurisdictions.

Staff Recommendation: Staff recommends that the Advisory Planning Commission hold a public hearing on this item and recommend adoption of the above-described, staff-initiated amendments and proposed implementing ordinance (Attachment B) to the TRPA Governing Board.

Required Motion: To recommend approval of the proposed action to the GB, the APC must make the following motion, based on this staff summary and the evidence in the record:

1) A motion to recommend approval of the required findings (see Attachment A),
2) A motion to recommend adoption of the proposed Ordinance.

Background: The adoption of the Regional Plan update has not been as timely as originally anticipated. Due to the large number of government agencies, non-government organizations, and stakeholder groups, who have a significant amount of interest in the direction of the Regional Plan update, additional outreach has been conducted. The result of this additional
time needed for development has been the delay of a plan adoption at the original intended
timeline of 2006.

In order to avoid disruption to local communities and provide a seamless transition from the
1987 Regional Plan to the updated Regional Plan, action was needed to extend the expiration
dates in the TRPA Code of Ordinances and Goals and Policies of unused development
allocations. In 2006 action was taken to establish an interim allocation system until the adoption
of the Regional Plan. The 2006 extension of unused development allocations allowed no more
development potential than that which was considered, analyzed and allocated under the 1987
Regional Plan. In addition, it provided continual environmental protection by retaining all of the
attributes of the existing residential performance review system.

At the time the interim allocation system was initiated, it was intended that the Regional Plan
update would be adopted within a one to two year window, which would not require further
amendments to the allocation system. Due to continued setbacks, the adoption of the Regional
Plan update has gone beyond the two year window. As a result, there is a need to extend the
interim program and take measures to ensure that the limited number of remaining unused
allocations are available until the Regional Plan is adopted.

The pool of annual residential allocations for the year 2010 is uncertain and likely to be fewer
than the 78 minimum stated in Allocation Performance table shown in Chapter 33 of the Code of
Ordinance. It was the recommendation of the Performance Review Committee (PRC) to
compensate local jurisdictions for the reduced number of annual allocations by maintaining the
current performance review system, but allowing the jurisdictions to carry un-used allocations
forward into the next year.

The following amendments are the necessary Goals and Policies, and Code of Ordinance
changes necessary to move forward with this recommendation for the 2010 residential
allocation distribution.

Regional Plan Compliance: The proposed action complies with all requirements of the TRPA
Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required
findings in Chapters 6 of the TRPA Code of Ordinances.

If there are any questions regarding this agenda item, please contact Neil Crescenti at (775)
589-5216 or by e-mail at ncrescenti@trpa.org

Attachment A - Required Findings/Rationale
Attachment B - Proposed Adopting Ordinance (with Exhibits)
Required Findings/Rationale

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

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: At the time the interim allocation system was initiated, it was intended that the Regional Plan update would be adopted within a one to two year window, which would not require further amendments to the allocation system. Due to continued setbacks, the adoption of the Regional Plan update has gone beyond the two year window. The pool of annual residential allocations for the year 2010 is uncertain and likely to be fewer than the 78 minimum stated in Allocation Performance table shown in Chapter 33 of the Code of Ordinance. It was the recommendation of the Performance Review Committee (PRC) to compensate local jurisdictions for the reduced number of annual allocations by maintaining the current performance review system, but allowing the jurisdictions to carry un-used allocations forward into the next year.

The proposed amendments are consistent with the orderly growth contemplated by and analyzed as part of the Regional Plan. The environmental documents for the 1987 Regional Plan and the 1988 208 Plan (as modified by subsequent documents) assumed growth consistent with the allocations being proposed for continuation.

2. Finding: That the project will not cause the Environmental Thresholds to be exceeded.

Rationale: The proposed Goals and Policies, Code of Ordinances and Community Plan amendments provide consistency among Regional Plan Documents. The allocations contemplated for release with these amendments are consistent with the total build-out numbers analyzed in the 1987 Regional Plan. The amendments, alone, do not provide approval for projects.

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: See Findings 1 and 2 above. Any projects resulting from 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 thresholds.

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

Rationale: See findings 1 and 2, above.

Ordinance 87-8 Findings:

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

Rationale: See Chapter 6 findings.

2. Finding: One or more of the following.
   a) There is a demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of the thresholds;
   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
   d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reasons:
      • The cost of implementation outweighs the environmental gain to be achieved.
      • Implementation will result in unacceptable impacts on public health and safety; or
      • Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
ATTACHMENT A

e) That the provision to be amended has shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional plan Package and complying with the Compact.

Rationale: Finding d) applies in these circumstances. Amendments extending unused allocations are consistent with the total Basin build-out numbers analyzed in the 1987 Regional Plan EIS. It is impracticable not to allow an orderly allocation system to continue during the interim allocation period because the Regional Plan, including its allocation distribution system, by its nature affects the planning activities of numerous governmental jurisdictions and utility service districts. In order to avoid unreasonable disruption to the orderly activities of local communities and provide a seamless transition from the 1987 Regional Plan to the updated plan, continuation of the interim allocation program is needed. The social disruption costs of failing to implement an interim allocation system outweigh the environmental gains that would be foregone if no EIP project incentives or mitigated development projects can proceed during the interim period while the Regional Plan update is completed.

Environmental Documentation: The proposed amendments are within the environmental documentation conducted by staff, with assistance from Jones and Stokes as part of the interim allocation program adopted in 2006. An Environmental Assessment and Initial Environmental Checklist to assess the potential environmental effects of the proposed Interim Allocations system were completed as part of the program. No significant environmental impacts were identified. Staff recommended and the Governing Board certified, that a Finding of No Significant Effect (FONSE) be made based on the evidence in the record, including:

1. The chapters 6, 13 and Ordinance 87-8 Findings;
2. The Interim Allocations Environmental Assessment;
3. That fact that the amendments would not approve development greater than contemplated by the Regional Plan.
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE GOALS AND POLICIES AND CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY TO AMEND CHAPTER 7 GOAL 2 POLICY 11, CHAPTER 33, SECTION 33.2.A.3(b), SECTION 33.2.A.(4), SECTION 33.2.B.(4).e, AND SECTION 33.2.B.(5) REGARDING THE RETURN OF UNUSED ANNUAL RESIDENTIAL ALLOCATIONS FROM LOCAL JURISDICTIONS TO TRPA AND OTHER MATTERS PROPERLY RELATING THERETO.

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

<table>
<thead>
<tr>
<th>Section 1.00</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.10</td>
<td>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 the Goals and Policies section 7.2.11 and Code of Ordinance 33.2.A.3(b), 33.2.A.4, 33.2.B.(4).e, 33.2.B.(5) in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.</td>
</tr>
<tr>
<td>1.20</td>
<td>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.</td>
</tr>
<tr>
<td>1.30</td>
<td>The Advisory Planning Commission (APC) has conducted a public hearing on the amendment and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendment. At those hearings, oral testimony and documentary evidence were received and considered.</td>
</tr>
<tr>
<td>1.40</td>
<td>The Governing Board finds that, prior to the adoption of this Ordinance, the Board made the findings required by Chapter 6 of the Code, and Article V(g) of the Compact.</td>
</tr>
<tr>
<td>1.50</td>
<td>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.</td>
</tr>
<tr>
<td>1.60</td>
<td>Each of the foregoing findings is supported by substantial evidence in the record.</td>
</tr>
</tbody>
</table>
Section 2.00 Amendment of Goals and Policies Chapter 7 and Code of Ordinance Chapter 33, subparagraph 33.2.A and subparagraph 33.2.B.

Ordinance No. 87-9, as amended, is hereby further amended as set forth in Attachment B Exhibit 1, dated July 22, 2009, which attachments are attached hereto and incorporated herein.

Section 3.00 Interpretation and Severability

The provisions of this Ordinance and the amendment of the Goals and Policies Chapter 7, Code of Ordinance Subsection 33.2.A, subsection 33.2.B, adopted hereby shall be liberally construed to affect 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 Goals and Policies Chapter 7, Code of Ordinance subsection 33.2.A, and subsection 33.2.B shall not be affected thereby. For this purpose, the provisions of this Ordinance and its amendments are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this Ordinance amending Goals and Policies Chapter 7, Code of Ordinance Subsection 33.2.A, subsection 33.2.B shall be effective immediately.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 22, 2008 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

___________________________
Allen Biaggi, Chair
Tahoe Regional Planning Agency
Chapter VII Implementation Element Goal #2 Policy 11

FROM JANUARY 1, 2007, THE MAXIMUM ADDITIONAL RESIDENTIAL UNITS THAT MAY BE AUTHORIZED IS EQUAL TO THE NUMBER OF UNITS IN THE ALLOCATION POOL CARRIED OVER FROM 2006 PLUS THE 236 UNUSED PRIOR TO 1996 ALLOCATIONS THAT SHALL BE ADDED TO THE POOL. THIS LIMITATION SHALL NOT APPLY TO AFFORDABLE HOUSING UNITS DESCRIBED IN THE HOUSING SUBELEMENT. ALL UNUSED DISTRIBUTED ALLOCATIONS AS OF JANUARY 1 OF EACH YEAR SHALL BE REASSIGNED TO THE ALLOCATION POOL ADMINISTERED BY TRPA. BEGINNING JANUARY 1, 2009 AND UNTIL ADOPTION OF THE REGIONAL PLAN UPDATE, LOCAL JURISDICTIONS MAY ELECT TO RETAIN THOSE ALLOCATIONS EARNED THROUGH THE ANNUAL PERFORMANCE REVIEW PROCESS AND UNUSED BY DECEMBER 31ST. THE ALLOCATION POOL SHALL BE USED TO ALLOW PROPERTY OWNERS WHO RETIRE SENSITIVE PARCELS TO RECEIVE AN ALLOCATION, APPLICANTS FOR MODERATE HOUSING UNITS UNDER THE MODERATE HOUSING PROGRAM TO RECEIVE ALLOCATIONS, AND FOR LOCAL JURISDICTIONS TO EARN ALLOCATIONS FOR ANNUAL DISTRIBUTION. ALLOCATIONS ASSIGNED YEARLY TO EACH JURISDICTION SHALL BE LINKED TO THE LOCAL JURISDICTION’S PERFORMANCE ON PERMIT COMPLIANCE, IMPLEMENTATION OF WATER QUALITY AND AIR QUALITY IMPROVEMENTS AND MONITORING AND INCREASED TRANSIT OPERATIONS. THE ALLOCATION AND DISTRIBUTION OF ALLOCATIONS EACH YEAR FOR LOCAL JURISDICTIONS SHALL NOT EXCEED THE FOLLOWING:

MAXIMUM YEARLY ALLOCATIONS

<table>
<thead>
<tr>
<th>YEAR</th>
<th>2002</th>
<th>2003-06</th>
</tr>
</thead>
<tbody>
<tr>
<td>EL Dorado County</td>
<td>92</td>
<td>111</td>
</tr>
<tr>
<td>CITY OF SLT</td>
<td>38</td>
<td>47</td>
</tr>
<tr>
<td>PLACER COUNTY</td>
<td>88</td>
<td>66</td>
</tr>
<tr>
<td>WASHOE COUNTY</td>
<td>59</td>
<td>49</td>
</tr>
<tr>
<td>DOUGLAS COUNTY</td>
<td>22</td>
<td>21</td>
</tr>
<tr>
<td>TOTAL</td>
<td>299</td>
<td>294</td>
</tr>
</tbody>
</table>

Chapter 33 Allocation of Development 33.2.A.(3).(b)

(b) Unused allocations from 1987-1996 shall be assigned to the allocation pool. The 236 unused allocations from 1997 to 2002 shall also be assigned to the allocation pool on January 1, 2007. Beginning January 1, 2002, those allocations earned by local jurisdictions through the Performance Review System and unused by December 31 are returned to the Allocation Pool. Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31st.

Chapter 33 Allocation of Development 33.2.A.(4)
(4) **Allocation Pool:** At the beginning of each year, unused allocations from the previous year shall be assigned to an allocation pool administered by TRPA. Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31st.

**Chapter 33 Allocation of Development 33.2.B.(4).e**

(e) All unused allocations previously distributed to each jurisdiction as of January 1 of each year shall be assigned to the allocation pool. Potential allocations not earned pursuant to (5) below do not exist and shall not be placed in the allocation pool. § Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31st.

**Chapter 33 Allocation of Development 33.2.B(5)**

(5) **Performance Review System**: Starting January 1, 2003, each jurisdiction shall receive a base allocation according to the Allocation Performance Table below. The base allocation may be enhanced or reduced incrementally according to subparagraphs (a) through (g) below. After the submittals for the 2003 allocations, annual submittals will be due October 1, 2003, and every year thereafter, the Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA. The review committee shall consist of representatives of the participating counties, City and TRPA and shall review the performance criteria contained in subparagraphs (a) through (g) below. TRPA may establish guidelines to establish consistent evaluations and/or audits for (a) through (g) to assist the Performance Review Committee’s review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in the Allocation Performance Table below. When the total number of allocations available for distribution are fewer than the number shown in the Allocation Performance Table below, TRPA shall apply the Performance System proportionality to the remaining allocations.

<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>
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</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.
Date:        July 1, 2009
To:          TRPA Advisory Planning Commission (APC)
From:        TRPA Staff
Subject: Amendment of the Boundary Line of Kings Beach Commercial
Community Plan (KBCP) and Plan Area Statement 028, Kings Beach Residential to Incorporate Placer County APNs 090-122-036 and 037 into the Community Plan Area; Amend Urban Design and Development Policies of the Land Use Element; and Provide for Other Matters Properly Related Thereeto;

Requested Action: The applicant, Domus Development, is requesting the APC make a recommendation to the Governing Board to:

1) Amend the Kings Beach Community Plan Boundary to add Placer County APNs 090-122-036 and 090-122-037 to Special Area #1 for future development of affordable housing (see Attachment B, Exhibit 2); and

2) Amend Kings Beach Community Plan Land Use Element, to delete Urban Design and Development Policy 1.b which limits the incentives for commercial uses on APNs 090-222-028 & 029 (now consolidated APN 090-222-050) (see Attachment B, Exhibit 1 for language and Attachment C for a location map), and

3) Amend the Kings Beach Community Plan to add two new Urban Design and Development Policies. Policy 6.b provides for a landscaping buffer to be created along the boundaries of APN 090-222-050 and Policy 9.b which requires that APNs 090-122-36 & 37 are permanently deed restricted for affordable housing (see Attachment B, Exhibit 1 for language and Attachment C for location map),

Staff Recommendation: Staff recommends that the APC recommend to the Governing Board approval of the proposed Amendments to the KBCP (see Attachment A and B).

Required Motion: To recommend approval of the proposed action to the GB, the APC must make the following motion, based on this staff summary and the evidence in the record:

1) A motion to recommend approval of the required findings (see Attachment A), and
2) A motion to recommend approval of the proposed Ordinance and associated Exhibits 1 & 2 (see Attachment B).
Placer County Action: The KBCP is a joint TRPA and Placer County planning document. Placer County Redevelopment is the owner of one of the subject parcels, APN 090-122-050. As such, Placer County is supportive of these amendments. However; Placer County has informed TRPA that they are not proposing to amend their Community Plan at this time as it is not required to facilitate their permitting of the proposed Domus Affordable Housing Projects. (Please note, this application is to amend the KBCP only, and that the Domus affordable housing projects are currently being reviewed and will be the subject of a separate action by both TRPA and Placer County.) TRPA recommends that at some time in the future Placer County amend the KBCP to ensure a consistent joint document is maintained and a consistent planning review processes can continue.

Background/Project Description: The applicant, Domus Development, has submitted an application to amend the KBCP boundary line to add Placer County APNs 090-122-036 and 090-122-037 to Special Area #1 of the KBCP from Plan Area Statement 028, (see Attachment C) to facilitate the construction of a future affordable housing project. Secondly, they propose to amend the KBCP Urban Design and Development Policy 1.b to facilitate the development of mixed use commercial projects in the KBCP. Thirdly, staff is recommending that two additional Urban Design and Development Policies be added to the KBCP to ensure the facilitation of affordable housing; to facilitate the implementation of the goals and objectives of the KBCP, and other existing policies within the Regional Plan; and, to ensure the findings can be made to amend the KBCP boundaries.

Although Domus Development is the applicant, SKI Brown, the proponent for the BB, LLC Community Enhancement Program project, owns APNs 090-122-36 & 37, and Placer County Redevelopment owns APN 090-222-050 (formerly APNs 090-222-028 & 029). Both of these owners have provided permissions for this amendment application.

Boundary Line Amendment: The proposed boundary line amendment is consistent with Chapter 14 and the findings required to adjust the boundaries (See Required Findings – Attachment A), and will allow the applicant’s parcels to take advantage of the Plan’s land coverage incentive pursuant to TRPA Code Section 20.3.B. The subject parcels are currently located in Plan Area 028 – Kings Beach Residential; where multi-family residential facilities are permissible uses, but where allowable land coverage limits are subject to the Bailey Land Capability system. The subject parcels have been verified as land capability Class 5 with 25 percent allowable base land coverage. If the proposed boundary amendment were approved, any proposed affordable housing project on the subject parcels could take advantage of the 50 percent land coverage incentive pursuant to TRPA Code Section 14.3.A and Section 20.3.B. The additional land coverage above the base allowable land coverage (under the Bailey system) must be transferred onto the subject parcels pursuant to TRPA Code Section 20.3.C at a ratio of 1:1. The 1:1 transfer ratio will result in the land coverage being transferred from the sending parcel located within the same hydrologic area. Consequently, there will not be a net increase in allowable land coverage within the hydrologic area as a result of the inclusion of the subject parcels into the Kings Beach Community Plan boundary.

Urban Design and Development Policy Addition (9.b): The applicant has proposed an affordable housing project on the above subject parcels. To ensure that the subject BH

AGENDA ITEM V.C.
parcels are used for affordable housing, a new Urban Design and Development Policy 9.b is being proposed by staff that will require the properties to be deed restricted for affordable housing purposes.

**Amendment to Urban Design and Development Policy 1.b:** The proposed amendment to Urban Design and Development Policy 1.b of the Kings Beach Community Plan Land Use Element, Objectives and Special Policies, will delete the last sentence which states (emphasis added): “Community Plan coverage incentives pursuant to Subsection 20.3.b(2) shall not apply to Placer County APNs 090-222-028 and -029.” Placer County APNs 090-222-028 and -029 are located in Special Area #2 (See Attachment B, Exhibit 2a). Please note that the two subject APNs have since been consolidated to form a new parcel 090-222-050. With the proposed modification of Urban Design and Development Policy 1.b noted above, the new parcel 090-222-050 will be eligible for 50% allowable land coverage incentive pursuant to TRPA Code Section 20.3.B. This change is proposed to make a mixed use commercial project feasible at this location and is consistent with the goals and objectives of the KBCP.

**Urban Design and Development Policy Addition (6.b):** TRPA staff recommends adding the following policy language to the KBCP.

6.b, A landscaping and open space buffer shall be provided along the boundaries of APN 090-222-050 (formerly APNs 090-222-028 & 029) and the adjacent residential Plan Area Statements 028 Kings Beach Residential and 031 Brockway. The landscaping and open space buffer shall provide a visual and physical buffer between the proposed development and the existing adjacent single family residences. The buffer shall, (where possible), minimize noise and light shedding onto adjacent single family residential properties. No buildings or structures other than fences shall located within the buffer area. The size, landscaping content, and character of the buffer area shall be determined during review of any proposed project located on the parcel.

This policy addition recognizes the intent of an existing policy within PAS 028, Special Policy #7 that relates to the former APN 090-222-029. This addition could be viewed as a clean-up amendment. As previously noted, APNs 090-222-028 & 029 have been consolidated and given a new parcel number, APN 090-222-050. Staff recommends the new policy apply to the new parcel APN 090-222-050. As stated below, Attachment D provides a more detailed discussion on this topic.

**Issues/Concerns:**

1. **Increase in Land Coverage:**
   - The Proposed amendments will allow the subject parcels (Placer County APNs 090-122-036, 090-122-037, 090-222-028 and 090-222-029) to take advantage of the 50 percent land coverage incentive pursuant to TRPA Code Section 20.3.B.
   - Utilization of the 50 percent land coverage incentive will require transfer of land coverage to Placer County APNs 090-122-036, 090-122-037, 090-222-028 and 090-222-029.
• The land coverage transfers will not result in increased land coverage in the watershed due to the required conformance with TRPA Code Section 20.3.C, which requires a 1:1 transfer ratio.

2. **Rational for Landscaping and Open Space Buffer Policy:**

Please see Attachment D for a more detailed discussion of the issues and concerns relating to the proposed amendments to the KBCP.

**Regional Plan Compliance:** The proposed action complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapter 6, Chapter 13, and Chapter 14 of the TRPA Code of Ordinances.

**Contact Information:** If you have any questions, please contact Brenda Hunt, Associate Planner II at bhunt@trpa.org or 775.589.5225.

**Attachments:**

A. Required Findings/Rationale
B. Draft Ordinance and associated Exhibits
   - Exhibit 1 – Proposed Amendments to Chapter II, Land Use, of the Kings Beach Community Plan
   - Exhibit 2 – Kings Beach Commercial Community Plan Proposed Boundary Line Amendment
C. Location Map Kings Beach Commercial Community Plan
D. Issues/Concerns Discussion
Required Findings/Rationale  
(Kings Beach Community Plan Boundary Line Amendment and Modification to Urban Design and Development Policy 1.b)

Findings: Prior to amending the Kings Beach Commercial Community Plan (KBCP) boundary line and modifying the provisions of Urban Design and Development Policy 1.b, TRPA is required to make Chapter 6, Chapter 13 and Chapter 14 Findings that determine if the amendments to the KBCP are necessary.

Chapter 6 Findings

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

Rationale: The proposed community plan boundary line amendment will be consistent with, and will not adversely affect implementation of the Regional Plan because the proposals will help facilitate the construction of affordable housing and mixed use commercial projects within the KBCP pursuant to incentives provided within the TRPA Code of Ordinances to concentrate these uses within Community Plans, and the objectives and policies outlined in the KBCP, specifically Objective 9 (see Attachment B, Exhibit 1). The KBCP boundary line is proposed to be amended to incorporate two parcels (Placer County APNs 090-122-036 and 090-122-037) to Special Area #1 to facilitate affordable housing at these sites. The boundary line amendment will provide an incentive for increased land coverage up to the Community Plan maximum of 50 percent on APNs 090-122-036 & 037 if a deed restricted affordable housing project is constructed. Urban and Design Policy 9.b shall be added to require the subject parcels to be deed restricted for affordable housing purposes. Additionally, the proposal includes a modification to the Urban Design and Development Policy 1.b which currently restricts land coverage for commercial facilities on Placer County APNs 090-222-028 and 090-222-029 (now consolidated APN 090-222-50) to the limits allowed by the Bailey Land Capability System. The portion of Urban Design and Development Policy 1.b that restricts land coverage on Placer County APNs 090-222-28 & 29 (now consolidated APN 090-222-50) will be deleted. This policy is not necessary as any land coverage above the base allowable must be transferred in accordance with TRPA Code Subsection 20.3.C (See Finding 2 below). Any project proposed to utilize the land coverage incentives will still be subject to the applicable TRPA Goals and Policies, Code of Ordinances and the Kings Beach Community Plan.

2. Finding: The project will not cause the environmental thresholds to be exceeded.
Rationale: The proposed boundary line amendment and modification to Urban Design and Development Policy 1.b will not cause the environmental thresholds to be exceeded. All land coverage above the base allowable for the subject parcels must be transferred in accordance with Subsection 20.3.C of the TRPA Code and will not result in increased land coverage in the hydrologic area. Any subsequent project that is approved for the subject parcels must also make the finding that no threshold will be exceeded.

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

Rationale: Any new development will continue to be subject to the Regional Plan Package, including maintenance of all applicable air and water quality standards.

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

Rationale: See Chapter 6 Findings 1 and 2 above. Projects that may be processed and approved pursuant to this amendment will be subject to the Code, Goals and Policies, and the KBCP and its guidelines for achieving and maintaining environmental thresholds.

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

Rationale: See Chapter 6 Findings 1 & 2. above.

Chapter 13 Findings

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.

Rationale: The proposed amendments are substantially consistent with the plan area designations established in Subsections 13.5.B and 13.5.C. The plan area is an adopted community plan designated as an area for concentration of commercial/public service development with Special Designations as a TDR Receiving area for multi-family units and for the multi-residential incentive program. These designations promote the desire to obtain affordable multi-family housing within the KBCP. The amendments proposed are largely being considered to facilitate the construction of affordable housing and mixed use commercial projects within the KBCP. The Management Strategy, Redirection, will not change with the proposed amendments. The proposed amendments are consistent with the planning direction for the plan area.
The subject parcels associated with the boundary line adjustment are directly adjacent to the existing community plan boundary and, if developed with deed restricted affordable housing as proposed by Urban Design and Development Policy 9.b, they will be compatible with the surrounding residential, commercial and tourist uses. Existing public services are available in the surrounding area to support housing on the subject parcels.

**Chapter 14 Findings**

1. **Finding: Use Considerations:** The area within the KBCP boundaries is an area where commercial, tourist, and related uses are concentrated or where commercial, tourist, or affordable residential uses should be concentrated; is served or easily served by transit systems; which has adequate highway access; which has or can have housing in the vicinity available for employees working in the area; and which otherwise qualifies as an area suitable for continued or increased levels of commercial activity. In areas where existing and proposed development patterns are found to support affordable housing, the community plan shall limit the applicable community plan incentives to uses classified as deed restricted affordable housing or employee housing with the employment base nexus identified within close proximity to the proposed employee housing.

   **Rationale:** The proposed amendment to modify the KBCP boundary to add Placer County APNs 090-122-036 and 090-122-037 to Special Area #1 is consistent with the intent of the Kings Beach Community Plan and will provide an additional incentive (up to 50 percent land coverage) for the applicant to develop affordable housing for local residents and employees. The addition of Urban Design and Development Policy 9.b will ensure the two parcels are developed with deed restricted affordable housing. As noted in the Chapter 13 findings above, the subject parcels are served by nearby transit systems and have adequate neighborhood services. The surrounding use patterns support affordable housing in the community plan as there is sufficient commercial and public services available.

   The proposed amendment to Urban Design and Development Policy 1.b and addition of Policy 9.b is consistent with the Use Considerations outlined above. The modification to Policy 1.b may assist in the provision of mixed use opportunities on Placer County APNs 090-222-028 and 090-222-029 (now consolidated APN 090-222-50).

2. **Finding: Traffic Considerations:** The nature and intensity of uses proposed for the area within the boundaries is demonstrably consistent with the achievement of VMT reduction policies and level of service goals for street and highway traffic established for the plan area.

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AGENDA ITEM V.C.
Rationale: No new uses are proposed as a part of these amendments to the KBCP. The proposed Community Plan amendments are consistent with the nature and intensity of uses that is projected for Special Area #1 and Special Area #2, which is a mix of commercial, tourist and residential uses.

3. Finding: Concentration: The area within the boundaries will encourage concentration of commercial development, discourage the maintenance or exacerbation of strip commercial development and shall not allow isolated areas of commercial or tourist accommodations unrelated to the central commercial area.

Rationale: The addition of the two parcels to Special Area #1, modification of Urban Design and Development Policy 1.b, and addition of Policy 9.b to the KBCP is consistent with the concentration of commercial development and will not exacerbate strip development along Highway 28. The boundary line amendment is located on Trout St. and does not create additional commercial opportunities along the Highway 28 corridor. The modification and addition of the above referenced policies would encourage the concentration of uses and enhance the ability to achieve the policies outlined within the KBCP. The amendment would create housing opportunities within close proximity to commercial and employment centers.

4. Finding: Size: The area within the boundaries is a size consistent with the needs for additional commercial development established by the needs assessment which evaluated the entire area of the community plan, taking into account the needs and opportunities of the Region taken altogether.

Rationale: Placer County APNs 090-122-036 and 090-122-037 are proposed to be added to Special Area #1 of the KBCP. These parcels were not assessed as part of the commercial floor area needs assessment for the Community Plan. However, the subject parcels will be deed restricted for affordable housing use (proposed by Urban Design and Development Policy 9.b), thereby eliminating the possibility of commercial development on the properties.

Placer County APNs 090-222-28 & 29 (now consolidated APN 090-222-50) are not changing in size. The deletion of the Urban Design and Development Policy 1.b will not affect the boundaries of the adopted KBCP.

Environmental Documentation: The applicant has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the checklist and Chapter 6, Chapter 13 and Chapter 14 Findings documented above.
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING POLICIES IN CHAPTER II OF THE KINGS BEACH COMMUNITY PLAN; AMENDING THE BOUNDARY LINE BETWEEN SPECIAL AREA #1 OF THE KINGS BEACH COMMUNITY PLAN AND PLAN AREA STATEMENT 028 TO ADD PLACER COUNTY APNs 090-122-036 AND 090-122-037 INTO SPECIAL AREA #1, 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 amending policies within Chapter II, Land Use Element of the Kings Beach Community Plan and by amending the boundary line between Special Area #1 of the Kings Beach Community Plan and Plan Area Statement 028 to add Placer County APNs 090-122-036 and 090-122-037 into Special Area #1, to further implement the Regional Plan pursuant to the Land Use Subelement of the Regional Plan Goals and Policies, Chapter 14 of the TRPA Code of Ordinances and 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 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6, Chapter 13, and Chapter 14 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.

AGENDA ITEM V.C.
Section 2.00 Amendment of Chapter II, Land Use, of the Kings Beach Community Plan

Subsection 6.10, subparagraph (30) of TRPA Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated 7/1/2009, which attachment is appended 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 7/1/2009, which attachment is appended hereto and incorporated herein.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Regional Plan Package 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 Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Kings Beach Community Plan are hereby declared respectively severable.

Section 5.00 Effective Date

The provisions of this ordinance amending policies within Chapter II, Land Use, of the Kings Beach Community Plan and amending the boundary line shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 22, 2009, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Allen Biaggi, Chairman
Tahoe Regional Planning Agency
OBJECTIVES AND SPECIAL POLICIES:

Urban Design and Development

1. The overall theme for Kings Beach is "Major Tourist Accommodation, Retail, and Services." The themes for the sub-areas of the Community Plan are implemented through the Special Areas. Commercial activities with direct frontage on State Route 28 should be oriented toward tourist needs, e.g. accommodation, dining, and retail sales. The Plan encourages a mix of tourist, commercial, and residential uses, but encourages service oriented commercial to be located off State Route 28. The State Park area should be looked upon as the town center or town plaza with a concentration of tourist-related uses around it.

   a. **Policy**: In Special Area 1 (Downtown Area Commercial), tourist-oriented commercial uses are the predominant theme. This area represents the "heart" of the downtown Kings Beach Community, and generally fronts on State Route 28. This area has historically had a wide range of commercial activity not always compatible among themselves and not always appropriate for a tourist-oriented economy. The policy of this Plan is to keep the types of activities more homogeneous and oriented to the visiting public.

   b. **Policy**: In Special Area 2 (East and West Entry Commercial Areas), more emphasis is placed on commercial services oriented more to the local population, such as auto repair, building materials and hardware, laundries and dry cleaning, and storage yards, to name a few. These areas are generally at the entrance points at either end of the commercial districts. **Community Plan coverage incentives pursuant to Subsection 20.3.B(2) shall not apply to Placer County APNs 090-222-028 and –029.**

   c. **UPolicy**: In Special Area 3 (Recreation Area), permissible uses are oriented toward outdoor recreation activities. This area is generally defined geographically on the State Beach area, and is bounded generally between State Route 28 and the lake, in the middle of the downtown area. Limited commercial activity is permitted to reflect the historical relation between lake-front recreation and tourist-related commercial activities.

4. Encourage the upgrading or replacement of commercial advertising signs that detract from the aesthetic appearance of the community.

   a. **Policy**: Outdoor advertising shall be subject to the standards and guidelines established in the Placer County Standards and Guidelines for Signage, Parking and Design (Appendix B).

   b. **Policy**: Nonconforming signs shall be subject to an amortization plan and incentive program to provide for the eventual elimination or replacement of such signs.

5. Complete the undergrounding of overhead utilities for Kings Beach. Undergrounding of utilities on State Route 267 should be given priority, with the back-street areas to follow.

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§§ Amended 7/22/2009

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AGENDA ITEM V.C.
a. **Policy**: Pursuant to the general recommendations for scenic improvements in Chapter IV, all projects within the scenic corridor shall be responsible for removing, relocating or screening overhead utilities as a condition of project approval. TRPA may waive this requirement if the project is part of an undergrounding program or the undergrounding has been determined by TRPA not to be necessary to meet the scenic targets of this Plan.

6. Integrate more landscaping into both private development and public projects.

   a. **Policy**: Projects with existing coverage in excess of 75% of their project area, shall be required to provide an increase in landscaping equal to 5% of the project area. The landscaping requirement shall be met within the project area or, if not feasible, off-site in a related area. This condition may be waived by the Design Review Committee, if the project is part of an assessment district which is providing the required increase in landscaping or the landscaping requirement has been met by a previous approval.

   b. A landscaping and open space buffer shall be provided along the boundaries of APN 090-222-050 (formerly APNs 090-222-028 & 029) and the adjacent residential Plan Area Statements 028 Kings Beach Residential and 031 Brockway. The landscaping and open space buffer shall provide a visual and physical buffer between the proposed development and the existing adjacent single family residences. The buffer shall, (where possible), minimize noise and light shedding onto adjacent single family residential properties. No buildings or structures other than fences shall located within the buffer area. The size, landscaping content, and character of the buffer area shall be determined during review of any proposed project located on the parcel.

7. Implement the recommendations described in the Conservation Element, Scenic Target, for improving overall scenic quality.

   a. **Policy**: The Design Review Committee shall consider the recommendations of the Scenic Target section of Chapter IV when reviewing projects and, where appropriate, incorporate conditions of approval to implement the recommendations of the Scenic Target section or the equal or superior recommendations of the applicant.

8. Preserve and enhance scenic views to Lake Tahoe and to other prominent areas of special interest.

   a. **Policy**: Projects located between the designated scenic corridors and Lake Tahoe shall not cause a reduction of the views of Lake Tahoe from the corridors. TRPA may consider as an alternative, offsite improvements if it is determined there is a net increase in the lake views within the scenic unit.

9. The development of better quality affordable housing is a primary goal of this Plan for the neighborhoods in and surrounding the Community Plan.

   a. **Policy**: An employee housing mitigation program shall be required of projects creating jobs for 20 or more employees.
b. **Policy:** Placer County APNs 090-122-036, and 090-122-037 shall be deed restricted for affordable housing to facilitate implementation of affordable housing in the Kings Beach Community Plan. Community Plan development incentives shall only apply to this parcel when a deed restricted affordable housing project is developed.

**Commercial Development:**

1. The Plan acknowledges the community's tourist orientation and the critical role of recreation in the Kings Beach economy. Tourism is the foundation of the economic base and its inter-relationship with recreation should continue to be fostered.

2. Encourage development and/or activities that will enhance the "year round" economy.

3. Special event area for arts and crafts shows, seasonal sales, and other similar events shall be established. Arts and cultural events are encouraged as part of the theme for Kings Beach.

   a. **Policy:** Special event area for arts and crafts shows, seasonal sales, farmer's market, boat shows and other similar events shall be considered in the State Park area. The design and regulation of the area by the County or NTPUD should allow such events to occur as activities not subject to TRPA review.

   b. **Policy:** The Plan allows for the establishment of galleries and working studios. Living spaces for the artist inside and working space outside shall be considered special uses. Outside display of art onsite or offsite shall require review of the Design Review Committee.
King's Beach Commercial
Special Area 1

King's Beach Commercial
Special Area 2

King's Beach Commercial
Special Area 3

King's Beach Commercial
Special Area 4

Boundary Line Amendment
Parcels of Interest
APN's: 090-122-036 & 090-122-037

King's Beach Residential
Plan Area 028

Brockway
Plan Area 031

Attachment B, Exhibit 2
July 1, 2009

King's Beach Commercial
Community Plan (Proposed Boundary)
Issues and Concerns Discussion

1. Land Coverage Issues:

**Boundary Line Amendment/ Addition of Urban Design and Development Policy 9.b:**

The boundary line amendment will facilitate the development of affordable housing in the Kings Beach Community Plan, as the two subject parcels will be deed restricted for affordable housing as proposed by Urban Design and Development Policy 9.b.

The expansion of the community plan boundary will result in an increase in allowable land coverage on those parcels. However, this increase in allowable land coverage will not result in an overall increase in land coverage within the hydrologic boundary. Any land coverage above the base allowable (Bailey) for the subject parcels must be transferred onto the property from within the hydrologic unit and therefore no overall increase in land coverage will occur.

**Amendment to Urban Design and Development Policy 1.b:**

This provision of Urban Design and Development Policy 1.b was added to the Community Plan when Placer County APNs 090-222-028 and -029 were added to the Kings Beach Community Plan in a 2002 boundary line amendment. The 2002 boundary line amendment was processed so that a mixed used commercial project (retail nursery plant, employee housing and storage facility) could be considered for approval, but without the additional land coverage incentives offered to Commercial properties in TRPA Code Subsection 20.3.b(2). This commercial/mixed use project was never constructed. At the time, the last sentence was included in this policy because it was thought that the original Regional Plan analysis did not analyze the additional land coverage that may occur on these parcels if allowed to obtain the 50 percent coverage incentive. It has subsequently been determined this analysis did not consider that land coverage above the base allowable land coverage (25 percent land coverage for Class 5 lands in this instance) must be transferred onto the subject parcels pursuant to TRPA Code Section 20.3.C., as also noted for APNs 090-122-036 and -037 above. Therefore, the land coverage issue was analyzed as a part of the original Regional Plan. The 1:1 transfer ratio will result in land coverage being transferred from the sending parcel to the subject parcels located within the same hydrologic area. Consequently, there will not be a net increase in allowable land coverage within the hydrologic area as a result of the elimination of the subject provision in Urban Design and Development Policy 1.b.

2. Rationale for the Landscaping and Open Space Buffer Policy:

Plan Area 028 – Kings Beach Residential, contains a policy (Special Policy #7) that specifically relates to APN 090-222-29. This policy was not carried over into the KBCP in 2002 when the KBCP Boundary was amended to include the balance of APNs 090-222-028 & 029 discussed previously.

Special Policy #7 specifically states:

> A continuous landscape and open space buffer shall be provided along the western boundary of APN 90-222-29 as part of development of a multiple family

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AGENDA ITEM V.C.
Issues and Concerns Discussion

residential project which includes the parcel. The purpose of the buffer is to provide visual and physical separation between multiple family residential uses in Plan Area 028 and single family residential uses in Plan Area 031. The buffer shall average at least twenty five feet in width and shall not be less than twenty feet in width. No building, structure other than fences, exterior lighting, vehicle parking or circulation, trash facilities or mechanical equipment shall be located within the buffer.

TRPA staff recommends that this policy be revised and a new policy be added to the KBCP Urban Design and Development Policies. The new policy, outlined below, is more specific in relation to the purpose and need for the buffer, yet less prescriptive in its specific size requirements. Specifically, staff proposes that the following Urban Design and Development Policy (6.b) language be added to the KBCP:

A landscaping and open space buffer shall be provided along the boundaries of APN 090-222-050 (formerly APNs 090-222-028 & 029) and the adjacent residential Plan Area Statements 028 Kings Beach Residential and 031 Brockway. The landscaping and open space buffer shall provide a visual and physical buffer between the proposed development and the existing adjacent single family residences. The buffer shall, (where possible), minimize noise and light shedding onto adjacent single family residential properties. No buildings or structures other than fences shall located within the buffer area. The size, landscaping content, and character of the buffer area shall be determined during review of any proposed project located on the parcel.

As previously noted, APNs 090-222-028 & 029 have been consolidated and given a new parcel number, APN 090-222-050. Staff recommends the new policy apply to the new parcel APN 090-222-050.

This policy would essentially replace Special Policy #7 in PAS 028; however, the removal of Special Policy #7 was not formally noticed; therefore, staff recommends that PAS 028 be updated and the removal of Special Policy #7 be addressed during the Regional Plan Update.
Date: July 1, 2009
To: Advisory Planning Commission
From: TRPA Staff
Subject: Election of a Vice-Chair to the TRPA Advisory Planning Commission

As was announce at the last APC meeting, Teri Jamin, our current Vice-Chair, is retiring from the City of South Lake Tahoe and thus will be leaving the APC. APC members are being asked to elect a new Vice Chair at the July meeting. If you are interested in assuming the position or would like to make suggestions about filling the position, please contact Alan Tolhurst at 530-544-1587. Alan will be chairing the July meeting and has volunteered to coordinate this item.