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 May 12, 2004, at the Tahoe Regional Planning Agency, 124 Market Street, Stateline, CA 89449. The agenda for the meeting is attached hereto and made a part of this notice.

May 3, 2004

John Singlaub
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 (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A). Amendments to Plan Area Statement 103, Sierra Tract Commercial and Plan Area Statement 104, Highland Woods to Add the Transfer of Development Rights Designation for Multi-Residential Units and Provide for Other Matters Properly Relating Thereto. "Page 1"

VI. PLANNING MATTERS

A. North Lake Tahoe Fire Protection District MOU "Page 15"
B. APC’s Role in Pathway 2007 "Page 19"
C. Informal scoping of the IVGID Sewer Export Line EA "Page 29"

VII. REPORTS

A. Executive Director
B. Legal Counsel

C. APC Members

VII. ADJOURNMENT
MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Chairman Larry Lohman, Vice-Chairwoman Mimi Moss, Alice Baldrica, Bill Combs, Robert Jepsen, Eva Krause, Gary Marchio, Joe Oden, Lee Plemel, Tom Porta, Mike Riley, Jane Schmidt, Alan Tolhurst

II. APPROVAL OF AGENDA

Alice Baldrica moved to approve the agenda as amended
Tom Porta seconded.

All ayes
Motion carries.

III. PUBLIC INTEREST COMMENTS

Amendment: add Robert Jepson as present to last meeting.
Misspelled Jim Phelan’s name on last minutes – to be corrected.

IV. DISPOSITION OF MINUTES

Mimi Moss made a motion to approve the minutes as corrected.
Larry Lohman seconded.

Motion carried.

V. PUBLIC HEARINGS

A). Amendments to Plan Area Statement 085, Lakeview Heights; Plan Area Statement 089, Lakeside Park; Plan Area Statement 093, Bijou; Plan Area Statement 103, Sierra Tract Commercial; Plan Area Statement 104, Highland Woods, and the Stateline-Ski Run Community Plan to Add the Transfer of Development Rights for Multi-Residential Units and Amend Plan Area Statement PAS 099, Al Tahoe, to Add Multi-Residential Incentive Program to the Special Designations;

Public input – Lisa O’Daly – Clarified that this is a package of cleanup amendments and does not add multifamily planning statement.

No additional public input
Alice Baldrica moved to approve
Mimi Moss seconded
Motion Carriers

B) Amendment of Regional Plan Goals and Policies, Attachment B, Regional Plan Glossary, to Update Certain Definitions;

The proposed amendments were explained by John Hitchcock from TRPA.

Questions from the board included:

Alice Baldrica
1) Page 29 under Public Service: Does this include self powers?
2) Is there a reason that APC is not included into page 31 definition of TRPA: Tahoe Regional Planning Agency, including Governing Board, APC and staff?

Mimi Moss
Reason why we have a glossary of a definition in the regional plan and not in the code of ordinance? Preference is to have it say refer to code of ordinance for definitions somewhere in the plan and not have to go back and amend this plan periodically.

Jordan Kahn
This seems logical; however, the goals and policies do stand above the code in the hierarchy of documents.

Larry Lohman
Seems if it were put in the code, therefore all documents have the same definitions that would be better.

Alan Tolhurst
In light of the recent elections on Measure L – I want to be clear on what the definition of subdivision is. An issue came up that if you had a timeshare, it is actually divided into 52 APNs and is that a subdivision then. That to me is a legal entity and that is a subdivision and it doesn’t seem to fit too well. We are not allowing subdivisions, but are allowing timeshares. Issues of TOTs and other things and if people are being taxed on their parcels $60 per week then it’s a confusing issue to me.

TRPA clarified: With a subdivision there are two requirements; first, there is a legal instrument which is typically a recorded deed in the timeshare situation, and second they are entities recognized under law as separate for the purpose of transfer of title.

Alan
I would think that would be worth investigating. Especially if there is a prohibition on subdivisions.
Open for public hearing – None

Motion was made to approve, but to amend for TRPA to resolve subdivision issue and to include APC as part of TRPA and to look into refining the definitions.

Alice Baldrica moved to approve
Joe Oden seconded
Motion carried

C) Amendment of Regional Plan Goals and Policies, Housing Sub-element of the Land Use Element, and Amendment to Code of Ordinances Chapter 2, Definitions, Chapter 33, Allocation of Development, Chapter 35, Bonus Unit Incentive Program, Chapter 41, Permissible Subdivisions, and Chapter 43, Subdivision Standards to Provide Incentives and Programmatic Elements for the Development of Moderate Income Housing and Other Matters Properly Relating Thereto;

Note: Change to the wording in the Background section to reflect the last sentence – Staff’s conclusion is that the necessary findings could not be made to except moderate-income housing from residential allocations out-right, as is the case for Affordable Housing.

John Hitchcock presented the amendment after which it was opened up to public comment.

Kevin Duncan, Midkiff & Associates presented their view that there should be an incentive to allow this kind of building in all areas and not restrict.

Lisa O’Daly, City of South Lake Tahoe explained that this was a good start but there stills needs to be work done on the TOD plan. The city expects to bring a new program to address this situation this summer to accommodate all areas.

Recommendation on 43.4.C – to reconsider a change to this portion of the amendment.

Patrick Conway, Housing Director, City of South Lake Tahoe presented an article on “Cost of living moves workers out of basin” (article attached). He is concerned that our public servants are not able to afford to live in the basin and would like them to have an opportunity to do so. He would also like to see the amendment redefined to make it less complex.

Rachelle Pellissier, Workforce Housing Association of Truckee Tahoe pointed out the North Lake and the Truckee area has the same concerns regarding that even the executives in the area can not afford to live here.
No more public comment

APC board members wanted to fully understand how to mitigate any lost revenue and to understand the local area programs to address this issue. You need to have a program in place to make multi-family housing in any area to get the exemption. APC members also asked that page 50 Item 2 under 35.2.G be simplified. TRPA noted that there still needs to be more work done.

Joe Ceron, Placer County Redevelopment Agency stated they are always looking for tools to provide affordable housing in Placer County, but find it is difficult to do this and that this tool will go a long way in Placer County to help us provide housing that is affordable.

Lisa O’Daly, City of South Lake Tahoe asked several more clarifying questions on the subdivision and bonus unit deed restrictions. She recommended reconsideration of changes be made to Section 43 to address this multi-residential subdivision.

John Singlaub, Director TRPA called for a 10 minute break for further clarification to APC members.

Mimi Moss moved to approve with adjustments made to the Goals & Policies housing sub-element under policies 2 & 3 to remove reference to multi-residential incentive program, and modifications to page 54 43.4C and 43.4F as discussed to enable ability to substitute residential units resulting from this program.

Lee Plemel seconded
Jane Schmidt abstained
Motion carried

D) Notice of Sixty (60) Day Public Review and Comment Period for the Tahoe City Marina Master Plan Draft Environmental Impact Statement (DEIS) and Draft Environmental Impact Report (DEIR);

Colleen Shade no presentation this was presented last month. This is on the agenda to give the public another opportunity to put their comments on the adequacy to the document on public record.

Open to public

John Paul Harries, League to Save Lake Tahoe commented on the accuracy of the document:
Phase 1A is fine, with no issues. Phase 2 has some glaring omissions, 1) breakwater design needs to be flushed out more, 2) bathymetric survey, 3) outline of dredge plan needs further analysis.

Phase 2 should be removed from the document entirely as more analysis needs to be completed as it is every much in the programmatic level and is to be re-circulated at a later date. He will be submitting a more thorough written document regarding his comments.

No more public comment
No ÁPC questions
No action needed

E) Proposed Amendment of Plan Area Statement 153, Sugar Pine Point, to Add Preferred Affordable Housing Area and Multi-Residential Incentive Program as a Special Designation.

Jason Ramos presented the proposed amendment and there was one change to Maximum Density Residential should read 15 units per acre on state park property. There were also letters received pertaining to this amendment and were passed out.

No public comment

APC members asked if this is transient or permanent pads. Answer was permanent.

Mimi Moss moved to approve
Eva Krause seconded
Jane Schmidt abstained
Motion carried

VI. PLANNING MATTERS

Discussion of Pathway 2007 Business Plan by Gabby Barrett
APC members recommended that this presentation be made to planning commissions, and to county supervisors and commissions. It was also suggested that we may consider presenting to the community through rotary clubs, etc.

No action was required

VII. REPORTS
A. Executive Director

Executive Director John Singlaub reported on actions taken by the Governing Board on APC recommendations.

Introduction of Judy Nikkel as the new Management Assistant.

1. Vacation rentals – GOVERNING BOARD voted to amend the code as recommended by Stakeholders group and APC. Concern expressed by one member about adequacy of environmental documentation.

2. Density/Low cost Housing – GOVERNING BOARD decided not to approve code amendments that basically would have made changes for one individual (A. Hoffman). APC struggled with this issue and had recommended minimal change if change was to be made. GOVERNING BOARD then denied Hoffman’s appeal making code changes unnecessary.

3. It was mentioned that TRPA is going through some organizational changes and will report back to APC when this is complete.

4. GOVERNING BOARD is reconsidering the Round Hill PAS change – to make residential an allowable use rather than a special use.

B. Legal Counsel

Jordan Kahn, Assistant Council reported that the Court heard arguments on TRPA’s Motion to Dismiss the scenic lawsuit brought by the Committee for Reasonable Regulation of Lake Tahoe. All claims were basically dismissed by Judge Reed of the Nevada District Court in the scenic litigation.

C. APC MEMBERS

No other business

VIII. ADJOURNMENT

Time: 12:00 PM

Meeting minutes and handouts available by contacting TRPA, 775-588-4547, ext. 243.

Respectfully submitted,

Judy A. Nikkel

Anyone wishing to listen to the tapes may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA office, 128 Market Street, Stateline, Nevada.
MEMORANDUM

May 4, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to Plan Area Statement 103, Sierra Tract Commercial; Plan Area Statement 104, Highland Woods, to Add the Transfer of Development Rights Designation for Multi-Residential Units and Provide for Other Matters Properly Relating Thereto.

Proposed Action: Staff proposes to amend Plan Area Statements (PAS) 103 and 104, to designate these plan areas as a receiving areas for development right transfers needed for the development of multi-family housing in areas that currently permit multi-family dwelling as a permissible use.

These proposed amendments were included in an item that received an affirmative recommendation from the Advisory Planning Commission (APC) at their regularly scheduled April hearing. However, due to an error by staff, the amendments for PAS 103 and 104 were inadvertently left of the public notice. Therefore, staff is required to bring back the items that were not noticed properly, for consideration by the APC.

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

APC Recommendation: The APC conducted a previous public hearing on this matter and voted unanimously to recommend approval of the amendment to the Governing Board.

Background: TRPA received a request from the City of South Lake Tahoe that these proposed changes be made in order to 1) Reduce confusion for project applications; 2) Enable multi-family housing to be constructed where it is a permissible use using residential development rights; and 3) Allow bonus units to be used for development of affordable multiple family housing within designated Preferred Affordable Housing Areas.

Consistency with the City of South Lake Tahoe Zoning: The City of South Lake Tahoe (CSLT) has adopted TRPA’s Plan Area Statements and Community Plans for its zoning. The Regional Plan amendment requires public hearings and adoption by both TRPA Governing Board and the City Council. This item was heard before the City Council at their meeting on September 16, 2003. The City Council voted to approve the amendments as recommended by City staff.
Discussion: The City has been working diligently with realtors and others in the community to educate potential project proponents regarding the use of the Plan Area Statements and Community Plans. In some plan areas within the City multi-residential dwelling is a permissible use but the mechanisms to transfer residential development rights for such use were omitted. This effectively limits the ability to develop multi-family dwelling in areas that have existing multi-family uses such as duplexes. In some cases this was done by purposely by the original framers of the Regional Plan. Their intent was to allow existing multi-residential uses to remain without becoming non-conforming and, in some cases, to preserve the vacant land base for commercial development.

Today the City believes promoting mixed-use and affordable development is a more appropriate strategy for the community. The City Council has voted to endorse changing the designations requested in this amendment to correspond with that belief.

Under current market conditions, the likelihood of a private developers proposing affordable housing project is increased if there is a market-rate residential component. Furthermore neighbors can also perceive such projects as more palatable, overcoming another typical obstacle for such projects. The ability to create this type of project is facilitated if a proponent can transfer development rights to an area to develop multi-family projects that are currently a permissible use.

TRPA staff concurs with the City’s assessment and strategy of providing housing through the mixed-use concept and that the plan areas should be amended to provide incentives to develop such projects. It’s staff opinion that the changes to the plan areas would not have an environmental impact on the thresholds or the land use goals and policies of the region. Multi-family dwelling is currently a recognized and permissible use in all the plan areas proposed for amending and would not result in triggering the Transit-Oriented Designation (TOD) findings required in Chapter 13 of the Code. The intent of the TOD findings is to encourage the development of higher density multi-family projects within close proximity of transit and services and not in outlying single family residential plan areas. Although this finding is not triggered by this amendment it should be noted that all the plan areas meet the TOD criteria for distance from transit and services.

The amendment themselves would not result in any additional development than that allowed by the Regional Plan. The transfer of development rights would come through purchase of existing rights or retirement of sensitive lots, bonus units would be allocated by TRPA within the limits established in the Regional Plan, and allocations are still required for that portion of a project that is not deeded as restricted affordable. Although the amendments do not result in increased development potential than that permitted by the Regional Plan, they do result in the movement of development rights into the targeted plan areas that result in higher density development. From a land use perspective this is consistent with TRPA findings to locate higher density development within the urban corridors close to operational transit, work centers, and services.

Land Use Consistency: The proposed amendments do not result in any changes to the permissible use list that would result in inconsistent land uses or inconsistent land use patterns or the planning statement for the plan areas. All the plan areas targeted in these amendments currently have multi-family dwelling as a permissible use in the allowed and special use category. The increased opportunity for multi-family development in these plan areas is consistent with the land use classifications as follows:
Residential Areas are those areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non-residential uses that complement the residential neighborhood. These lands include areas now developed for residential purposes; areas of moderate-to-good land capability; areas serviced by utilities; or areas of centralized location in close proximity to commercial services and public facilities. The amendment is consistent with this classification because multi-family is currently permissible and the amendment would further enhance the ability to develop multi-family projects within the appropriate areas.

Commercial and Public Service Areas have been designated to provide commercial and public services to the Region or have the potential to provide future commercial and public services. The purpose of this classification is to concentrate such services for public convenience, separate incompatible uses, and allow other non-commercial uses if they are compatible with the purpose of this classification and other goals of the Regional Plan. These lands include areas now developed for commercial or public service uses; in the case of public services, lands designated for, or in, public ownership; areas suitable to encourage the concentration of compatible services; areas of good-to-moderate land capability; or areas with adequate public services and transportation linkages. The amendments are consistent with this classification. Although multi-family is a non-commercial use it is compatible with this classification. A goal of the Regional Plan is to concentrate higher density type development closer to commercial nodes, to allow access to services, work centers, and transportation linkages, which reduces the dependence on the automobile and reduces the amount of Vehicle Miles Traveled (VMT). The amendment would facilitate and encourage the transfer of development rights to develop higher density projects closer to commercial and public service nodes.

Plan Area Designations: Consistent with the TPRA Goals and Policies, TRPA has created incentive programs for developing affordable and higher density housing in the Region. The programs include designating areas as “Preferred Affordable Housing” and “Multi-Residential Incentive Program” and allowing the transfer of multi-residential development rights to a single parcel. The “Multi-Residential Incentive Program” permits the use of incentives outlined in Chapter 35 to obtain multi-residential bonus units; however, they are not restricted to affordable housing units. The designation of a plan area as a receiving area for multi-residential units allows the transfer of one or more residential development rights, as defined in Chapter 2, to be transferred to the parcel within a designated plan area. The designations proposed in these amendments are consistent with the plan areas that currently permit the development of multi-family and would further enhance and provide the incentive to develop higher density mix-use projects to be developed. The designation would permit the applicant to transfer development rights to develop higher density housing in appropriate areas or apply for bonus units to develop affordable units and get an exemption from the allocation requirements.

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

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

**Effect on TRPA Work Program:** No significant impact is expected on TRPA’s work program as a result of this amendment since it does not result in any increased in development potential. The amendment will likely only affect the type of development being reviewed by staff.

**Findings:** Prior to amending the plan areas and community plan, TRPA must make the following Findings.

A. **Chapter 6 Findings**

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

   **Rationale:** The amendments to the plan areas and community plan will not adversely affect implementation of the Regional Plan. The proposed amendments are consistent with the intent of the plan areas and community plan to allow multi-family residential development. In light of the need to provide affordable housing in the region, the amendments provide a mechanism to develop such projects while providing an incentive to the private developer. The amendments provide the opportunity to facilitate mixed-use development, which includes a combination of affordable, and market rates. As discussed in the staff summary, the amendments are consistent with the plan areas and community plan and do not result in any increase development potential than that established in the Regional Plan. The amendments themselves will result in transfer of development rights to develop higher density projects that are currently permissible in the plan areas and the community plan.

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

   **Rationale:** The amendments will not cause the environmental thresholds to be exceeded. The amendments do not result in any additional development potential beyond that established by the Regional Plan but rather provides opportunities and encourages higher density development within close proximity to commercial nodes to reduce the dependency on the automobile. Providing opportunities for higher density development closer to commercial nodes is consistent with the Transit Oriented...
Findings and will provide access to services, work centers, and transportation linkages, which reduces the vehicle miles traveled (VMTs) in the Basin.

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

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

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

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

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

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

**B. 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:** As discussed in the Land Use Consistency Section above the ability to develop multi-residential projects in areas designated for multi-residential land uses is consistent. The ability to develop residential projects within areas designated as Commercial/Public Service and Tourist Areas is also consistent with the goals of the Regional Plan to encourage higher density development within close proximity of commercial and tourist nodes that provide transportation linkages, public services, close proximity to work centers and neighborhood services. In addition the designations of Multi-Residential Incentive Program and allowing the plan areas to be designated as a receiving area will provide the mechanism to develop these multi-family projects within he plan area and community plan.

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

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 775•588•4547, or via email at hitchcock@trpa.org, if you have any comments regarding this item.
Memorandum to TRPA Advisory Planning Commission
Amendments to Add the Transfer of Development Rights for Multi-Residential Units and Add Multi-Residential Incentive Program
Page 6

Attachments
A. Adopting Ordinance, with Exhibit 1, Proposed Changes to PAS 103, Sierra Tract Commercial, and Exhibit 2, Proposed Changes to PAS 104, Highland Woods
B. Location Map
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2004 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING PLAN AREA STATEMENT 103, SIERRA TRACT COMMERCIAL, AND PLAN AREA STATEMENT 104, HIGHLANDS WOODS, TO ADD THE TRANSFER OF DEVELOPMENT RIGHTS DESIGNATION FOR MULTI-RESIDENTIAL UNITS, AND PROVIDING FOR OTHER MATTERS PROPERLY REALATING 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 Plan Area Statement 103, Sierra Tract Commercial, and Plan Area Statement 104, Highlands Woods, to add the transfer of development rights designation for multi-residential units, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

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

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

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code, and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

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

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00  Amendment of Plan Area Statement 103, Sierra Tract Commercial

2.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph (   ) as follows:

6.10  Plan Document

(2) Plan Area Statement for Plan Area 103, Sierra Tract Commercial, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added (   ) for PAS 085, Exhibit 1, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 3.00  Amendment of Plan Area Statement 104, Highland Woods

3.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph (   ) as follows:

6.10  Plan Document

(2) Plan Area Statement for Plan Area 104, Highland Woods, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added (   ) for PAS 089, Exhibit 2, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 4.00  Interpretation and Severability

The provisions of this ordinance and the amendments to the Plan Area Statements 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 the Plan Area Statements shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Plan Area Statements are hereby declared respectively severable.
Section 8.00  Effective Date

The provisions of this ordinance amending Plan Area Statement 103, Sierra Tract Commercial; and Plan Area Statement 104, Highland Woods, shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held May 26, 2004, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

______________________________
David Solaro, Chairman
Tahoe Regional Planning Agency
SIERRA TRACT-COMMERCIAL

PLAN DESIGNATION:

| Land Use Classification               | COMMERCIAL/PUBLIC SERVICE |
| Management Strategy                   | REDIRECTION               |
| Special Designation                   | TDR RECEIVING AREA FOR:   |
|                                      | 1. Existing Development   |
|                                      | 2. Multi-Residential Units|

DESCRIPTION:

Location: This area is located along Highway 50 between the Truckee River and Trout Creek and is located on TRPA may G-18.

Existing Uses: This area contains a mixture of commercial uses including motels. The area is 90 percent built out.

Existing Environment: The lands are classified ten percent SEZ and 90 percent low hazard. The land coverage is 70 percent plus an additional ten percent disturbed.

PLANNING STATEMENT: This area should continue to provide commercial services for the residents and visitors of the south shore, and provide opportunities for developing mixed-use projects.

PLANNING CONSIDERATIONS:

1. The area experiences periods of traffic congestion.
2. Scenic Roadway Unit 35 is in this area and is targeted for restoration as required by the scenic threshold.
3. Within this area, major development is located in the SEZ.
4. The present community college will be relocated from it present site.
5. Additional fire hydrants and water system improvements are needed in this area.
104
HIGHLAND WOODS

PLAN DESIGNATION:

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>RESIDENTIAL</th>
</tr>
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<tr>
<td>Management Strategy</td>
<td>MITIGATION</td>
</tr>
<tr>
<td>Special Designation</td>
<td>NONE</td>
</tr>
</tbody>
</table>

TDR RECEIVING AREA FOR:

1. Multi-Residential Units (Special Area #1 Only)

DESCRIPTION:

Location: Highland Woods is the residential area located north of Highway 50 between the Upper Truckee River and Trout Creek and is located on TRPA map G-18.

Existing Uses: The primary use of the area is residential. The primary density is one single family dwelling per lot or parcel. Several apartment buildings, a planned unit development, and several duplexes also exist. These higher density uses are located primarily near the Highway 50 corridor. The area is 70 percent built out.

Existing Environment: The Highland Woods area is comprised of ten percent SEZ lands and 90 percent low hazard lands. The land coverage is 30 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: The area should remain residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. This area is impacted by the airport transportation corridor.

2. Additional fire hydrants and water system improvements are needed in this area.

SPECIAL POLICIES:

1. The area adjacent to the Highway 50 corridor should be considered in redevelopment plans for Plan Area 103.

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

May 3, 2004

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt a Memorandum of Understanding (MOU) Between TRPA and the North Lake Tahoe Fire Protection District (NLTFPD).

Proposed Action: The Advisory Planning Commission is requested to recommend approval of the MOU to the Governing Board.

Description and Discussion: This proposed MOU is authorized by Code section 71.1.A, adopted in January, 2004 to address fire and fuels concerns in the Region. The MOU provides for the North Lake Tahoe Fire Protection District to issue permits for tree removal and vegetation management within 30 feet of structures on all properties within its area of jurisdiction, except for state and federal lands. This activity would be exempted from TRPA review provided NLTFPD issues the needed permits.

The details of the proposed MOU are not completely worked out as of packet printing. A proposed MOU will be provided to the Advisory Planning Commission as soon as possible and prior to discussion of this item. Highlights of the proposed MOU include:

- Review of tree removal and vegetation management permit applications within thirty feet of structures on non-state and non-federal properties within the fire district will be exempted from TRPA review and delegated to the NLTFPD.

- The NLTFPD will provide a qualified forester to review applications and to issue permits for tree removal and vegetation management.

- The NLTFPD’s permitting activity shall comply with applicable provisions of the TRPA Code and Regional Plan package.

- TRPA shall provide training and coordination to assist NLTFPD staff in carrying out its obligations to ensure compliance with the Regional Plan package.

- The NLTFPD intends to require applicants to carry out the fuels treatments prescribed by NLTFPD as a condition of permit approval. This will facilitate NLTFPD enforcement of its fire code.
The NLTFPD will monitor and enforce permit conditions of approval and work with TRPA to resolve TRPA Code violations that may occur in conjunction with NLTFPD tree removal/vegetation treatment permitting.

The Tahoe Regional Planning Agency has an MOU with the Nevada Division of Forestry (NDF) allowing this state forestry agency to issue tree removal permits on behalf of TRPA. However, due to funding and staffing issues, NDF discontinued issuing significant numbers of tree removal permits in the fall of 2001. Since that time, TRPA staff have issued the vast majority of tree removal permits in the Lake Tahoe Region, including the area of jurisdiction of the NLTFPD.

As part of TRPA’s efforts to expedite fuels treatments in the Lake Tahoe Region, TRPA staff developed, and the TRPA Governing Board adopted, amendments to Code of Ordinances in January, 2004. Included in these amendments was a new Code section, 71.1.A, providing for TRPA to delegate project review and permit determination to qualified agencies or third party designees.

The NLTFPD has carried out prescribed burning and fuels management programs in the past. The NLTFPD has shown the ability to integrate forest health and fuels considerations when developing projects, and NLTFPD staff have shown an awareness of TRPA regulations and policies, as well as a willingness to call TRPA when they have questions. The NLTFPD currently has a qualified forester (as defined in Chapter 2 of the TRPA Code) on staff. TRPA staff worked with NLTFPD’s qualified forester in 2002 on a project to thin small trees and insect and disease affected trees along the visually sensitive State Route 28 scenic corridor, with satisfactory results.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for the proposed MOUs. Based on the checklist, staff recommends a finding of no significant effect on the environment for the proposed MOU.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

A. The project (ordinance) 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:

Section 71.1.A of the Code allows for the development and implementation of MOUs to allow qualified agencies to review tree removal and vegetation management in accordance with the TRPA Regional Plan and Code of Ordinances. The activities described in the proposed MOU are subject to all provisions of the Regional Plan. The MOU will allow for NLTFPD staff to address public safety concerns and for better utilization of TRPA staff time. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

The MOU contains provisions that build in TRPA consultation in conjunction with NLTFPD permitting activity, including consultation with TRPA regarding the
effects of prior TRPA approvals on subject parcels and TRPA coordination in review of applications on properties which may be visually sensitive.

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

Activities undertaken pursuant to the proposed new MOU are subject to the provisions of the Regional Plan. Tree removal permitting and vegetation management prescription are subject to TRPA ordinances and policy language which direct management of forest vegetation for ecological health, while providing for human safety. Tree removals permitted by qualified foresters may reduce the potential for environmental damage due to insects, disease, other natural and human causes, and fire.

The 2001 Threshold Evaluation identified loss of trees as a factor adversely impacting scenic quality in shoreline scenic units. Both shoreland and upland tree loss were implicated. TRPA and the NLTFPD will develop MOU provisions that ensure that if tree removal necessary for public safety has the potential to impact scenic quality, the permit will include appropriate mitigation.

Another desirable feature of the MOU is that it provides for NLTFPD monitoring of satisfactory performance of permitted activity. In the past, NDF did not monitor permits it issued, and TRPA also lacked staffing to monitor permits adequately. NLTFPD, a local agency, is more likely to be able to effectively monitor permitted activities in its limited area of jurisdiction.

C. Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards; and Activities undertaken pursuant to the MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklists completed for the proposed MOU.

D. 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.

As explained under findings A, B, and C, above, the MOU, implemented in accordance with the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

Section 71.1.A of the Code allows for the implementation of MOUs with qualified agencies to review and approve tree removal and vegetation management activities.
The proposed MOU with the NLTFPD allows NLTFPD to issue tree removal permits based on the report of a qualified forester in accordance with the Regional Plan package. The MOU provides for permitting activity to be carried out by qualified NLTFPD staff, for TRPA training and coordination, and for NLTFPD monitoring of permits. This combination assures the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed MOU will implement Section 71.1.A of the Code which allows for delegation of tree removal permitting to qualified agencies.

If you have any questions regarding this item, please feel free to contact Jesse Jones at (775) 588 – 4547, ext. 266.
MEMORANDUM

May 4, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: APC’s Role in Pathway 2007

Proposed Action: The purpose of this item is to discuss the APC’s role in the Pathway 2007 process over the next three years. Staff and consultants will make a presentation at the meeting. No action is required; however, APC comments and recommendations would be welcome. The full Governing Board will consider the Collaborative Process Design at their May meeting.

Background: Over the next three years, TRPA, with the assistance of numerous parties, will update the Thresholds and Regional Plan(s). This process will include updates of other agencies’ plans. Many of these other agencies are represented on APC. TRPA is working with the Center for Collaborative Policy to design a Collaborative Process. We are proposing to give APC a key role in the process. Under this proposal, APC will continue its normal role to advise the Governing Board on planning matters and will assume new duties to act as a coordinating body for the Pathway 2007 planning process. A brief description of the Collaborative Organizational Design and APC’s role is attached.

Attachment: Draft Final Pathway 2007 Collaborative Organizational Design
Draft Final Pathway 2007
Collaborative Organizational Design

Decision-Makers

U.S. Forest Service – Region 5
Lahontan Regional Water Quality Control Board
Nevada Division of Environmental Protection
Tahoe Regional Planning Agency – Governing Board

Role: Make final planning / technical decisions using recommendations provided by the Pathway 2007 (P7) Stakeholder Committee.

Collaborative Process Elements

Background: The P7 collaborative process is based on a central collaborative body titled the “Stakeholder Committee”. This collective of diverse stakeholders will work closely with each other and related specialists; influencing and advising each other on Lake Tahoe Basin planning issues ranging from stakeholder consensus, regulatory and organizational practicability, and technical feasibility. Through strategic, milestone-based discussions, this central core will inform all aspects of the multi-agency planning process. All recommendations from the Stakeholder Committee will be provided to the four P7 agencies to assist them in their decision-making responsibilities.

The consensus seeking Stakeholder Committee will negotiate among themselves to identify mutually beneficial planning solutions in the Lake Tahoe Basin and will develop recommendations that are bounded by three principle factors: 1) regulatory/statutory authorities of the P7 agencies, 2) a desired future condition (public vision), and 3) practical extent of scientific capabilities.

Additional functions in the P7 process are provided by technical and planning workgroups and extensive public participation (as managed by the P7 Steering Team).

P7 Stakeholder Committee

Role: Conduct interest-based, high-level negotiation of all planning items. Prepare and commit to consensus-seeking operational rules for the collaborative process (including decision-making, communication, constituent feedback, etc). Provide multi-benefit planning recommendations (as advised on by the P7 Executives) to P7 agency decision-makers.

Participants: The Stakeholder Committee should potentially be comprised of representatives from the following interests:
- Local Business Ownership
- Local Business Employees
- Local Tourism Representatives
- Environmental / Conservation Organizations
- Public Access Advocates
- Recreation Advocates
- Private Property Owners
- Academic Institutions
- Federal, State, and Local Governments
- Public Infrastructure / Public Service Representatives
- Native American Tribes
- Community Institutions
- Realty Industry
- Basin Visitors

Particularly important will be the emphasis to include in-Basin and out-of-Basin representatives on the Stakeholder Committee to ensure that negotiated recommendations effectively represent a wide range of geographic, political, social, and economic interests.

**Meeting Formats:** Open to public. Focused working sessions to carry out the remaining phases of the collaborative process (Organization, Education, Negotiation, Implementation). Process may require the development of topic-specific Stakeholder Committee Subcommittees to focus on key topics (if necessary).

**Decision-Making:** Consensus-seeking with a high degree of commitment for unanimity. All negotiations will take place as informed by the P7 Executives for agency / regulatory feasibility. All recommendations will be in the context of the feasible regulatory and statutory authorities of the P7 agencies. Any activities conducted and recommendations provided by the Stakeholder Committee that conflict with the regulatory and statutory authorities of the P7 agencies are subject to revision or rejection by the P7 Agency decision-makers.

**Meeting Frequency:** Approximately every 3-4 weeks with variations that can extend to once a week for focused periods of time.

**Meeting Locations:** Ideally split between North/South shore and Nevada/California. Meetings may also be held outside of the Basin to provide better access to out-of-Basin participants and interested parties.

**Facilitation / Coordination Support:** High. Consistent facilitation/mediation support, participating organization staff support, structured presentations by consultant / agency / non-governmental organization experts, preparation of background materials / meeting dockets. Over time, the Stakeholder Committee should assume increased responsibility for providing self-support.
P7 Executives

Role: Participate as a member of the Steering Committee either as individuals, or as rotating representatives for the entire P7 Executives Group (to be determined). Review Stakeholder Committee activities on regular basis. Provide analysis, input, and oversight for all advice being negotiated by the Stakeholder Committee to ensure feasibility of the advice in the context of P7 regulatory and statutory sideboards.

Provide final leadership, direction, and interim decision-making on all P7 agency management activities, staff assignments, resource allocations, disputes, and similar issues.

Participants: USFS LTBMU Forest Supervisor, LRWQCB Executive Director, TRPA Executive Director, NDEP Deputy Administrator.

Meeting Formats: Closed to the public. Focused decision-making, candid working meetings on short and long-term P7 issues.

Decision-Making: Consensus-based. Required unanimity for all shared decision-space conditions. Issues where the decision-space is more agency-specific should be addressed as consensus-seeking with a high degree (but not binding) commitment to unanimity.

Meeting Frequency: High. Approximately every 2-4 weeks.

Meeting Locations: Generally held in South shore unless conditions dictate otherwise.

Facilitation / Coordination Support: Medium. Requires extensive initial facilitation/mediation support and continual neutral coordination support. It will require staff support from respective P7 agency staff to prepare background materials and conduct internal briefings before meetings are held.

TRPA P7 Committee

Role: Review all activities of the P7 Stakeholder Committee on behalf of TRPA interests. Provide TRPA-specific guidance to the TRPA Executive Director to be presented to the Stakeholder Committee. Provide P7, milestone-based advice to the full TRPA Governing Board for consideration and decision-making.

Participants: Eight members from the TRPA Governing Board, working with the TRPA Executive Director as TRPA’s representative on the Stakeholder Committee.

**Meeting Frequency:** High. Once a month minimum with variations that can extend to once a week for focused periods of time.

**Meeting Locations:** TRPA headquarters unless otherwise noted. Meetings may also be held outside of the Basin to provide better access to out-of-Basin participants and interested parties.

**Resource Demands:** High. Requires TRPA staff and Executive Director coordination support to prepare background materials / meeting dockets etc.

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**P7 Steering Team**

**Role:** Provide day-to-day, direct management and coordination of all Technical and Planning Work Group (TWG / PWG) activities, all Public Participation activities, coordination on all P7 planning activities, staff assignments, resource allocations, consultant management and similar issues.

**Participants:** Appropriate staff from USFS, LRWQCB, TRPA, and NDEP. With support from CARB, USEPA, and USACE (as warranted). Also includes the mediation / collaborative specialists contracted to support the P7 process.

**Meeting Formats:** Closed to the public. Focused working meetings on short and long-term P7 issues.

**Decision-Making:** Consensus-based. Required unanimity for all shared decision-space conditions. Issues where the decision-space is more agency-specific should be addressed as consensus-seeking with a high degree (but not binding) commitment to unanimity.

**Meeting Frequency:** High. Approximately every 2 weeks with variable frequency as high as once a week for focused periods of time.

**Meeting Locations:** Alternate between South Shore and Carson City.

**Facilitation / Coordination Support:** High. Requires facilitation/mediation and coordination support. It will require staff support from the respective P7 agency staff to prepare background materials and conduct internal briefings with respective executives when appropriate.

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**ETCC Update Group**

**Role:** Author the technical portions of the ETCC Update in partnership with the Stakeholder Committee. Provide leadership-level technical support to the Stakeholder Committee negotiators (on activities coordinated with the P7 Steering Team and as directed and approved by the P7 Executives).
Participants: Topic-specific technical specialists.

Meeting Formats: Open to the public. Meetings held on an as needed basis.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Frequency: Medium to Low. As coordinated with the Stakeholder Committee; approximately every 4-6 weeks.

Meeting Locations: As coordinated with the Stakeholder Committee.

Resource Demands: High. Requires staff and coordination support to prepare background materials / meeting dockets / Stakeholder Committee briefings, etc.

Local Government Meetings

Role: Provide focused, periodic dialogue and updates between local governments and the Stakeholder Committee, and the P7 Executives.

Participants: Elected officials from each local jurisdiction.

Meeting Formats: Open the public.

Decision-Making: None. Meetings are informational only.

Meeting Frequency: Low. Meetings held as necessary to update local governments on key milestones.

Meeting Locations: To be determined.

Facilitation / Coordination Support: Medium. Requires little facilitation but some staff and coordination support to prepare background materials / meeting dockets.

Advisory Planning Commission

Role: Conduct the Regulatory System Review for the P7 process (in particular for the TRPA Regional Plan Update). Make direct recommendations on any revisions to the regulatory system and on any focused system analysis to be conducted by the Planning Work Groups. All work will be done in coordination with the P7 Steering Team.

Participants: Current APC membership plus additional private, knowledgeable stakeholders appointed to the APC for limited term, limited content P7 specific role.
Meeting Formats: Open to the public. Focused working meetings on TRPA regulatory system review.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Frequency: Medium. Approximately every 4 weeks with variable frequency as high as twice a week for focused periods of time.

Meeting Locations: Alternate between South Shore and North Shore.

Facilitation / Coordination Support: Low. Meetings should function as current managed with potential involvement of facilitation team for process continuity and information sharing.

Technical Work Groups

Role: Conduct focused, technically-based discussions on P7 issues (9 Thresholds, plus additional resource issues). Provide technical advice to the Stakeholder Committee and P7 Executives to support Stakeholder Committee /negotiations on related issues. All work group activities will be coordinated with, and will be at the direction of the P7 Steering Team.

Participants: Agency, academic, and private stakeholder technical specialists. At least one member of the Stakeholder Committee should attend each meeting.

Meeting Formats: Open to public but not encouraged. Focused working sessions based on technical issues at hand.

Meeting Frequency: Medium to High. Approximately every 4 weeks with variations that can extend to every 2 weeks for focused periods of time.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Locations: Ideally split between North/South shore and Nevada/California.

Facilitation / Coordination Support: High. All Technical Work Group (TWG) activities are overseen and directed by the Steering Team. The TWG requires initial facilitation/mediation support, participating organization staff support, structured presentations by consultant / agency / NGO experts, preparation of background materials / meeting dockets. Over time, the TWG should assume increased responsibility for accommodating resource demands.
Planning Work Group

All categories are identical to the TWG. Actual Planning Work Group (PWG) topic areas are subject to the results of the Regulatory System Review.

Public Participation Council

Role: Provide advice/recommendations on public participation activities to the P7 Agencies and the Stakeholder Committee. All council activities will be coordinated with the P7 Steering Team.

Participants: Agency and private stakeholders familiar with their respective specific user groups / stakeholder types.

Meeting Formats: Open to public. Focused working sessions developing and revising public participation activities.

Decision-Making: Consensus-seeking with a low degree of commitment to unanimity.

Meeting Frequency: Low. Approximately every 6-8 weeks with variations that can extend to every 2 weeks for focused periods of time.

Meeting Locations: Ideally split between North/South shore and Nevada/California.

Resource Demands: Medium. The PPC requires minimal facilitation/mediation support. It will require staff support from appropriate P7 agency staff to prepare background materials / meeting dockets.

Public Workshops

Role: Provide interactive opportunities for the general public to discuss issues and advise P7 Agencies, the Stakeholder Committee, and the TWG and PWG on key issues.

Participants: General public.

Meeting Formats: Open to public. Focused interactive workshops to provide advise, receive information on P7 activities. Ideally preceding key planning milestones.

Meeting Frequency: Low. Approximately every 6-12 weeks with variations that can extend to every 4 weeks for focused periods of time.

Decision-Making: None. Meetings are informational only.
Meeting Locations: Ideally duplicated in North/South shore and Nevada/California locations including potentially out-of Basin locations such as Reno, Carson City, Auburn, Placerville, Las Vegas, the San Francisco Bay Area, and Southern California.

Facilitation / Coordination Support: High. Public workshops require extensive facilitation/mediation and coordination support. It will require staff support from appropriate P7 agency staff to prepare outreach materials / background materials / meeting dockets, etc.

Public Meetings

Role: Provide opportunities for the general public to receive P7 information and provide input.

Participants: General public.

Meeting Formats: Open to public. Informational based meetings to inform general public on P7 activities. Ideally coinciding with and/or reporting on key planning milestones.

Meeting Frequency: Low. Approximately every 10-12 weeks with variations that can extend to every 8 weeks for focused periods of time.

Decision-Making: None. Meetings are informational only.

Meeting Locations: Ideally duplicated in North/South shore and Nevada/California locations including potentially out-of Basin locations such as Reno, Carson City, Auburn, Placerville, Las Vegas, the San Francisco Bay Area, and Southern California.

Resource Demands: High. The GPM requires facilitation and coordination support. It will require staff support from appropriate P7 agency staff to prepare outreach materials, background materials / meeting dockets, etc.
MEMORANDUM

April 28, 2004

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Incline Village General Improvement District Sewer Export Line Replacement Environmental Assessment, TRPA File 20031076, Request for Comments

The Incline Village General Improvement District (IVGID) has submitted an application to the Tahoe Regional Planning Agency (TRPA) to replace portions of their sewer export line. The existing line runs from the IVGID sewer plant (located at the eastern end of Incline Village) along Highway 28 to Spooner Summit and then out of the Lake Tahoe Basin to Carson Valley.

TRPA staff have determined that the project will require an Environmental Assessment (EA) in accordance with Chapter 5 of the TRPA Code of Ordinances. The EA will be a joint document for TRPA and for the United States Army Corps of Engineers (USACE) NEPA (National Environmental Policy Act) requirements.

The document preparation is at the beginning stages. Although not a TRPA legal requirement, TRPA staff is requesting input from the APC on the scoping of the document content. In addition, if any members of the public desire to comment, their input is also welcome.

Resource Concepts, Inc. (RCI), was selected to prepare the EA by TRPA and the USACE through a competitive Request for Proposal process. RCI staff will provide a brief presentation of the project and a discussion of identified potential environmental issues at the APC hearing.

If you should have any questions, please contact Kathy Canfield, TRPA Project Review Division at (775) 588-4547, ext. 232, or kcanfield@trpa.org.
Incline Effluent Export Pipeline EA
Scoping Workshop – April 27, 2004

Agenda

GOALS
1. Provide an overview of the Pipeline project.
2. Solicit discussion on issues to be addressed in the EA
3. Identify regulatory concerns and contacts for additional information

Open Door
- Sign in
- Displays showing project locations
- Schematic display of construction equipment in State Route 28
- Pick up fact sheets

Introduction
- A 30-year old pipeline exports treated effluent 20 miles, from Incline Village out of the Lake Tahoe Basin.
- Pipeline failures and leaks have become an increasing problem in recent years.
- IVGID responsible to prevent discharge of effluent, particularly to Lake Tahoe and the Carson River.
- Pipeline investigations have identified problem areas with corrosion or physical damage that need replacement.
- Fact Sheet 1

Scoping of Resource Issues
- Known/identified resource concerns
- List of agencies, regulations, and permits
- Fact Sheet 2

Project Description by Segment
- Existing facilities and condition
- Alternatives considered for that segment
- Solicit input on resource and regulatory concerns
- Fact Sheet 3

Closing
- Future coordination
- Schedule
- Key agency contacts for additional information
Fact Sheet 1

Introduction

- Incline Village is a year round community on Lake Tahoe serving a population that varies from 7,000 to 20,000 people during peak season. The Incline Village General Improvement District (IVGID) collects and treats an annual average domestic wastewater flow of ~1.5 million gallons per day.

- The Incline Village General Improvement District (IVGID) exports all secondary effluent from the wastewater treatment plant located at Incline Village in the Lake Tahoe Basin, over Spooner Summit to the wetlands disposal site located approximately six miles southeast of Carson City.

- The 22-mile export pipeline was installed in 1970 as part of a regional effort to eliminate all wastewater effluent discharges in the Lake Tahoe Basin and has been in continuous operation for 33 years.

- The condition of the pipeline and recent leaks has drawn the attention of the Nevada Bureau of Health Protection Services. These leaks have occurred in several sections of the 16-inch pipeline. IVGID began investigating potential export line corrosion and failure issues in August 2001 by conducting a video inspection and sampling at a location on the export line. The conclusion was that corrosion is occurring at the pipe joints and the mortar linings are exhibiting corrosion effects, and in certain areas the pipe has sustained third party damage.

- IVGID proposes to construct improvements to the export pipeline in order to correct known corrosion problems, restore the reliability of the system and prevent the unauthorized discharge of treated effluent in the Tahoe Basin. Repair or replacement is needed for approximately 5 miles of the pipeline within the Tahoe Basin and less than 1 mile in the Carson Valley.
**Fact Sheet 2**

*Preliminary Resource Concerns To Be Addressed In The EA*

<table>
<thead>
<tr>
<th>Resource</th>
<th>Space for Notes</th>
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<tbody>
<tr>
<td>Cultural Historic and Ethnographic Resources</td>
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<tr>
<td>Water Quality</td>
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<td>SEZ/Wetlands</td>
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<td>Transportation</td>
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<td>Biological Resources</td>
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<td>Growth Inducing Impacts</td>
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<td>Scenic Quality</td>
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<td>Land Use</td>
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**Preliminary Regulatory Authority and Permits**

<table>
<thead>
<tr>
<th>Regulatory Authority</th>
<th>Permit</th>
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</table>
| TRPA                | • Regional Plan for the Lake Tahoe Basin
|                      | • Goals and Policies
|                      | • Code of Ordinances (TRPA Code)
|                      | • Rules of Procedure
|                      | • Plan Area Statements
|                      | • 208 Water Quality Plan
|                      | • TRPA Construction Permit
|                      | • Environmental Assessment Approval        |
| Federal             | • US Army Corps of Engineers
|                      | • National Environmental Policy Act
|                      | • USDA Forest Service Land and Resource
|                      |   Management Plan
|                      | • Endangered Species Act – USFWS
|                      | • Clean Water Act – EPA
|                      | • National Historic Preservation Act
|                      | • Finding of No Significant Impact (FONSI)
|                      | • USDA Forest Service Special Use Permit
|                      | • 404 Permit                                |
| State of Nevada      | • Easement (State Lands)
|                      | • Encroachment Permit (NDOT)
|                      | • Surface Area Disturbance Permit (BAPC)
|                      | • Stormwater Construction Permit (BWPC)
|                      | • Working in Waterways (BWPC)
|                      | • 401 Certification (BWQP)                   |
| Washoe County        | • Dust Control Plan                          |
| Carson City          | • Engineering / Site Improvement Permit      |
| Douglas County       |                                             |
## General Project Area Description

<table>
<thead>
<tr>
<th>Project Area</th>
<th>Location</th>
<th>Proposed Improvements</th>
</tr>
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<tbody>
<tr>
<td><strong>IVGID Treatment Plant</strong></td>
<td>Wastewater treatment and storage facilities including: a 0.5 M gallon steel tank, a 2.4 M gallon storage reservoir, and a 17 M gallon emergency storage reservoir (Mill Creek Dam#2).</td>
<td>Provided adequate capacity in lined storage facilities to retain effluent under normal and emergency conditions when pipeline is under construction. Route Mill Creek around the dam to separate creek flow from effluent storage area.</td>
</tr>
<tr>
<td><strong>Segment 1</strong></td>
<td>20,000 feet of 16-inch pipe, extending from the treatment plant, along SR 28, to just south of Sand Harbor (Spooner Pump Station). Operating pressure 0 to 100 psi.</td>
<td>Replace or rehabilitate 18,000 feet of pipeline that is in danger of failing.</td>
</tr>
<tr>
<td><strong>Spooner Pump Station</strong></td>
<td>Pumps, stand-by generator, and surge control equipment to transport effluent over Spooner Summit located south of Sand Harbor on the east side of SR 28 separating pipeline Segments 1 and 2.</td>
<td>Increase surge protection; increase reliability of pumping capacity and stand-by power.</td>
</tr>
<tr>
<td><strong>Segment 2</strong></td>
<td>17,300 feet of 16-inch pipe, extending from just south of Sand Harbor, along SR 28, to a point near Secret Creek. Operating pressure up to 450 psi.</td>
<td>None needed – pipe materials in good condition.</td>
</tr>
<tr>
<td><strong>Segment 3</strong></td>
<td>22,700 feet of 16-inch pipe, extending from Secret Creek, along SR 28, across the meadow at Spooner State Park, around the north side of Spooner Lake, to US 50. Operating pressure up to 150 psi.</td>
<td>Relocate, replace or rehabilitate 110 feet of pipe at Secret Creek and 10,000 feet of pipe from SR28 to US 50 that is in danger of failing.</td>
</tr>
<tr>
<td><strong>Segment 4</strong></td>
<td>39,000 feet of pipe with varying diameter extending from US 50 cross country to US 395 at S. Sunridge Drive. Operating with gravity flow.</td>
<td>None needed – pipe materials in good condition.</td>
</tr>
<tr>
<td><strong>Segment 5</strong></td>
<td>2,800 feet of 14-inch pipe extending from 395 to the east edge of the Carson River. Operating with low pressure.</td>
<td>Relocate and replace 1,000 feet of pipeline to prevent failures and potential impingement of the Carson River on the pipeline.</td>
</tr>
<tr>
<td><strong>Segment 6</strong></td>
<td>4,500 feet of 14-inch pipe extending under the Carson River to the IVGID Wetlands disposal site. Operating at low pressure.</td>
<td>None needed – pipe materials in good condition.</td>
</tr>
<tr>
<td><strong>Alternatives Considered and Dismissed</strong></td>
<td>1. Reconstruction of entire 22 mile pipeline 2. New overland location and discharge point 3. Parallel location uphill of SR 28</td>
<td>Excessive disturbance for cross county routes, functional difficulty, compatibility with existing treatment and disposal facilities.</td>
</tr>
</tbody>
</table>
Three segments of the export pipeline are recommended for replacement based on 2003 corrosion study:

- Segment 1
- Segment 3 (around Spooner Lake)
- Segment 5.

Source: Incline Village General Improvement District, Export Pipeline Rehabilitation, Draft Predesign Report, HDR, February 13, 2004