

**TRPA
GOVERNING BOARD
PACKETS**

**DECEMBER
1993**

NOTICE OF MEETINGS
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

NOTICE IS HEREBY GIVEN that on December 15 and 16, 1993, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The December 15 session will commence at 9:30 a.m. at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The December 16 session will commence at 8:30 a.m. at the TRPA office, 308 Dorla Court, Elks Point, Nevada. The official agenda is attached hereto and made a part of this notice.


NOTICE IS FURTHER GIVEN that on December 15, 1993, at 8:30 a.m. at the same location, the Finance Committee will discuss the following: 1) receipt of the November financial statement and check register; 2) acceptance of the FY 1992-93 TRPA audit; 3) acceptance of the FY 1992-93 STA Fund and LTF audits; 4) mitigation fund MOU with the City of South Lake Tahoe; and 5) Placer County request for air quality mitigation funds (\$25,000). (Finance Committee: Klein, Neft, Lau, Kanoff, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on December 15, 1993, at 8:30 a.m. in the same location, the Legal Committee will discuss: 1) settlement of TRPA v. Schumacher (Case Nos. 92-318 and 93-473); 2) modification of Walshaw v. TRPA settlement agreement (request to bank tourist accommodation units); 3) settlement of Vennard pier violation, 300 Highway 28, Washoe County APN 123-151-01; and 4) performance evaluation of Special Projects Attorney (includes closed session without action). (Legal Committee: Upton, Westergard, Waldie, Cronk, Chairman DeLanoy)

NOTICE IS FURTHER GIVEN that on December 15, 1993, during the lunch recess, the Rules Committee will meet at Jason's Restaurant, 8338 North Lake Boulevard, Kings Beach, California, to discuss ex parte communication with Governing Board members and immunity/indemnification and insurance for Governing Board members. (Rules Committee: Sevison, DeLanoy, Bradhurst, Lau, Chairman Waldie)

NOTICE IS FURTHER GIVEN that on December 16, 1993, at 9:00 a.m. in the TRPA office, 308 Dorla Court, Elks Point, Nevada, the Capital Financing Committee will meet to discuss the current status of the capital financing plan. (Capital Financing Committee: Bennett, Westergard, Cronk, Waldie, Chairman Upton)

Date: December 6, 1993


David S. Ziegler
Executive Director

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

page #'s

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

December 15, 1993
9:30 a.m.

TRPA Office, 308 Dorla Court
Elks Point, Nevada

December 16, 1993
8:30 a.m.

All items are action items unless otherwise noted.

OFFICIAL AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. PUBLIC INTEREST COMMENTS (No Action)

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

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

- IV. APPROVAL OF MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 4)
- VII. PROJECT REVIEW

- A. Caltrans, Bridge 25-10 Replacement (Upper Truckee River), U.S. 50, City of South Lake Tahoe, TRPA Project Number 520-205-93 21-39
- B. Caltrans, Bridge 25-13 Replacement (Trout Creek), U.S. 50, City of South Lake Tahoe, TRPA Project Number 520-206-93 40-58
- C. Caltrans, Bridge 25-17, Replacement (Cascade Creek), California 89, El Dorado County, TRPA Project Number 520-202-93 59-75
- D. Caltrans, Bridge 25-15 Replacement (Upper Truckee River at Sawmill Road), U.S. 50/California 89, El Dorado County, TRPA Project Number 520-204-93 76-94

- E. City of South Lake Tahoe, Lake Tahoe Airport, New T-Hangars, El Dorado County APN 32-100-04 95-110
- F. California Tahoe Conservancy, Kings Beach Lakefront Enhancement Project, Placer County APN 90-131-01 111-123
- G. Cy Development, Multi-Residential Development, Transfer of Existing Development, Assignment of Bonus Units, and Subdivision, Washoe County APN 130-170-20 124-141
- H. Zephyr Point Presbyterian Conference Commission, Special Use Determination, Expansion of Group Recreation Facility Requiring Allocation of PAOTs, 660-670 U.S. 50, Douglas County APN 05-100-01 (continue to the January 26, 1994, meeting)

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

- A. Amendment of Plan Area Statement 108, Winnemucca Residential, or Plan Area Statement 110, South "Y" Commercial, to Allow Medical Offices 142-161
- B. Amendment of Plan Area Statement 080, Kingsbury Drainage, to Include Public Health and Safety Facilities as a Permissible Use 162-169
- C. Amendment of Chapter 91, Air Quality Control, Relative to Wood Heater Retrofit Program (Section 91.3.B(5)(a)) 170-175
- D. Application by Placer County to Amend the Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination, Placer County APNs 94-190-22 and -26, Payless Drug Stores Northwest Continued at request of Placer County
- E. Draft EIS, U.S. Forest Service Lake of the Sky Facility, Placer County (No Action) 254-
- F. Draft EIS, Sierra Nevada College Proposed New College Campus, Washoe County (No Action) 255
- G. Status Report on Employer-Based Trip Reduction Ordinance and Parking Management Ordinance 256-258
- H. Resolution Adopting Procedures for Distributing Reserved Residential Allocations to Parcels Below the IPES Line 259-263

IX. APPEALS

- A. Robert Meyers, Appeal of IPES Score, El Dorado County APN 22-221-01 (continue to January at request of appellant)
- B. Michael Alden Baker, Appeal of IPES Score, Placer County APN 112-100-62 264-272
- C. Rudy Tulipani, Appeal of IPES Score, Washoe County APN 125-162-03 273-288

X. ADMINISTRATIVE MATTERS

- A. Status Report on Shorezone EIS and Cumulative Analysis **289-292**
- B. Performance Review of Special Projects Attorney (Including Closed Session Without Action)
- C. Review and Approval of TRPA Mission Statement, Goals and Objectives, Pursuant to November 12 Retreat **293-296**
- D. Procedure for Selection of New Executive Director

XI. PLANNING MATTERS

- A. Determination Regarding What Allocation Systems Qualify as Random Selection Systems for Purposes of Subsection 37.8.D (IPES) **297-**

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

- 1. Receipt of November Financial Statement and Check Register
- 2. Receipt of FY 1992-93 TRPA Audit
- 3. Receipt of FY 1992-93 State Transportation Assistance Fund Audit
- 4. Receipt of FY 1992-93 Local Transportation Fund Audit
- 5. Approval of Mitigation Fund MOU With the City of South Lake Tahoe **298-301**

B. Legal Committee

- 1. Settlement of TRPA v. Schumacher (Case Nos. 92-318 and 93-473) **302-**
- 2. Modification of Walshaw v. TRPA Settlement Agreement (Request to Bank Tourist Accommodation Units) **303-331**
- 3. Vennard, Settlement of Pier Violation, 300 Highway 28, Washoe County APN 123-151-01 **332-346**

C. Rules Committee

- 1. Ex Parte Communication With Governing Board Members
- 2. Immunity/Indemnification and Insurance for Governing Board Members

D. Capital Financing Committee

XIII. REPORTS

A. Executive Director

- 1. Status Report on Processed Projects
- 2. Status Report on IPES and Land Capability Determinations
- 3. Other

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B. Agency Counsel

C. Governing Board Members (No Action)

XIV. RESOLUTIONS

XV. ADJOURNMENT

<u>Item</u>	<u>CONSENT CALENDAR</u>	<u>Recommendation</u>	
1. Old Forge Trust, Resolution of Enforcement, Washoe County APN 130-230-09		Approval	1
2. Placer County, Request for Air Quality Mitigation Funds (\$25,000)		Approval	2
3. Lake Tahoe Medical Center, Change in Operation, 880 Alder Street, Incline Village, Washoe County APN 132-011-07		Approval With Findings And Conditions	3-9
4. Mike Love, Land Capability Challenge, Washoe County APN 126-244-02		Approval	10-20

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that any item be removed from the calendar, it will be taken up separately under the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

- Article III (g) Public Law 96-551

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

December 6, 1993

To: TRPA Governing Board

From : TRPA Staff

Subject: Old Forge Trust, Resolution of Enforcement Action,
1041 Lakeshore Boulevard, Washoe County, APN 130-230-09

Based upon this staff summary, TRPA staff recommends the Governing Board accept a negotiated settlement between the Old Forge Trust and the Tahoe Regional Planning Agency (TRPA).

The proposed settlement represents full and complete settlement of the violations alleged by TRPA as described below:

On October 27, 1993, TRPA staff posted a Cease and Desist Order at 1041 Lakeshore Boulevard for grading in excess of three cubic yards after the October 15 grading deadline. At the time the Cease and Desist Order was posted, active grading was occurring and recently excavated material equalled approximately 44 cubic yards. On November 9, 1993, TRPA notified the authorized representative for the Old Forge Trust that the required findings for a grading deadline exception could not be made and proposed the following resolution:

Payment of a \$10,000 penalty in lieu of civil litigation for the aforementioned violation by December 15, 1993.

On November 18, 1993, TRPA staff received notification that the Old Forge Trust agreed to pay a \$10,000 penalty by December 15, 1993.

Staff believes the proposed settlement of a \$10,000 penalty is appropriate to the alleged violations and consistent with past settlements.

12/6/93
SC:jsd

CONSENT CALENDAR ITEM 1

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

December 1, 1993

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of Air Quality Mitigation Funds to Placer County (\$25,000)
for a Maintenance Utility Vehicle for TART

Staff Recommendation: The staff recommends the release of \$25,000 to Placer County to purchase a replacement utility vehicle for Tahoe Area Regional Transit (TART).

Discussion: Section 93.5 of the TRPA Code of Ordinances specifies the manner in which air quality mitigation funds are to be used and distributed. The mitigation fees collected by TRPA are held in a trust account for the jurisdictions within which projects are being completed. TRPA disburses these funds to the jurisdictions upon their request, provided that TRPA finds that the proposed use of the mitigation funds are consistent with TRPA's adopted Regional Transportation Plan - Air Quality Plan for the Lake Tahoe Region.

Placer County has requested the release of Air Quality Mitigation funds in the amount of \$25,000. This money is intended to purchase a replacement utility vehicle for TART. TART is currently utilizing an eight-year old pickup truck. The new vehicle will be a 4 X 4 pickup truck (heavy duty) for utility usage. In addition, the truck will be equipped with a plow for snow removal purposes at fifteen (15) shelters along the TART Route.

Staff has reviewed Placer County's request for the release of air quality mitigation funds held by TRPA. The proposed use of the funds is consistent with the Regional Transportation Plan - Air Quality Plan for the Lake Tahoe Region.

If there are any questions regarding this agenda item, please contact Bridget Mahern at (702) 588-4547.

CONSENT CALENDAR ITEM 2

/bm

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Lake Tahoe Medical Center

Application Type: Public Service Facility Change in Operation

Applicant: Lake Tahoe Medical Center, Inc.

Applicant's Representative: Michael Hoover

Agency Planner: Kathy Canfield, Associate Planner

Location: 880 Alder Avenue, Incline Village

Assessor's Parcel Number: APN 132-011-07 / File Number 930993

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

Project Description: The applicant is proposing to re-open an existing 23 bed hospital. The previous hospital was closed in 1991 and no use has existed on the site since that time. No additions to the existing structure or the hospital grounds are proposed at this time, with the exception of a fire escape stairway required by the North Tahoe Fire Protection District. Due to time constraints, the proposed stairway will be processed under a separate TRPA application.

Site Description: The site contains a vacant 18,758 square foot hospital building with 45 associated parking spaces located along the south property line adjacent to Alder Avenue. Wood Creek is located along the western property line of the project area. Surrounding land uses include commercial uses to the south, a church and public service offices to the east, and vacant land to the north and west.

Issues: The proposed project involves a significant increase in traffic and therefore, Governing Board review is required in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project related issues are:

1. Traffic/Air Quality:

The applicant has submitted a traffic analysis to evaluate the potential traffic and air quality impacts of the project as required by Chapter 93 of the TRPA Code of Ordinances. As the site has been vacant for more than 2 years, there is no credit for existing vehicle trips generated to the site. The traffic analysis will be made available at the Governing Board hearing and at TRPA. Agency staff has reviewed the traffic analysis and concurs with the following conclusions reached by the analysis:

- * Vehicle Trip Generation: The proposed operation will result in 331.2 additional daily vehicle trip ends (dvte) of which 31 are peak hour vehicle trip ends (phvte).
- * Ingress/Egress: No changes to ingress/egress are proposed. The project area has two existing driveways accessed from Alder Avenue and one fire access driveway accessed from Northwood Boulevard.
- * Parking: The interim TRPA parking standards provide that the local jurisdiction parking standards apply to the project. The applicant has provided 45 parking spaces. Washoe County has indicated that the proposed parking meets their standards.
- * Vehicle Miles Traveled (VMTs): The project proposes an increase of 734 VMT. This increase represents a total of 0.04% of the total estimated 1,957,635 VMT for the Lake Tahoe Basin and is not expected to have a significant impact. The analysis did not address the possible diversion from existing long trip lengths in and out of the Lake Tahoe Basin due to the lack of a medical facility in Incline Village. Therefore, the estimated increase of 734 is a worst case scenario.
- * Air Quality: The proposed project is not expected to result in a significant impact on regional mobile source emissions of oxides or nitrogen or hydrocarbons.
- * Mitigation Measures: The applicant shall be required to mitigate all additional dvte assessed at \$20 per each additional dvte. The mitigation fee shall be \$6,624. The applicant may offset a portion or all of the mitigation fee by providing vehicle trip reduction incentives such as carpooling or rideshare programs. TRPA shall review any vehicle trip reduction incentives and determine the amount of mitigation fee reduction based upon the proposed program.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

- B. Plan Area Statement: The project is located within Plan Area 045 - Incline Village Commercial. The Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (hospital) is an allowed use.
- C. Land Coverage: The applicant has submitted a land capability verification to determine the allowable land coverage for the project area. The existing site contains 54,622 square feet of land coverage. No changes to land coverage are proposed with this application.
- D. Required Findings: The following is a list of the required findings as set forth in Chapter 6 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.
1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.
 - a. Land Use: The applicant will be required to apply Best Management Practices (BMPs) to the entire project area in accordance with Watershed Priority Group 1. The proposed project will not affect the allowed land use on the site, hospitals are an allowed use for the plan area.
 - b. Transportation: This project will result in an increase of 331.2 additional daily vehicle trip ends which is defined by the Code of Ordinances as a significant increase. The applicant shall be required to mitigate the additional vehicle trip ends by paying a mitigation fee. The mitigation fee may be reduced based upon TRPA review and approval of a daily vehicle trip reduction program or Transportation Systems Management measures.
 - c. Conservation: This site is not located in a TRPA scenic roadway or shoreline unit. There are no known special interest species or sensitive or uncommon plants within the project area.
 - d. Recreation: This project does not involve any recreation facilities or uses.
 - e. Public Service and Facilities: This project is not required to be included on the TRPA Public Service List.

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

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

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

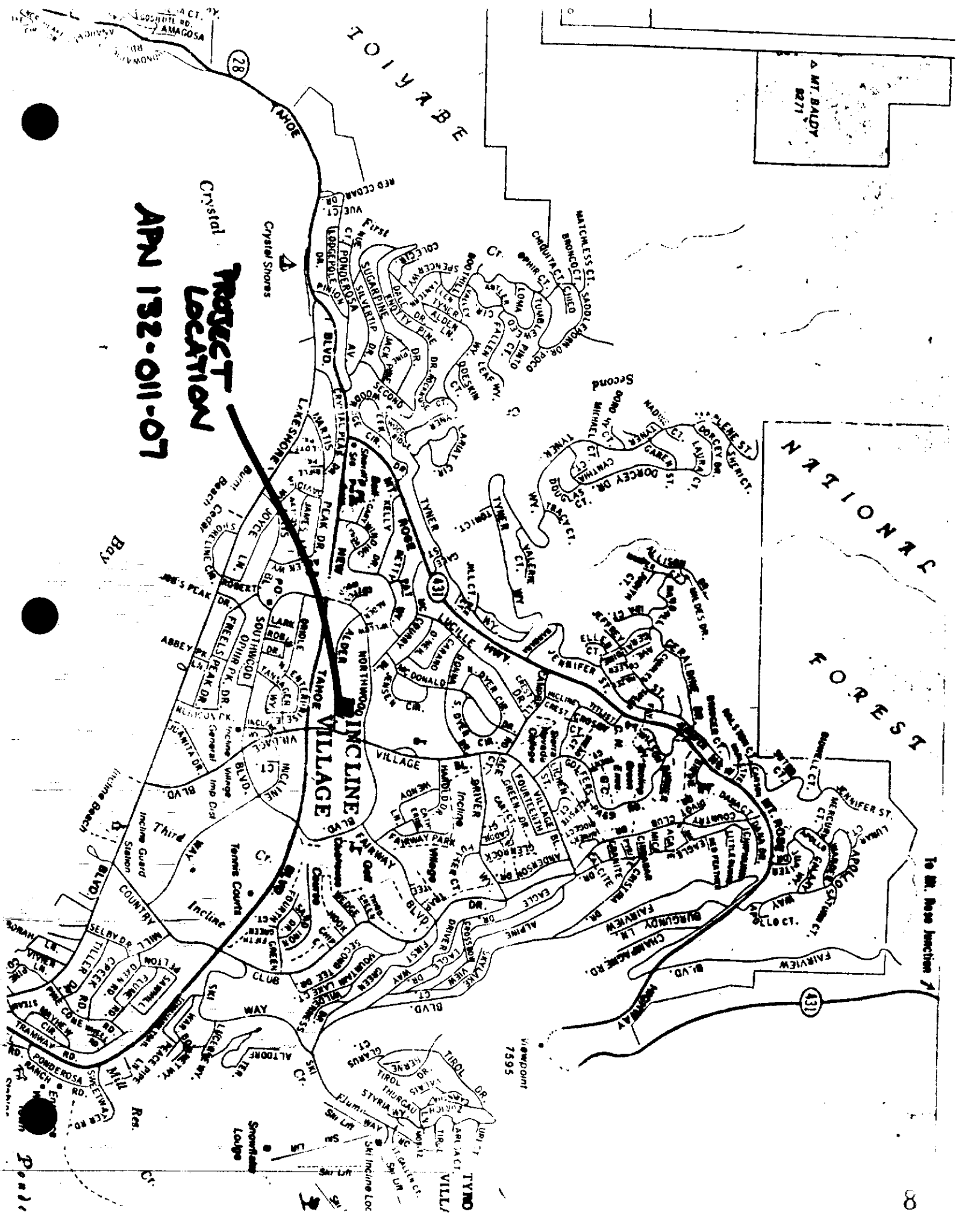
3. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

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

- I. A motion based on this staff summary, for the findings contained in Section D above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based on the staff summary, subject to the following conditions:
- A. The Standard Conditions of Approval listed in Attachment Q, where applicable.
- B. Prior to commencement of use, the following special conditions of approval must be satisfied:
1. The permittee shall submit a \$6,624 air quality mitigation fee. This fee may be reduced based upon TRPA review and approval of a daily vehicle trip reduction program or Transportation Systems Management measures.
 2. The permittee shall acknowledge this permit prior to commencement of the hospital use.

- C. By acceptance of this permit, the permittee acknowledges that the TRPA Code of Ordinances requires that this property, located within a Priority 1 watershed group, be retrofitted with Best Management Practices prior to October 15, 1995.
- D. By acceptance of this permit, the permittee acknowledges that the TRPA has amended its sign ordinance and that the amended sign ordinance includes new standards for signs which will require removal, modification, or amortization of non-conforming signs.
- E. This permit authorizes a change in operation only. Any proposed modifications to structures, land coverage or signs shall require a separate TRPA application.



PROJECT LOCATION
APN 132-011-07

NATIONAL FOREST

▲ MT. BALDY
8271

To Mt. Rose Junction