

**TRPA
APC
PACKETS**

**FEBRUARY
1993**

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, February 10, 1993, at the TRPA Office, 195 U.S. Highway 50, Zephyr Cove, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

February 1, 1993

By: 
Jerry Walle
Deputy Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 195 U.S. Highway 50
Zephyr Cove, Nevada

February 10, 1993
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

Page#

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. DISPOSITION OF MINUTES
- IV. PUBLIC HEARING AND RECOMMENDATIONS
 - A. Adoption of Chapter 95, Rental Car Mitigation Program 1
 - B. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt MOU Between TRPA and Nevada Bell 2-9
- V. PLANNING MATTERS
 - A. Adoption of the 1993-1997 List of Additional Recreation Facilities Pursuant to Section 33.6 10-82
 - B. Adoption of 1993-1997 List of Additional Public Service Facilities Pursuant to Section 33.7 83-136
 - C. Status Report on Chapter 14, Community Planning, Relative to Boundary Line Adjustments and Alternative Plans 137
- VI. REPORTS
 - A. Executive Director
 - B. Legal Counsel
 - C. APC Members
 - D. Public Interest Comments
- VII. PENDING MATTERS
- VIII. RESOLUTIONS
- IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 195 U.S. Highway 50
Zephyr Cove, Nevada

January 13, 1993

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

The Advisory Planning Commission (APC) did not have a quorum at 9:30 a.m. when the meeting was scheduled to commence. Executive Director Dave Ziegler advised that the members present would take public testimony on the Golden Bear EIS/EIR as noted on the official agenda, but no action would be taken because the document was still in circulation. The Governing Board would be conducting a public hearing in two weeks on the document, and those who wished to testify at the APC meeting could testify again. The comments received today would be forwarded on to the Board members.

APC Vice Chairman Teri Jamin chaired the meeting. Those present at the beginning of the discussion included APC members Ed Crowley, El Dorado County Planning; Joe Oden, U.S. Forest Service; Teri Jamin, South Lake Tahoe Planning; Bill Combs, Placer County Planning; Stan Hansen, California lay member; and Joe Thompson, Soil Conservation Service. A quorum did arrive during the testimony with the arrival of Bob Dodds, Lahontan; Rob Joiner, Carson City; and Bob Jepsen, Nevada lay member.

The meeting was called to order at 11:05 a.m. and the roll was taken. This occurred at the conclusion of Ms. Kitzmiller's testimony.

Members Present: Mr. Jepsen, Mr. Crowley, Ms. Jamin, Mr. Hansen,
Mr. Oden, Mr. Dodds, Mr. Thompson, Mr. Joiner,
Mr. Combs

Members Absent: Mr. Tshirhart, Ms. Witherspoon, Ms. Baldrice,
Mr. Dodgion, Mr. Brooks, Mr. Poppoff, Mr. Harper,
Mr. Davis

(There were two lay member vacancies on the APC due to the expiration of the terms of Janet Beronio and Bev Bedard. A quorum consisted of nine APC members.)

V. PUBLIC HEARING AND RECOMMENDATIONS

A. Draft EIS/EIR for Golden Bear Park Master Plan

Chief of Project Review Rick Angelocci advised that the EIS circulation period began October 19, 1992, with mailing of the document to the APC and Board members. The 60-day review period was to have been completed December 17, 1992, but was extended to January 28, 1993, by Board action due to the inability of the APC to meet early in December. TRPA was not a proponent of the park but was a reviewing agency under the Compact. The next step in the process would be to forward the comments on the EIS to the consultant for response. The responses along with the draft EIS would be considered the

APC REGULAR MEETING MINUTES JANUARY 13, 1993

final EIS and would come back to the APC and Board for another hearing on technical adequacy and certification.

The second phase would see a master plan go to the APC and the Board. Following that, TRPA review and action would be required on each major component of the master plan. TRPA was attempting to stay as neutral as possible at this point and to insure only that the document was technically adequate.

Mr. Crowley explained that El Dorado County was replicating TRPA's review process. There would be a Planning Commission hearing and Board of Supervisor action.

Mr. Anders Hauge, Harland Bartholomew & Associates, the consultant who prepared the EIR/EIS, explained the document was a programmatic EIR; the specifics on such things as lighting standards and building location had not been determined. As projects came forward, if the EIS were approved, there would be further review by TRPA and El Dorado County on a project-by-project basis.

Mr. Hauge summarized the five different alternatives that were evaluated in the document and presented detail on the identified impacts and mitigation. The impacts affected earth/SEZs (softball fields, access); air quality (during construction); hydrology (potential sediment discharge to Trout Creek, potential drainage alterations); biological resources (forest openings, wildlife and vegetation); public access effects on stream quality; noise (parking and traffic); visual resources. Mr. Hauge also presented information on floodplain encroachment, hazardous material disposal, transportation and circulation, parking deficiencies, public services and utilities, and loss or alteration of historic site significance.

Mr. Hansen suggested that, although there was no requirement, he felt the document could address financial feasibility of the proposal.

Following is a listing of those who testified during the public hearing, along with a brief summary of the comments.

1. Jim Hildinger, lifetime resident of the South Shore area, not a resident in the vicinity of the proposed park. Likened the park's negative impact to the negative impacts caused by the Tahoe Keys development. The foundation on which the park was conceived violated federal law and the requirements of the Santini-Burton Act that lands acquired under the act be administered by the National Forest system. The lands in question could not be considered unsuitable for Forest Service administration, as required before transfer to another property owner. Should the project proceed, the appeal process would be costly and take many years. He had no problem with additional recreational facilities, if needed; but this proposal was blatantly irresponsible.

2. Rich Fisher, superintendent for Lake Tahoe Unified School District, spoke on the need for recreational facilities in the community. School sites were tremendously impacted now with recreational activities and were now at capacity for baseball and soccer. Organized recreation was healthy for the community. In terms of the location of the park, there were no parks or school sites available to residents of the nearby Sierra Tract within walking

APC REGULAR MEETING MINUTES JANUARY 13, 1993

distance. A number of children lived in the area. The park would be of benefit to those people as well as an economic benefit to the community.

3. Dan McLaughlin, a 20-year resident involved in youth recreational activities and El Dorado County's recreational advisory committee, spoke on his experience with softball and coaching. The park would bring in \$200,000 a day from baseball tournaments and would decrease vehicle miles traveled by focusing sporting activities on the park site instead of throughout the community at different schools. The site was a dump area in the past, and the park would clean it up. The area was damaged and had been homesteaded in the past. It was a myth that lighting would disturb nearby residents; lights would be 800' from the nearest house. Special lights would be used. There would be no significant increase from noise caused by sporting activities, other than an occasional roar, because of vegetative screening. The meadow would not be affected, and the park would not be a detriment to wildlife.

4. Marleen Beck, resident on nearby Beecher Street, suggested the Park was too close to residential areas and that the earlier dumping on the site no longer occurred. The area was restoring itself naturally. The Forest Service had fenced the area and the area had been cleaned up.

5. Carla Ennis, a South Shore resident, expressed concerns with the impacts of the park on habitat and wildlife. The property was purchased by the Forest Service as a buffer zone under Burton/Santini. The Forest Service should not transfer the land for park development, and many of the proposed uses were duplicated elsewhere in the community. Ms. Ennis had very specific comments on the impacts on wildlife and the natural environment and the inadequacy of their coverage in the EIS. The Burton Santini land was unsuitable for park development; the use was incompatible with adjacent uses. Facilities at Tahoe should be dispersed throughout the community to alternate sites. The plan was poorly designed and should go back to the county for redesign, and the CEQA document should be amended to include the considerations she had raised.

6. Gloria Harootunian explained that when her family sold the property to the Forest Service it expected that the land would remain undeveloped. It was initially warranted because the land was bought with Burton Santini funds, and the thought was that the lands would be left as open space. They were identified as too valuable for building of residential areas and large developments of any kind. This park was a kind of development coming from the public sector. The property had undergone many changes and suffered much abuse. It was now healing itself, and before disturbing it again, the public should appreciate the huge open areas of forest, meadow and stream and the diversity of wildlife.

7. Kate Nye suggested the area was already a park. She enjoyed watching and listening to the birds and swimming in the river. The area was archaeologically significant as an Indian site; she had found an arrowhead on the site.

8. Pam Fritz commented on specific pages in the document and suggested the mitigation was not sufficient to address the negative impacts which would occur with the park. It was incongruous to spend substantial sums to restore an upstream area only to develop the downstream park with such intensive uses. It was inaccurate that the area experienced "limited wildlife utilization;"

APC REGULAR MEETING MINUTES JANUARY 13, 1993

numerous species of wildlife had been identified in the area. The EIS suggested park development would forestall grazing in the area and would allow the area to restore itself. The park was a radical reaction to the desire to restore the land. Development of an elaborate park did not seem an appropriate way to discontinue grazing. While many supported the increased recreational opportunity for the community's youth, the intent was to have more areas for adult softball games. Economic benefits to the community would not result from children's softball or soccer. The proposal to sign sensitive areas along stream sides to keep people from intruding was insufficient mitigation. It was incongruous that \$3/4 million was being spent to rehabilitate and restore the Lake Christopher area upstream from the park and then develop this park with such intense uses. The Lake Christopher project was designed to correct the very damage that was anticipated in the park.

9. Dave Ennis, a South Shore resident, commented on the negative impacts of fertilizer use on water quality. Millions of dollars were needed to improve Tahoe's water quality, and now it looked like the County would be fertilizing 600,000 square feet of turf and washing pollutants into the adjacent stream zone.

10. Jim Haen, a Tahoe Paradise resident, engineer, and former TRPA employee, spoke in favor of increased recreational opportunity and playing fields for the youth of the community. He favored these aspects of the park proposal. Mitigation measures would be implemented to address the impacts.

11. Pembroke Gottenauer, a Sierra Tract resident and participant on the county service advisory committee, spoke in favor of providing a place for the children in the community, particularly minorities, to congregate. There needed to be alternative uses for the youth. Passing by the opportunity for this park would cause problems in the future.

12. Ray Lacey, with the California Tahoe Conservancy, spoke to two errors in the EIS. Page 2-27 (alternative sites analysis) described site 3 as the former Marjorie Springmeyer holdings at Pioneer Trail and Al Tahoe Boulevard now owned by the California Tahoe Conservancy. That was not Conservancy property. Page 2-6 addressed inclusion of a wetland parcel (106 acres) along Trout Creek. The EIS stated the City of South Lake Tahoe received the parcel from the Conservancy for the purposes of restoration and management. That was not a Conservancy transaction, and the City likely acquired the property directly from private owners some time ago.

13. Marie Kitzmiller, parks coordinator for El Dorado County, spoke in favor of the park as being sensitive to environmental and recreational needs of the community. The County's goal was to focus on the environmental sensitivity of the site and to develop the park in terms of its environmental educational opportunities, similar to the Forest Service's Taylor Creek site. There were opportunities to relocate structures on the site to preserve sensitive areas and locate facilities so they would be more accessible to nearby neighborhoods. The plan would not propose snowmobile or offroad vehicle courses. Previous surveys of the local population showed overwhelming approval of the proposed recreational uses. The county had plans to fund a much more involved biological analysis of the area to survey all sensitive species and habitats. The County anticipated funding other parks on the West Slope along with this park.

APC REGULAR MEETING MINUTES JANUARY 13, 1993

(A quorum arrived during Ms. Kitzmiller's testimony. The roll call was taken at the conclusion of her remarks.)

14. Cheryl Milham spoke in opposition to the park, explaining that the Burton Santini funds were used to acquire the property in order to keep it natural and open and to protect it from development and encroachment. This was not a kids park but rather a place for adults and leagues coming in to play. The plans should be modified to delete the ice and roller rink, the amphitheater, the cultural center. This already was a park because of the natural features and the wildlife, and an organized, developed park would only destroy the natural qualities and wildlife of the area. Once the park was built, the negative impacts could never be totally mitigated. It would be too late.

15. Steve Yonker, a resident and El Dorado County Recreation Commissioner and citizen advisor to El Dorado County on recreation, spoke in favor of the park and suggested it was an ideal area for the proposed uses. The county advisory group was unanimous in its support of the plan, as was the South Lake Tahoe Recreation Commission. The City Council and the County had committed funds to develop the plan and the EIR/S. He would urge the County's supervisors to adopt the final plan.

16. Bert Cherry, a resident of Ormsby Drive adjacent to the meadow, suggested the park came about as a college exercise for Chico graduate students studying the concept of urban parks. The degree of proposed development was not appropriate for the site. Problems involved the off-road vehicle course, a snowmobile course, increased access to the area from the City of South Lake Tahoe, funding, public infrastructure problems (fire and police protection), lighting standard heights, noise to neighboring residential neighborhoods, and insufficient public input and comment. While Mr. Cherry concurred with the need for additional sporting facilities for the children in the community, he did not agree that additional adult softball fields were needed. The consultant's assumption that the impacts could be reduced to a less than significant level was very questionable.

17. Don Radford, representing the City of South Lake Tahoe, explained the City's public meeting process to advise the public of and get public input on the proposed park. There also had been tours conducted through the park. The master plan was paid for; it was not a project done by Chico students but rather by a Chico professor with student assistance and consultants. Snowmobile and offroad vehicle use was not permitted on the site and was not proposed.

18. Glenna Nauer, a Tahoe Keys resident, suggested the park would be an urban sports facility. She favored toning down the fields and putting them somewhere else. Developing the park would do nothing to fix a potential gang situation. She agreed with the statements in opposition and asked if the CEQA document could be amended to reflect Mr. Cherry's and Ms. Ennis' statements.

19. Rochelle Nason, for the League to Save Lake Tahoe, advised the League would be submitting written comments on EIS adequacy. It was her understanding that the County was open to fundamental reconsideration of the project. This was a healthy idea. It was not appropriate if this were to occur with the EIS. The EIS should correspond to the master plan as it was to be ultimately adopted. She urged the APC to consider a resolution to ask the

APC REGULAR MEETING MINUTES JANUARY 13, 1993

County to possibly reopen the steering committee process so that some of the people who were concerned could have their issues addressed.

20. Kerry David submitted a letter from the Optimist Service Club in support of the EIS. There was a need in the community for additional playing fields for youth. His club had supported those kinds of activities and wanted to see development of the park. The plan was a good one.

21. Dave Marlow, land staff officer for the U.S. Forest Service, spoke on the Land Management Plan for the Forest Service. The Forest Service plan listed many standards and guidelines, three of which related directly to the park area. Uses in support of neighboring communities were to be evaluated on a case-by-case basis in accord with forest-wide standards and guidelines. Large parcels of high capability land near the urban interface were to be evaluated to determine what use might be most appropriate. If urban uses not appropriate for National Forest Land were found to be the best use, transfer of management or ownership would be considered. Until such determination was made the management direction would keep vegetation in a healthy and diverse condition and the site unencumbered with long-term uses, such as dispersed recreation facilities and designated OHV routes. The Forest Service would encourage and actively participate in inter-agency planning for recreation development and would have an important role to play in the effort. The development of recreation opportunity should occur at the most suitable locations, regardless of ownership and, in some cases, this could require land adjustment. Specific to the Santini-Burton Act, there was a question whether the Forest Service had the authority to transfer the property to El Dorado County. Although the lands were acquired to protect "environmentally sensitive properties," Santini-Burton did allow the Management Unit to transfer lands that were no longer needed, that had National Forest character to the appropriate government agencies. It was possible the park site qualified for a transfer. There were sensitive as well as high capability lands on the site. The Forest Service would be evaluating the transfer at some future date. The Forest Service had a caveat in its discussions with El Dorado County many years ago about the possible transfer and said it would consider the transfer contingent upon a couple of issues, the first being that the development of the land and use of the land would be consistent with the Santini-Burton Act. That finding had to be made. Secondly, the County had to address and resolve in a satisfactory manner the public use concerns surfaced during the review process. There was a ways to go before the findings could be made. The transfer decision rested with the Director of Lands in the Regional Office in San Francisco. He and Forest Supervisor Bob Harris would be making the recommendation whether or not to transfer.

22. Mr. Ennis questioned the amount of tax money that had been spent on this without any assurance that the land was even available for the park. There was more going on here than just providing a place for kids to play baseball.

Chairman Joiner closed the public hearing at 11:50 a.m.

No action was taken.

II. APPROVAL OF AGENDA - no action

APC REGULAR MEETING MINUTES JANUARY 13, 1993

IV. ADMINISTRATIVE MATTER

- A. Election of APC Chairman and Vice-Chairman for Two-Year Terms (1993-1994)

MOTION by Mr. Joiner to nominate Teri Jamin to serve as the APC Chairman for the 1993-1994 two-year term and to close the nominations. Second by Mr. Hansen. The motion carried unanimously.

MOTION by Mr. Dodds to nominate Joe Thompson to serve as the APC Vice Chairman for the 1993-1994 two-year term and to close the nominations. Second by Mr. Crowley. The motion carried unanimously.

The meeting recessed for a lunch break from 12:05 to 1:15 p.m. (Members present after the noon recess: Crowley, Jamin, Hansen, Oden, Jepsen, Dodds, Thompson, Combs, Joiner)

III. DISPOSITION OF MINUTES

MOTION by Mr. Crowley, with a second by Mr. Thompson, to approve the November 12, 1993, regular APC meeting minutes. The motion carried with Mr. Dodds abstaining.

(There was no meeting in December due to lack of a quorum caused by inclement weather conditions.)

- B. Amendment of Chapter 93, Traffic and Air Quality Mitigation Program, by Adoption of Rental Car Mitigation Fee Ordinance (continue to February)
- C. Adoption of Stream Environment Zone Restoration Interim Targets Pursuant to Chapter 32

Executive Director Dave Ziegler presented the staff's summary of its proposal for the APC to recommend favorably on interim performance targets for SEZ restoration for each affected jurisdiction, based on a 700-acre overall target and the percentage of disturbed SEZ in each jurisdiction.

(Mr. Crowley pointed out that the table referenced in the two-page staff summary was not included in the packet material.)

Mr. Crowley commented that restoration of 700 acres of SEZ by 1996 was very optimistic, particularly in view of the fact that there were fewer than 100 acres restored at this point.

Mr. Ziegler explained that he did not know at this point how realistic the Board-adopted 700 acre target was. There were several good sized projects that could pump up the restored acreage figures considerably. These projects included Cove East (over 100 acres) east of the Tahoe Keys and Snow Creek on the North Shore. The overall restoration target was 1,100 acres, with the 1996 evaluation time period being the mid-way point of a 20-year plan.

Mr. Dodds questioned the classification of the Lake Christopher modifications as SEZ restoration. Perhaps staff should give thought to the

APC REGULAR MEETING MINUTES JANUARY 13, 1993

bigger question of having a better definition for what was a fully restored and functioning SEZ and at what point it would be counted in this restoration effort.

Mr. Ziegler explained that there was not agreement on how SEZs were delineated. Staff had been working on several clarifications relating to SEZs, one to address a glitch in defining secondary indicators and one to digitize SEZ maps into TRPA's geographic information system. Staff had completed all the field work and was now digitizing the information. These were considerable step forward in resolving questions about amount of SEZ and how much of them were disturbed.

No one wished to comment during the public hearing. Chairman Jamin closed the hearing.

MOTION by Mr. Jepsen to recommend that the Governing Board adopt the interim targets for SEZ restoration as presented by staff. Second by Mr. Combs. The motion carried unanimously.

Mr. Ziegler introduced Senior Planner Carl Hasty, the staff planner assigned to head up the water quality team.

D. Amendment of Chapter 14, Community Planning, to Clarify Requirements for Boundary Line Adjustments and for Alternative Plans

Mr. Ziegler presented information on the concept of clustering commercial development in community plan areas, the concern expressed during the mid-1980 consensus building workshops on limiting commercial floor area and tourist accommodation units, and application of Bailey coverage coefficients to community planning areas. Four hundred thousand square feet of commercial was allocated for the first ten years, most of which was directed to Community Plans; and 200 additional tourist accommodation units were allocated, all of which were to be used as incentives for revitalization. Additional incentives were provided for community plan areas for height and land coverage transfers. The plans were to be developed by a partnership between TRPA, the local governments and the communities and were to address land use, transportation, traffic, parking, public services, housing (including affordable housing), recreation, special features or standards, implementation, and consistency with the Regional Plan. The boundaries of the areas were set forth originally in the Regional Plan as readopted in 1986 with the settlement of litigation. There were three shots to be taken at the boundaries of each Community Plan: one at the time when the Plan Area Statements were adopted, one during adoption of the individual preliminary plans, and one when the plans were finally adopted.

Mr. Ziegler also discussed procedural problems with the community planning process, problems with the Code chapter on community planning, problems with available staffing and financial resources, and boundary problems. The boundary problems included whether to give incentives to larger areas, whether it was a good idea for community planning to embrace a larger area but to direct the incentives at a subset of the larger area, whether community plan boundaries should embrace more land, whether the boundaries should embrace golf courses and parks which were not, technically, vacant but which were low

APC REGULAR MEETING MINUTES JANUARY 13, 1993

intensity uses. Staff recommended tackling the problems as they came up one at a time, to look at each community plan to see what was causing the delays and to work them out on a case-by-case basis.

Mr. Ziegler suggested that community planning should be recognized as a good thing; it provided a road map for public investment for the future in an integrated, coordinated, efficient, and cost-effective way. It enabled private investment in the rebuilding of commercial core areas; this was badly needed. Community planning should cluster development into areas where the pedestrian trip and the other automobile trip reducing strategies were to take place. Community planning should be looked at as a positive thing. Some would argue that the more area embraced by community planning the better. The plans should be kept simple, since added features tended to slow the plans down. The planning teams should also agree to let the plans go once they were done with them and had transmitted them on to the counties and TRPA for additional processing. Change was inevitable.

Mr. John Hoole, the Chief of Long Range Planning, explained the Board's direction to staff to streamline the community planning process in an effort to complete the plans. Staff looked at boundary adjustments and drafting alternative plans. The 21 Community Plan (CP) areas totaled 2,539 acres in size. Proposed adjustments counting increases and reductions and as shown on the display map (on the wall) totaled a maximum of 20-40 acres and likely half of that. The other issue before the APC was whether the findings to be made to adjust the boundary were to be applied to just the specific block of land being added or to the total area of the amended boundary. Staff favored the latter approach. While the Code now required complete alternative plans to be prepared, the teams were hoping instead to use a simple matrix to show the comparison of the alternatives related to transportation, air quality, housing, and other features.

Mr. Hoole summarized the proposed findings to expand CP boundaries and explained the added finding that would permit an expansion provided there was a significant environmental benefit that assisted in attainment or maintenance of the environmental thresholds.

Discussion followed on the definition of "environmental benefit," the Compact-required Article 5g findings, review on a case-by-case basis, the built-in control of the limit on commercial floor area, the benefits of flexibility and the disadvantages of rigidity in regulations, the need to build in flexibility, and the need to have trust in decision makers to abide by the findings in making decisions.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, disagreed that the larger the boundaries for the incentive system the better. The League disagreed and felt it was important that the lines be drawn closely around existing urban areas because they concentrated development and provided for renovation of existing deteriorated development. The impact of the amendments on future CPs could be seen in the existing proposed amendment to the Douglas County CP. The League did not feel that TRPA could make the findings for the Douglas County CP, even if it adopted the proposed amendments. That was the reason the amendments were before TRPA today; staff felt those findings could be made. In the case of the Douglas County CP, there was a plan to add somewhere between 20 and 40% of the acreage of the original CP in order to

APC REGULAR MEETING MINUTES JANUARY 13, 1993

accommodate a single project that had successfully agitated for its inclusion within the plan boundary. If this became the rule around the Lake, there would be no renovation of existing areas and no concentration of development. Economic incentives would always dictate that projects would be guided to undeveloped areas in cases where there was a choice between undeveloped and developed land. This would cause urban sprawl all around the Basin. There was no way to gauge from the existing proposals what effect there would be on incentives around the Basin for people to bring in projects, once they understood they did not have to build in a CP; they could get incentives for any parcel that happened to be close to a CP by getting the project put inside the boundary. There was no way of knowing what future amendments would expand the additional acreage even beyond what was anticipated at this time. There was nothing in the proposed amendment that would prevent turning a completely undeveloped area into a CP, by deciding it was suitable for commercial development. The proposed modification to the Douglas County CP was a move toward urban sprawl. The environmental benefit of expansion of the CP boundary could only be determined on a project-by-project basis and when an EIS for a particular project was available. Ms. Nason suggested it was difficult to see a benefit great enough to offset the very severe detriment of urban sprawl.

Mr. Blanck suggested that the new finding was to be applied on a case-by-case basis and that the intent was for the use allowed in the expanded area to have a significant environmental benefit and assist in the attainment of the thresholds.

Mr. Chris Beck, consultant from the firm of PBR, representing Park Cattle Company, suggested there were really two topics being discussed. One was the Park Cattle project and its environmental benefits; the other was the proposed CP amendment. The amendment by itself would not allow the project or approve the plan. It would rather make a modest technical clarification to an existing ordinance. That clarification was consistent with what those on the planning team and staff understood was the way the process was to proceed. The question was whether a tourist accommodation unit was considered commercial. The clarification was drafted for that reason. All this proposal did was to make clear what had been an active assumption of the members of the team. When the Plan Area Statements for Douglas County were identified, the Statement included specific statements calling for reassessment of the Park Cattle Company property to determine if the original preliminary boundaries were the right ones. That was what was being done by the team. What had come up in the process was a question whether the findings in Chapter 14 included tourist accommodations. The amendment should be viewed alone to see if it allowed the flexibility that TRPA staff and the community needed to proceed. If the project proceeded it would require development rights to be transferred from an area like South Lake Tahoe into Nevada. This would lead to rehabilitation of an existing area and concentration of hotels in the vicinity of the existing casino core in an area where people could walk from the project to the casino core. There would actually be a reduction in VMT resulting from the concentration of development. The project did not create sprawl and would lead to investments in environmental improvements (SEZ restoration, reduction in coverage, new trails, and a stormwater system).

Mr. Gregg Lien, representing Lawyers Title Company, having a project within the Douglas County CP boundary as now proposed by the team and also