

**TRPA
APC
PACKETS**

**DECEMBER
1994**

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, December 14, 1994, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

December 8, 1994

By: _____
James W. Baetge
Executive Director

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.

TAMOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
Kings Beach, California

December 14, 1994
9:00 a.m.

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

AGENDA

Page #

- 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 an agenda item not listed as a Public Hearing, Project Review, or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing items will be taken at the time those agenda items are heard.

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

- IV. DISPOSITION OF MINUTES

- V. PROJECT REVIEW

- A. Placer County Department of Public Works, Tahoe City Urban Improvement Project, Placer County, Project #530-102-93

1-50

- VI. PUBLIC HEARING AND RECOMMENDATIONS TO THE GOVERNING BOARD

- A. Amendment of Chapters 2, 4, 13, and 43, and Other Related Amendments, to Limit Subdivisions and Urban Uses to Existing Urban Areas, to Set Criteria for Subdivisions in Preferred Affordable Housing Areas, and to Set Criteria for Adding Multi-Family Residential Uses to Plan Areas

51-87

- B. Amendment of Plan Area Statement 013, Watson Creek (Conservation), and Plan Area Statement 014, Cedar Flat (Residential), to Add APN 092-010-18 to Plan Area 014

88-100

- C. Reaffirmation of TRPA's Regional Transportation/Air Quality Plan

101-102

- D. Amendment of Kingsbury Community Plan Chapter 4 Matrix to Clarify and Modify the Irrevocable Commitment

103-107

- E. Amendment of Chapter 33, Allocation of Development, for Distribution of Residential Allocations to Parcels Below the IPES Line in 1995

108-110

VII. REPORTS

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

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
Stateline, Nevada

November 9, 1994

REGULAR MEETING MINUTES

Vice Chairman Robert Jepsen called the regular November 9, 1994 meeting of the Advisory Planning Commission (APC) to order at 9:45 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Jepsen, Mr. Ruben, Mr. Hansen (arrived at 11:30 a.m.),
Ms. Baldrice, Mr. McDowell, Mr. Dodds, Mr. McCurry,
Mr. Joiner, Mr. Lawrence, Mr. Mudgett, Mr. Haen, Mr. Combs,
Ms. Jamin

Members Absent: Mr. Hust, Mr. Barham, Mr. Poppoff, Ms. Woodbeck,
Mr. Thompson, Nevada Lay Member (vacant)

II. APPROVAL OF AGENDA

Deputy Director Jerry Wells asked to change the order of the agenda so that items V.B and V.C would be heard first, followed by items VI.A, VI.B, V.D and V.A.

MOTION to approve the agenda was made by Ms. Baldrice, with a second by Mr. Dodds. The motion carried unanimously.

Mr. Mudgett questioned whether there would be any discussion on the status of the Water Quality and SEZ efforts. Executive Director Jim Baetge replied that Carl Hasty would be covering the whole threshold issue of water quality and soil, and what progress has been made.

Mr. Mudgett explained that the reason he asked about the Water Quality/SEZ discussion was because V.A involved the lowering of the IPES score which had to do with water quality. He requested that Carl's presentation (VI.B) precede V.A. Mr. Baetge suggested that the agenda could be flexible on this.

III. PUBLIC INTEREST COMMENTS - There were none.

IV. DISPOSITION OF MINUTES

MOTION by Ms. Jamin, with second by Ms. Baldrice, to approve the October 12, 1994, APC minutes as presented. The motion carried with McCurry, Dodds, Mudgett and Jepsen abstaining.

V. PUBLIC HEARING AND RECOMMENDATIONS

B. Amendments to Chapter 8 Provisions Regarding Correct and Complete and Original Applications and/or Signatures

Agency Counsel R.J. Nicolle advised that the Governing Board Rules Committee had met and recommended that Chapter 8 be amended to require correct, complete and original applications (with faxed or photocopied signatures) to be accepted as long as an original signature was submitted within seven days thereafter. Ms. Nicolle suggested that this recommendation was designed to deal with false applications or signatures.

Mr. Mudgett asked how often these actions occurred, and Ms. Nicolle advised that staff knew of three cases in the first part of 1994. She also suggested that there have been cases where applicants have authorization for a previous project and wanted to use that signature for a new permit.

Mr. Mudgett was very concerned that honest people were being curtailed and somehow there should be punitive measures for dishonest applicants. Mr. Gregg Lien, a frequent applicant representative, was also concerned about the problems that forgery could create for consultants, and felt that these dishonest applicants should be prosecuted. However, as a whole, he believed the consultants were credible, and possibly this would not be worth the inconvenience.

Mr. Dodds asked if the applicant could send a letter with original signature, asking the consultant to act in their behalf. Ms. Nicolle suggested that this is what had created some of the problems. In some cases, the applicant signed a very general letter and then that letter would be taken from project to project. Then the property owner would come in stating "that's not what I thought I was authorizing." Therefore, in some instances people will abuse this general letter of authorization.

Paul Kaleta agreed with the Rules Committee to make it easier to submit applications. His only concern was having to get the original signature to the TRPA within seven days. This timeframe was a little tight considering weekends and holidays. He suggested that possibly the rule could be changed from seven to 10 days.

There were no other public comments.

Mr. Joiner asked whether TRPA would consider requiring a notarized signature as a standard procedure on all applications. Ms. Nicolle advised that TRPA did not require a notarized signature. Mr. Joiner recommended that this be done. Also, if a Power of Attorney was used, the signature should be notarized. Ms. Nicolle thought this was a good suggestion.

Mr. Dodds asked whether it would matter to the staff to change the seven day requirement to 14 days. Ms. Nicolle stated that it would not matter. The seven days was just a time suggested by the Governing Board Rules Committee. Mr. Haen commented that it would be a burden on the applicant and the consultant to have to get his/her signature notarized. Typically a County Building Permit is not a notarized signature. He did not think that it was a

standard practice for other permitting agencies. Another issue was that TRPA applications require signatures of owners and often more than one owner is involved. He asked Ms. Nicolle how this situation would be handled. Ms. Nicolle stated that TRPA should have signatures of all owners. Mr. Joiner commented that his agency accepted one signature. Mr. Ruben commented that when coverage was the issue, all property owners of title should be included. A discussion continued regarding development rights and deed restrictions.

Mr. McDowell asked if the purpose of the amendment, other than an original signature, was to beat deadlines. What happened to an application that came in with a faxed signature? Did it sit on the shelf for 7-10 days until the original signature came, or did the processing begin? Ms. Nicolle commented that currently the application was considered incomplete and review was not commenced. Now the Rules Committee was recommending that the faxed signature should be sufficient to begin immediate processing.

Mr. Dodds asked that the request to extend the seven days to a longer period of time be accommodated. Ms. Nicolle stated that she would check with the staff, but she did not anticipate any problem with that request.

Mr. Haen again stated that he felt that one signature on an application with multiple owners should be satisfactory.

MOTION by Mr. Dodds to recommend to the Governing Board to adopt the proposed Code amendment with the suggested revision from 7 days to 14 days to submit the original signature. Mr. McCurry seconded the motion. The motion carried unanimously.

C. Amendments to Chapter 43 and Other Related Amendments Limiting
New Residential Subdivisions to Existing Urban Areas

Principal Planner Gordon Barrett directed APC members to page 16 of the packet. This item was discussed at the last APC meeting, and the APC asked staff to form a workshop group. Three planners were at this workshop, and Mr. Joiner helped facilitate the meeting. The working group of approximately 20 people discussed the three objectives presented last month, including Douglas County Community Plan mitigation, subdivisions and urban boundaries, and protection of boundaries.

Mr. Barrett handed out a workshop-recommended list of proposed amendments to Chapters 2, 41, 43 and 13. He also distributed a letter from Daniel Siegel, California Deputy Attorney General, expressing concerns on some of the legal issues related to the 208 Plan.

Mr. Barrett discussed the three major areas of concern.

1. Clarify Definition of Urban Boundary and whether the urban boundary adopted in 1987 can be changed.
2. Clarify Use of Existing Urban Areas in regard to post-1987 project Subdivisions and whether they can be changed.

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A pending application requested urban designation for 80 acres at Golden Bear. The proponents wanted it to become an urban plan area so they could transfer development rights and build 80 units. In this case, urban boundaries would be expanded to allow subdivisions past the post-1987 boundary. The League and Attorney General felt very positive that the 1987 plan should remain in effect.

The proposed amendment required that any change beyond December 1984 would take some special findings.

3. Limit the Expansion of Urban Boundaries and Uses.

The third amendment would add findings to Section 13.7 (Plan Area Statements and Plan Area Maps) regulating the changes of urban boundaries.

When changing plan area boundaries the resulting description should be consistent with that of the existing plan area.

Agency Counsel R. J. Nicolle commented on Dan Siegel's analysis. She felt that even though his argument was compelling, the 208 Plan used the term "urban areas" to define a concept.

Mr. Dodds felt that the intent of the 208 Plan was to stop the urban sprawl and to recognize that there might be some need to fill in the areas where you already have roads and construction. If you redefined the word "existing" to any date in the future, it did not seem like you were holding a line on subdivisions. What was the driving force behind this? Could it be affordable housing? If so, then he objected because he was opposed to trading one threshold for another. There was a clear recognition that new subdivisions had negative impacts.

Ms. Nicolle stated that the subdivision ordinances were adopted to balance a number of different issues. The 208 Plan recognized a prohibition on creating subdivisions.

Mr. Dodds questioned the proposed December 31, 1994 date. Ms. Nicolle explained that it was basically a compromise trying to resolve an issue that could potentially be a litigation issue in the future, because "existing urban areas" was a definition that was capable of multiple interpretations.

Mr. Mudgett expressed concern with using the 208 water quality plan as a "zoning" plan.

Vice Chairman Jepsen opened discussion to the public.

Mr. Gregg Lien, representing the Preservation Council, stated his concerns about an urban boundary freeze. He did not disagree with guiding principles, but did disagree with the fine tuning of the plan. He had concerns regarding locking in a December 31, 1994 date, as well as having to wait for the five year window to come up to increase development potential. This might be unconstitutional and believed it should be a case by case issue.

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Ms. Rochelle Nason, representing the League to Save Lake Tahoe, stated that the single greatest protection for Lake Tahoe water quality was prevention of urban sprawl; and that was the issue before the APC at this time. Her concern was that individual property owners would want exceptions, without consideration of cumulative impacts. Ms. Nason basically supported the staff recommendation, but disagreed with the December 31, 1994 date. She suggested that the date be today (November 9, 1994).

Discussion continued among the audience and APC members regarding the effects this amendment would have on water quality.

Ms. Jamin asked if there were any applications pending that would need approval before December 31. Mr. Barrett stated that he knew of three at this time.

Mr. Dave Marlow, Staff Officer with the U.S. Forest Service, Lake Tahoe Basin Management Unit, discussed the potential impact of the proposed boundary freeze on federal land parcels. He passed out a letter from Mr. Robert E. Harris, Forest Supervisor, U.S. Forest Service, citing an example of a land transaction which the Forest Service had been working on for several years, and would have significant public benefits. But if these amendments were passed, it would essentially negate the opportunities to acquire environmentally sensitive lands in the Basin. In his letter he presented modifications to the proposed amendments. Messrs. Dodds, Mudgett, McDowell, Ms. Nicolle and Ms. Nason commented on Mr. Marlow's presentation and letter.

Consultant Paul Kaleta suggested the amendments were unnecessary, since the APC and Governing Board already had the discretion to deny proposals as they saw fit. He felt the issues were guidelines; it was not necessary to adopt them. He agreed with maintaining thresholds but believed that there was no urgency in adopting the ordinance. In this instance, no action was the best action.

Mr. Lien stated that the whole issue involved a freeze on urban areas, and subdivisions were not mentioned.

Mr. Jepsen closed the public hearing and resumed comments from the staff and APC regarding thresholds, flexibility, and the five year evaluation.

Ms. Nicolle suggested that continuance until next month might be appropriate. Mr. Barrett commented that even with a continuance, it was impossible to make everyone happy. This was not an easy decision. Ms. Nicolle reminded the APC that they had the option of sending this on to the Governing Board with a negative recommendation. Discussion continued regarding the effect a negative recommendation would have on existing property.

Ms. Baldrice asked what kind of recommendation before the Board would be considered adequate. Her concern was meeting the obligations of the APC and making a decision in a responsible fashion. After hearing all of the discussion and issues, she felt that possibly this needed to be continued to examine other issues. Ms. Baldrice asked if there is a deadline for acting on the amendment. Ms. Nicolle advised that a decision must be made by December 31, 1994, but the matter could be continued one month until the next APC meeting.

MOTION made by Mr. Mudgett to continue until December. Mr. Haen seconded. The motion carried unanimously.

Meeting adjourned for lunch at 12:50 p.m. and reconvened at 2:10 p.m.

VI. PLANNING MATTERS

B. Staff Presentation on Water Quality and Stream Environment Zone (SEZ) Restoration Efforts

Mr. Carl Hasty, Senior Planner and Program Manager for the Water Quality Team, passed out an outline of the Water Quality Program, which he discussed in its entirety. Mr. Hasty also presented an overview of the problem and displayed a graph of the clarity of the lake.

The APC discussed stream monitoring, parcel retrofit, grant funding and water quality workshops. Other topics included the effect of water quality on fisheries, the need to address BMP needs for individual parcels, BMP maintenance and TRPA's role.

No action was taken.

V. PUBLIC HEARING AND RECOMMENDATIONS TO THE GOVERNING BOARD

D. Amendment of Chapter 82 Regarding Use and Distribution of Mitigation Funds

Mr. Carl Hasty, Senior Planner, presented information concerning the amendments which would allow the utilization of the interest from mitigation funds to be used for water quality planning. He recommended retaining the services of Larry Benoit to assist with this program.

Mr. Dodds suggested this amendment would mean less money for mitigation projects. Mr. Hasty stated that while this may be true, it would get money into the Basin for more projects, and will allow TRPA and others to update needs and costs more efficiently. Mr. Dodds asked how much money was involved and Mr. Hasty advised that to staff one person for two years it would cost approximately \$70,000 - \$80,000. The Public Works Departments supported this program.

Mr. Mudgett questioned whether there was information available on projects for which the money would be used. Mr. Hasty restated that many of these projects have monitoring requirements. Before the project was completed, it was monitored for one to two years. That information is available, but he was not certain how conclusive it was.

Since there were no further comments, Vice Chairman Jepsen closed the public hearing.

MOTION was made by Mr. McMurry to adopt the proposed amendment. Seconded by Mr. Haen. The motion carried unanimously.

A. Lowering the IPES Line in Douglas County

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Ms. Susan Scholley, Special Projects Attorney, presented her summary of the five required findings for lowering of the IPES line in Douglas County.

The APC discussed the movement of the line related to water quality trends. Ms. Scholley explained that on an annual basis, lowering the IPES line was purposely separated from the results of the monitoring program or the results of capital improvements projects that were installed.

Mr. Scholley advised that there were two environmental documents on the IPES system. One was part of the adoption of the Regional Plan Goals and Policies in 1987, and the other when the Environmental Impact Statement was prepared on the 208 Plan, which incorporated the IPES system. Last year was the first time the IPES line was lowered. At this point, it was only being lowered in Nevada. California did not meet the vacant lot equation requirements.

In Finding 5., Compliance with Project Conditions, Criteria #4, Ms. Scholley noted that Douglas County did not meet the "% of Violations Unresolved" criteria, as originally stated in Ms. Scholley's report. She asked the APC members for direction on the CIP and BPM Retrofit Schedule Findings and suggested that the APC not prevent this from going to the Governing Board. She would figure out whether or not there was a problem and resolve it before the Board meeting. If it could not be resolved, she would hold the matter until December.

Since there was no further comments, Mr. Jepsen closed the public hearing.

MOTION was made by Mr. Mudgett to accept Ms. Scholley's recommendation. Mr. Haen seconded. The motion carried unanimously.

VII. REPORTS

A. Executive Director

Mr. Wells spoke on behalf of Mr. Baetge, who had to leave early. President Clinton had tentatively appointed a new Governing Board Member Peter Chase Neumann, an attorney in Reno. Mr. Wells also announced that the NTRPA would conduct interviews on November 15, 1994 to fill the position vacated in December by Mr. Wayne Chimarusti, the Nevada-at-Large member.

Mr. Wells also discussed the resolution regarding the bikeway serving the entire lake. Mr. Baetge distributed the resolution earlier in the meeting. Mr. Wells advised that staff would be looking for legislative sponsors in both California and Nevada. Mr. Dodds, Mr. Mudgett and Ms. Baldrice discussed some of the pros and cons of a bike trail, such as safety and water quality matters. Mr. Wells commented that whatever was proposed, it would have to meet all thresholds.

B. Legal Counsel

Agency Counsel R. J. Nicolle introduced Judy McIntire, Executive Assistant, who will be part of the team now attending APC meetings and taking minutes. She explained the need to relieve Sue Mikanovich of some of the responsibility of attending every meeting, so she could focus on in-house legal needs.

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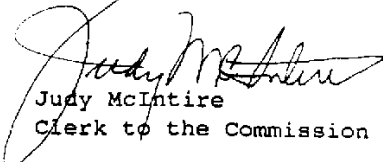
In the lawsuit, Anderson v. TRPA, Susan Scholley was able to negotiate and reach agreement that there was no liability for TRPA in the case. In the Tahoe Keys Homeowners Association v. TRPA, Susan Scholley was also able to get this lawsuit dismissed. In Peterson, et al. v TRPA, Mr. Peterson is coming forth with a settlement offer to this month's Governing Board and hopefully it will be resolved at that time.

C. APC Members

Mr. Combs commented that the North Tahoe Community Plans were available for review. The environmental plans should be available in December.

VII. ADJOURNMENT - Meeting adjourned at 3:35 p.m.

Respectfully submitted,


Judy McIntire
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Elks Point, Nevada.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

December 5, 1994

TO: TRPA Advisory Planning Commission
FROM: TRPA Staff
SUBJECT: Tahoe City Urban Improvement Project

Staff Recommendation: Staff recommends approval of the project. The required actions and recommended conditions of approval are attached (Attachment A) in the Governing Board Staff Summary.

Background: In August 1994, the Advisory Planning Commission (APC) reviewed and recommended certification of the Revised Final EIR/EIS for the Tahoe City Urban Improvement Project. At the August 24, 1994 Governing Board meeting the Governing Board unanimously certified the Revised Final EIR/EIS document. The Advisory Planning Commission and the Governing Board agreed that the Tahoe City Urban Improvement Project should be brought back to the APC for review prior to consideration by the Governing Board.

TRPA staff will give a brief summary of the proposed project and conditions at the APC meeting, with the intention of taking the project to the Governing Board on December 21, 1994 for approval. If you have any questions concerning this item, please contact Paul Pettersen, Senior Planner of the Project Review Division at (702)588-4547.

/pp
12/5/94

AGENDA ITEM V.A

ATTACHMENT A

TAHOE REGIONAL PLANNING AGENCY STAFF SUMMARY

Project Name: Tahoe City Urban Improvement Project

Application Type: Public Service

Applicant: Placer County Department of Public Works

Applicant's Representative: Jim Rinser, K.B. Foster Civil Engineering

Location: Tahoe City Downtown Area (See Exhibit A for project plans)

Assessor's Parcel Number/ Project Number: 530-102-93 / 930691

Agency Staff: Paul Pettersen, Senior Planner

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

Project Background: The Tahoe City Urban Improvement Project was proposed in 1988 as a Tahoe City Community Plan demonstration project. This public works project is a water quality, traffic, and scenic improvement project for the core of Tahoe City. A draft EIR/EIS was prepared for the project in 1989. Also, at the same time another EIR/EIS was being circulated for the Tahoe City Community Plan. The Plan and the project became intertwined with controversy. Lawsuits were threatened. Without consensus on the Plan or the project, and after three meetings in 1991, the Advisory Planning Commission recommended TRPA action be deferred on the Community Plan until Placer County resolved the issues.

Although Placer County certified the project EIR in 1990, TRPA never took action on the EIS portion of the document. Further studies for drainage and traffic were conducted and numerous hearings were held. The County selected a preferred project (Alt. 13) for the drainage component based on the hearings and, prepared the Draft Subsequent EIR/EIS in 1993.

In the meantime, the TRPA Governing Board, dissatisfied with the lack of progress in community planning, directed staff to complete the Tahoe City Community Plan and bring it to the Board as soon as possible. In February 1994, the Governing Board (with the Advisory Planning Commission's recommendation) certified the Community Plan EIS/EIR and adopted the Community Plan. The Community Plan EIS/EIR (which was also circulated twice) addressed many of the larger planning/impact issues.

The concept of the urban improvement project is fundamental to the Community Plan. The broader planning issues were resolved with the adoption of the Community Plan. The urban improvement project is required and described in

Chapters IV and VII of the Community Plan. At this point, the project focuses on the details of the required improvements. This required urban improvement project is important to achieving environmental targets and is required to be approved and funded prior to TRPA releasing the Community Plan incentives, i.e., commercial floor area allocations.

In November 1993, the Advisory Planning Commission held a hearing to review the Draft Subsequent Project EIR/EIS. The Governing Board also reviewed the Draft EIR/EIS and took public testimony at their November, 1993 meeting. The public comment period for the Draft EIR/EIS began on September 24, 1993, and concluded on November 23, 1993.

The Placer County Board of Supervisors unanimously certified the Environmental Impact Report (Draft and Final) at their June 7, 1994 meeting. The TRPA Governing Board unanimously certified the EIR/EIS (Draft and Final) at their August 24, 1994 meeting.

Project Description: The proposed project involves three basic components of implementation. The three components (highway improvements, parking improvements, and drainage improvements) are discussed as follows:

PROPOSED PROJECT COMPONENT 1 - HIGHWAY 28 IMPROVEMENT

Alternative 1: This component of the proposed project includes curb and gutter construction on both sides of Highway 28 from the intersection with Highway 89 to the Tahoe State Recreation Area. This component includes an overlay of this portion of Highway 28 and restriping to provide parallel parking, bike lanes on each side, one travel lane in each direction and a two-way center left turn lane. Also included is construction of interim asphalt sidewalks to facilitate drainage and the placement of existing overhead utility lines underground.

Due to the selection of Component 3 Alternative 11 (phased Storm Water Quality Improvements), Component 1 improvements will be phased with Highway 28 improvements from the intersection with Highway 89 to Grove Street as Phase A. The Highway 28 improvements from Grove Street to the Tahoe State Recreation Area will be Phase D. There are no Highway 28 improvements included in Phase B and Phase C has been eliminated.

PROPOSED PROJECT COMPONENT 2 - PARKING FACILITIES

Alternative 1 and 6: In the Draft Subsequent EIR/EIS Component 2 Alternative 1 was identified as the proponent preferred alternative. The proposed project now also includes Alternative 6 which involves the Tahoe Marina ("West End") public parking facility. Due to a change in funding, the public parking facilities are no longer being referred to as "Park and Ride" parking

facilities. The proposed project now includes the 35 space Grove Street public parking facility, the 46 space Jack Pine Street public parking facility and the 12 space Tahoe Marina public parking facility.

PROPOSED PROJECT COMPONENT 3 - STORM WATER QUALITY IMPROVEMENTS

Alternative 11: In the Draft Subsequent EIR/EIS Alternative 13 was identified as the proponent preferred alternative. The proponent preferred alternative has now been changed to Alternative 11. Alternative 11 is a phased project consisting originally of four phases and currently consisting of three phases. Phase A includes Highway 28 and the commercial area from Grove Street to the "Y" along with Grove Street and the Tahoe Lake School. Phase A stormwater runoff will be collected by a system of curb, gutter and drainage inlets. The runoff will be conveyed to the "Payless" site via a "shallow" storm drain pipe behind the businesses. Treatment will be by a proposed 2-stage detention pond and wetland treatment area located on the "Payless" site. The drainage component also includes Highway 28 and the commercial properties on the north side of the Highway from Grove Street to the Tahoe State Recreation Area. The runoff from these areas will also be collected by a system of curb, gutter and drainage inlets. The runoff will then be conveyed to either the Tahoe State Recreation Area site or the "Texaco" site for treatment, once additional funding is secured. In the interim, the proposed drop inlets with sediment vaults will provide stormwater treatment. Due to the amount of area utilized for storm water treatment, Alternative 11 provides a level of treatment as high or higher than all alternatives studied.

Issues: The proposed project involves a project for which an EIS was prepared, a special use determination, additional coverage in excess of 1,000 square feet in land capability district 1b, and a public service facility involving over 3,000 square feet of land coverage, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Environmental Impact Statement:

In August 1994, the Governing Board certified a Final Environmental Impact Statement (FEIS) for this project. (The FEIS evaluated 8 alternatives for the highway improvements, 7 alternatives for the parking improvements and 15 alternatives for the drainage improvements.) The document has been certified as "technically adequate" by the Placer County Board of Supervisors in accordance with the California Environmental Quality Act (CEQA).

Environmental mitigation measures were identified in the FEIS/FEIR and have been incorporated into the proposed TRPA permit. In general, the mitigation measures are designed to mitigate impacts to the following vegetation, wildlife, fisheries, cultural

resources, land use, timber management, fire management, traffic, air quality, noise, and socio-economic. In addition, several mitigation measures were also included to mitigate various concerns expressed by the public during the EIS/EIR comment period.

2. Identification of Impacts/Mitigation and Findings:

On the issue of findings required by the Compact prior to project approval, it appears that all impacts can be mitigated by the preferred project alternative. Therefore, the findings can be made without the need for an overriding socio/economic/technical finding.

3. Proven Test for Drainage System:

On the issue of meeting the community plan requirement for a proven area-wide drainage system, the data indicates that the preferred project alternative, as proposed with the permit conditions, has the ability to meet the proven test.

4. Consistency with the Community Plan:

The project, as proposed with the permit conditions, is consistent with the Community Plan. Approval and funding of this project shall qualify for the release of the incentives under Policy 1A of Chapter IV within the Tahoe City Community Plan.

5. Community Implementation and Responsibility:

The project conditions require, as project mitigation, that programs for sanding and salt, for monitoring, and for maintenance be included as part of the project approval. Also, the project conditions set forth the roles and responsibilities for BMPs for both private and public landowners.

Staff Analysis:

- A. Environmental Documentation: The Governing Board certified an Environmental Impact Statement (EIS) for this project in August, 1994. The proposed project is consistent with the preferred alternatives (Component 1, Alternative 1; Component 2, Alternatives 1 and 6; Component 3, Alternative 11) identified in the Revised Final EIS.