

**TRPA
APC
PACKETS**

**MAY
1997**

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 8:30 a.m. on Wednesday, May 14, 1997, at the Chateau Clubhouse, 955 Fairway Boulevard, Incline Village, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

May 5, 1997

By: 

Jerry Wells
Deputy 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 GHI office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau Clubhouse
955 Fairway, Incline Village, Nevada

May 14, 1997
8:30 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. 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 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 HEARING AND RECOMMENDATION TO THE GOVERNING BOARD
 - A. Amendment of Chapter 2, Definitions, and Chapter 18, Permissible Uses, Related to Secondary Residential Units |
 - B. Amendment of Chapter 34 (Transfers) Relating to Verification of Existing Units of Use |
 - C. Resolution Issuing the 1996 Evaluation Report and Adopting Targets, Indicators, Factors, Compliance Measures, Attainment Schedules, and Related Items Pursuant to Chapter 32 of the Code ||
 - D. Proposed Environmental Threshold Amendments Resulting From the 1996 Threshold Evaluation 175
 1. Amendment of Resolution 82-11 to Amend the Noise Threshold as Follows:
 - i. Amendment of Community Noise Equivalent Level (CNEL) (N-3) to Change Wilderness and Roadless Areas and Critical Wildlife Habitat to 45 CNEL
 - ii. Amendment of the Tourist CNEL Category from 55 to 60 CNEL
 - iii. Amendment of the Commercial CNEL Category from 65 to 60
 - iv. Amendment to Add an Industrial Area CNEL of 65

- v. Amendment of Community Noise Equivalent Level (CNEL) to Delete the Use of Existing Noise Levels as a CNEL Standard
2. Amendment of Resolution 82-11 and Related Goals and Policies Plan and Code to Amend the Fishery Threshold as Follows:
 - i. Amendment of Instream Fish Habitat Ratings and Map to Update for Rerating Amendment
 - ii. Amendment of Chapter 12 Maps, Prime Fish Habitat Overlay, to Amend In-Lake Fish Habitat Map to Reflect New Mapping and Restoration
 - iii. Amendment of Chapter 12 Maps, Stream Habitat Quality Overlay, to Reflect Rerating
 3. Amendment of Resolution 82-11 to Adopt a Late Successional/Old Growth (LSOG) Threshold
- E. Proposed Code of Ordinances and Goals and Policies Amendments Resulting From the 1996 Threshold Evaluation
1. Amendment of Chapter 93 (Traffic and Air Quality Mitigation Program) to Make Adjustments to the Air Quality and Transportation Mitigation Requirements
 2. Amendment of Chapter 74 (Remedial Vegetation Management); Amendment of Chapter 55 (Development Standards in the Backshore); Amendment of Chapter 20 (Land Coverage Standards) to Include Standards for Management of Stream Environment Zone and Backshore Vegetation to Achieve and Maintain Thresholds for Vegetation, Wildlife, and Fisheries; Amendment of Chapter 4 (Project Review and Exempt Activities); Amendment of Chapter 2 (Definitions); Amendment of Chapter 77 (Revegetation)
 3. Amendment of Chapter 6 (Findings Required) to Ensure Additional Resource Capacities Remain Available to Meet the Recreation Goals and Policies of the Regional Plan When Approving Significant Non-Recreation Projects
 4. Amendments for Future Residential, Tourist, Recreation, and Commercial Development
 - i. Amendment of Chapters II and VII of the Goals and Policies and Chapter 33 (Allocation of Development) to Adopt a Five-Year System of Allocations of Additional Residential Development and a Ten-Year System of Allocations of Additional Commercial and Tourist Development
 - ii. Amendment of Chapter 33 (Allocation of Development) to Permit Conversion of Use Between Tourist and Residential
 - iii. Amendment of Chapter 34 (Transfer of Development) to Permit Transfers of Existing Uses Into Sensitive Lands in Special Circumstances

- iv. Amendment of Chapter 13 (Plan Area Statements Plan Area Maps) to Create Preferred Industrial Areas
 - v. Amendment of Plan Area Statements 072, 111, and 173 and Kingsbury Community Plan 076 to Reduce and Relocate the Number of Permissible Residential Bonus Units
5. Amendments to Adopt the Environmental Improvement Program
- i. Adoption of Chapter 31 (Environmental Improvement Program), Including Linked Project Concept
 - ii. Amendment of Chapter 33 (Allocation of Development) to Delete the Public Service Five-Year List and Recreation Five-Year List and Amendment to Chapter 6 of the Goals and Policies to Delete the Public Service List
6. Amendment of Chapter 25 (Best Management Practice Requirements) Related to Extending Program to Accomplish Retrofit of Best Management Practices
7. Amendment of Chapter 26 (Sign Standards) to Require Conformance With Certain Permit Actions to Adjust the Amortization Schedule and to Limit Exemption Policies

VI. REPORTS

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

VII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

April 9, 1997

REGULAR MEETING MINUTES

Chairperson Bob Jepsen called the regular March 12, 1997, meeting of the Advisory Planning Commission (APC) to order at 9:40 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Thompson, Mr. Hansen (arrived at 9:40 a.m.),
Ms. Baldrice, Mr. Westerdahl, Mr. Oden, Mr. Dodds (arrived
at 9:53 a.m.), Mr. Gentry, Mr. Caterino, Mr. Lawrence,
Mr. Morgan, Mr. Haen, Mr. Combs, Ms. Jamin, Mr. Jepsen
Members Absent: Mr. Hust, Mr. Doughty, Mr. Poppoff, Mr. Joiner, Ms. Kvas

II. APPROVAL OF AGENDA

Deputy Director Jerry Wells stated that Agenda Item V.A. would be continued for a month at the request of the applicant. MOTION by Ms. Baldrice, with a second by Mr. Haen, to approve the agenda as revised. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

MOTION by Ms. Baldrice, with a second by Ms. Jamin, to approve the March 12, 1997 APC minutes as presented. The motion carried unanimously.

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

- B. Amendment of Chapter 4, Project Review and Exempt Activities,
to Amend an MOU with Placer County to Delegate Review of Signs
in the North Shore Community Plan Areas

Principal Planner Gordon Barrett presented the staff summary on the amendment of Chapter 4, Project Review and Exempt Activities, to amend an MOU with Placer County to delegate review of signs in the North shore Community Plan areas.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Mr. Jepsen closed the public hearing.

MOTION by Ms. Baldrice, with a second by Mr. Morgan, to recommend approval to the Governing Board to amend Chapter 4, Project Review and Exempt Activities, to amend an MOU with Placer County to delegate review of signs in

APC REGULAR MEETING MINUTES APRIL 9, 1997

the North Shore Community Plan areas. The motion carried unanimously.

- C. Amendment of Chapter 4 (Project Review and Exempt Activities) to Adopt MOU between TRPA and the Fulton Water Company to Exempt Certain Activities from TRPA Review

Deputy Director Jerry Wells presented the staff summary amending Chapter 4 (Project Review and Exempt Activities) to adopt an MOU between TRPA and the Fulton Water Company to exempt certain activities from TRPA Review.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Mr. Jepsen closed the public hearing.

Motion by Ms. Baldrice, with a second by Mr. Lawrence, to recommend approval to the Governing Board to amend Chapter 4 (Project Review and Exempt Activities) to adopt an MOU between TRPA and the Fulton Water Company to exempt certain activities from TRPA review. The motion carried unanimously.

- D. Amendment of Plan Area Statement 102, Tahoe Keys (Residential), Special Area #1, Permissible Uses, to Add Day-Use Areas as an Allowable Use; or Amendment of Beach Recreation Definition in Chapter 18 to Add Beach Recreation as an Allowed Use to Plan Area Statements 005, 066, 068, 070B, and 102

Associate Planner John Hitchcock presented the staff summary amending Plan Area Statement 102, Tahoe Keys (Residential), Special Area #1, Permissible Uses, to Add Day-Use Areas as an Allowable Use; or Amendment of Beach Recreation Definition in Chapter 18 to Add Beach Recreation as an Allowed Use to Plan Area Statements 005, 066, 068, 070B, and 102.

(Messrs. Caterino and Haen abstained from participating in this item due to a potential conflict of interest.)

Chairperson Jepsen opened the meeting up to a public hearing. Since no one wished to comment, Mr. Jepsen closed the public hearing.

MOTION by Ms. Jamin, with a second by Mr. Hansen, to recommend approval to the Governing Board to amend Plan Area Statement 102, Tahoe Keys (Residential), Special Area #1, Permissible Uses, to Add Day-Use Areas as an Allowable Use; or Amendment of Beach Recreation Definition in Chapter 18 to Add Beach Recreation as an Allowed Use to Plan Area Statements 005, 066, 068, 070B, and 102. The motion carried with Messrs. Caterino and Haen abstaining.

(Messrs. Caterino and Haen returned to the dais.)

- E. Amendment of Plan Area Boundary Between Plan Area 030, Mt. Rose (Conservation), and Plan Area 040, Incline Village #1 (Residential), to Expand the Urban Boundary to Include Washoe County APNs 125-211-01 and 125-211-02 in Plan Area 040

Principal Planner Gordon Barrett presented the staff summary amending Plan

APC REGULAR MEETING MINUTES APRIL 9, 1997

Area Boundary between Plan Area 030, Mt. Rose (Conservation), and Plan Area 040, Incline Village #1 (Residential), to Expand the Urban Boundary to Include Washoe County APNs 125-211-01 and 125-211-02 in Plan Area 040.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Paul Kaleta, from Basin Strategies, representing both of the property owners and the applicant, explained in detail what was being proposed.

Mr. Ben Kacyra, the applicant, gave a brief summary of how and why he became interested in the proposed project.

Mr. Dale Smith, from Borelli Smith Architects, representing the applicant, further explained the proposed project.

Mr. Steve Fitz, the real estate broker for the Kacyra's, stated that when his client bought the lot about 15 years ago, there were no restrictions that the lot would only be used as a summer home.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Hansen, with a second by Ms. Baldrice, to recommend to the Governing Board adding a reduced portion of each of the parcels into Plan Area 040 (approximately 1.42 acres) and not the entire parcels as proposed by the applicant. The motion carried with Mr. Thompson and Ms. Jamin voting no and Mr. Oden abstaining.

Ms. Jamin stated that she voted no because she believed that there was a lot of controversy on parcel 2 and she would have liked that portion of the proposed item continued. Mr. Thompson agreed with Ms. Jamin and was of the opinion that it was unclear how the parcels would be appropriately developed and moved forward. He didn't think it was clarified very well.

Mr. Dodds commented that he found the above item very confusing, complex and extremely time consuming.

(Break taken at 11:20 a.m.)

(Reconvened at 11:30 a.m.)

F. Amendment of the Environmental Thresholds, Goals and Policies, and Code Chapters to Implement Recommendations From the 1996 Threshold Evaluation

Deputy Director Jerry Wells stated that TRPA had agendized the balance of the day for 1:00 time certain and the only reason we were going ahead before 1:00 was because very few of the following items were action items and at 1:00 we could reopen any of these items if there are people who would like to testify on them.

Mr. Hansen requested that a day be set aside prior to the May APC meeting to review the thresholds before they were acted upon because there was so much being presented today. Executive Director Jim Baetge stated that determination could be made at the end of the day. He urged the APC to tune in today and look at these items like they were going to be adopted today.

2. Code of Ordinances and Goals and Policies

- c. Amendment of Chapter 6 (Finding Required) to Ensure Additional Resource Capacities Remain Available to Meet the Recreation Goals and Policies of the Regional Plan when Approving Non-Recreation Projects (No Action)

Senior Planner Andrew Strain presented the staff summary amending Chapter 6 (finding required) to ensure additional resource capacities remain available to meet the recreation goals and policies of the Regional Plan when approving non-recreation projects.

A discussion ensued.

- h. Amendment of Chapter 26 (Sign Standards) to Require Conformance With Certain Permit Action, to Adjust the Amortization Schedule, and to Limit Exemption Policies (No Action)

Senior Planner Andrew Strain presented the staff summary amending Chapter 26 (Sign Standards) to require conformance with certain permit action, to adjust the amortization schedule, and to limit exemption policies.

A discussion ensued.

(Break taken for lunch at 12:00.)

(Mr. Lawrence left at 12:00.)

(Reconvened at 1:05 p.m.)

- g. Amendment of Chapter 25 (Best Management Practice Requirements) Related to Extending Program to Accomplish Retrofit of Best Management Practices (No Action)

Senior Planner Paul Petterson presented the staff summary amending Chapter 25 (Best Management Practice Requirements) related to extending program to accomplish retrofit of Best Management Practices.

A discussion ensued.

1. Environmental Thresholds (No Action)

- e. Vegetation, Adoption of Late Successional/Old Growth (LSOG) Threshold

Chief of Environmental Compliance Steve Chilton presented the staff summary on vegetation, adoption of late successional/old growth (LSOG) threshold.

A discussion ensued.

d. Fishery

i. Adoption of Updated In-Stream Fish Habitat Ratings

Associate Planner Coleen Shade presented the staff summary adopting the updated in-stream fish habitat ratings.

A discussion ensued.

ii. Amendment of In-Lake Prime Fish Habitat Map to Accurately Reflect Habitat Conditions

Associate Planner Coleen Shade presented the staff summary amending the in-lake prime fish habitat map to accurately reflect habitat conditions.

A discussion ensued.

(Mr. Hansen left the meeting at 2:10 p.m.)

2. Code of Ordinances and Goals and Policies

d. Future Residential, Tourist, Recreation and Commercial Allocations

- (i) Amendment of Chapter VII of the Goals and Policies and Chapter 33 (Allocation of Development) to Adopt a Five-year System of Allocations of Additional Residential Development and a Ten-Year System of Allocations of Additional Commercial and Tourist Development

Principal Planner Gordon Barrett presented the amendment of Chapter VII of the Goals and Policies and Chapter 33 (Allocation of Development) to adopt a five-year system of allocations of additional residential development and a ten-year system of allocations of additional commercial and tourist development.

A discussion ensued.

(Break taken at 2:45 p.m.)

(Reconvened at 3:00 p.m.)

- b. Amendment of Chapter 74 (Remedial Vegetation Management); Chapter 55 (Development Standards in the Backshore); Chapter 20 (Land Coverage Standards) to Include Standards

For Management of Stream Environment Zone and Backshore Vegetation to Achieve and Maintain Thresholds for Vegetation, Wildlife, and Fisheries; Chapter 2 (Definitions); and Chapter 77 (Revegetation)

Principal Planner Gordon Barrett presented the staff summary amending Chapter 74 (Remedial Vegetation Management); Chapter 55 (Development Standards in the Backshore); Chapter 20 (Land Coverage Standards) to include standards for management of stream environment zone and backshore vegetation to achieve and maintain thresholds for vegetation, wildlife, and fisheries; Chapter 2 (Definitions); and Chapter 77 (Revegetation)

A discussion ensued.

1. c. Noise, Amendment of Community Noise Equivalent (CNEL) (N-3) to Change Wilderness and Roadless Areas and Critical Wildlife Habitat to 45 CNEL and the Commercial CNEL Category From 65 to 60 and to Amend the Tourist CNEL Category From 55 to 60 CNEL

Principal Planner Gordon Barrett presented the staff summary amending community noise equivalent level (CNEL) (N-3) to change wilderness and roadless areas and critical wildlife habitat to 45 CNEL and the commercial CNEL category from 65 to 60 and to amend the tourist CNEL category from 55 to 60 CNEL.

A discussion ensued.

2. f. EIP Implementation (No Action)
 - i. Adoption of Chapter 31 (Environmental Improvement Program) Relative to Linked Project Concept

Executive Director Jim Baetge presented the staff summary on the EIP Implementation and adoption of Chapter 31 (Environmental Improvement Program) relative to linked project concept.

A discussion ensued.

- a. Amendment of Chapter 93 (Traffic and Air Quality Mitigation Program) to Make Adjustments to the Air Quality and Transportation Mitigation Requirements

Associate Planner Bridget Cornell presented the staff summary amending Chapter 93 (Traffic and Air Quality Mitigation Program) to make adjustments to the air quality and transportation mitigation requirements.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

APC REGULAR MEETING MINUTES APRIL 9, 1997

Mr. Keith Norberg, representing the Nevada Department of Transportation, stated that the fee increase was not an irrational increase.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Ms. Baldrice, with a second by Mr. Dodds, to recommend approval to the Governing Board to amend Chapter 93 (Traffic and Air Quality Mitigation Program) to make adjustments to the air quality and transportation mitigation requirements. The motion carried with Mr. Haen voting no.

Mr. Haen stated that he voted no because he believed that for a single-family residential, \$2,400 was way too much.

1. b. Air Quality, Amendment of the Visibility Standards (AQ-4) to Better Correspond with Current Monitoring Methods

Associate Planner Bridget Cornell presented the staff summary on air quality, amendment of the visibility standards (AQ-4) to better correspond with current monitoring methods.

(Messrs. Thompson and Dodds left the meeting at 4:10 p.m.)

A discussion ensued.

(Ms. Jamin left the meeting at 4:17 p.m.)

Mr. Keith Norberg, representing the Nevada Department of Transportation, stated that the Agency had the premier visibility monitoring program in the United States. The one thing he cautioned the APC was that when the numerical standards were established, there was a causal link between the management standards. And when the numerical standards are changed, you need to change the management standards. It is important to take a look at the foundation as to why the threshold was developed in the first place.

2. e. Amendment of Chapter 82 (Water Quality Mitigation) to Adjust the Schedule of Fees (No Action)

Associate Planner Kevin Hill presented the staff summary amending Chapter 82 (Water Quality Mitigation) to adjust the schedule of fees.

A discussion ensued.

1. a. Water Quality, Amendment of the 90th Percentile Total Suspended Sediment Standard for Tributaries (WQ-5) to be the Annual Average

Associate Planner Kevin Hill presented the staff summary water quality, amendment of the 90th percentile total suspended sediment standard for

A discussion ensued.

VII. REPORTS

A. Executive Director

Executive Director Jim Baetge stated that TRPA was in the budget process in both states. The Summit meeting would be taking place on July 26th & July 27th, 1997. Mr. Baetge stated that Senator Reid is scheduled to speak at the May Governing Board meeting.

Ombudsman Pam Drum stated that leading up to the President's visit on July 26th & 27th, there would be a series of scoping meetings where people from the various departments in Washington would visit Tahoe.

B. Legal Counsel

Rachelle Nicolle, Agency Counsel, stated that Suitum v. TRPA had oral arguments at the U.S. Supreme Court at the end of February. We are expecting a decision approximately at the end of June on that case. Because that case is so similar to the TRPA v. Barbieri case, Barbieri has been put on hold by the court waiting for the decision of the Suitum case.

In the Cook v. TRPA case, a motion to dismiss is being held on April 25, 1997, and hopefully that case would be dismissed. Otherwise, we would be proceeding to discovery on that case. In the TSPC v. TRPA case, TRPA is in the middle of depositions at this point. A recent Ninth Circuit Court of Appeals decision has ruled that takings cases should be tried by a jury which could have a negative affect on TRPA's budget. The plaintiffs in the TSPC case have filed a motion to reopen the issue and asked for a jury trial.

C. APC Members

Mr. Combs stated that he and Mr. Barrett would be attending a meeting related to the proposal to accelerate the sidewalk development in Kings Beach.

Mr. Oden stated that Mr. McDowell was on vacation in Maui until May 5th. Mr. Harris did retire and Mr. Juan Palmer would be replacing him for at least the next three or four months. While he is here for a few months, the Forest Service would be making a selection on who the permanent new Forest Supervisor would be. Mr. Oden commented that the Forest Service and Heavenly were working on an EA to build the first chairlift from the new master plan. It would be lift GG. The plan is to start building this Fall.

Ms. Baldrica thanked TRPA for sending the articles.

Mr. Caterino stated that this would be his last APC meeting. He stated that he notified the Nevada Delegation to find a replacement for his position.

Mr. Jepsen stated that the conflict of interest item bothers him because he

APC REGULAR MEETING MINUTES APRIL 9, 1997

believed that the APC loses a lot of good, knowledgeable and technical people. He stated that he would like to see something changed about this. Mr. Jepsen commented that the people who do run into that situation are professional enough to step down. To channel somebody and say they should leave the Commission because they could possibly be in conflict of interest was hurting the Commission.

Executive Director Jim Baetge stated that the next APC meeting would be long and asked the APC members if they would be willing to go another day. Mr. Haen suggested starting earlier.

The APC members agreed to start the May meeting earlier.

VIII. ADJOURNMENT - Meeting adjourned at 4:45 p.m.

Sue Mikanovich

Sue Mikanovich
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

308 Dora Court
Elks Point, Nevada

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

(702) 588-4547
Fax (702) 588-4527
Email: trpa@sierra.net

MEMORANDUM

May 1, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed Amendments to Chapter 2, Definitions, and Chapter 18, Permissible Uses, Relating to Secondary Residential Units; and Chapter 34, Transfer of Development, Relating to Verification of Existing Residential Units of Use

Proposed Action: Advisory Planning Commission (APC) is requested by TRPA staff to consider amendments to Chapter 2, Chapter 18, and Chapter 34 (See attached ordinance.) to clarify the definition of secondary residences, limit living area and facilities for residential accessory structures other than secondary residences, and to add provisions for verifying existing residential units of use.

Staff Recommendation: Staff recommends that the APC conduct the scheduled public hearing on the matter and, based on its outcome, recommend approval of the proposed amendments.

Background: Currently, the TRPA Code of Ordinances provides contradictory definitions regarding residential units and guest houses. Specifically, the residential unit definition requires that a structure contain cooking facilities to be considered a residential unit. Chapter 2 defines a guest house as a secondary residence or residential unit "with or without cooking facilities". This contradiction has created confusion as to when an allocation is required for new secondary residences and also whether existing guest houses without cooking facilities may be verified as existing residential units of use for transfer offsite.

Because of land coverage restrictions, many residential property owners maximize available living area by constructing a second floor over a detached garage. The Code lacks clear guidance to applicants and to TRPA staff as to what facilities may be permitted in living areas associated with these accessory structures. Some proposed plans for living areas above a detached garage have included a wet bar and bathing facilities; such a floor plan could be considered a residential unit under the current definitions in the Code of Ordinances.

The Code of Ordinances also lacks a procedure for verifying existing residential units. The residential unit and secondary residence definitions have been used to verify existing residential units as well as to approve new structures. However, these definitions do not provide a method to determine if a unit was legally established.

Discussion: The proposed amendments to Chapter 2 and to Chapter 18 resolve the contradictory definitions of "guest house" and "residential unit" by deleting all references to a "guest house with or without cooking facilities". This change is for clarification only and will not alter the way Code of Ordinances provisions relating to secondary residences are implemented.

The proposed amendments to Chapter 2 and to Chapter 18 also attempt to clarify the types of facilities permitted in residential accessory structures. To that end, definitions of bathing facilities, cooking facilities, living area, and a wet bar are proposed to be added to Chapter 2. Definitions of a kitchen, kitchen facilities, and kitchen unit are also proposed because of inconsistent usage of terms throughout the Code of Ordinances. A new subsection is proposed to be added to Chapter 18 to specifically limit allowable facilities in living areas associated with accessory structures and to limit the size of such living areas.

TRPA staff have typically limited bathing facilities and wet bars in living areas associated with residential accessory structures. These proposed amendments will not significantly alter the way such structures are currently approved under the Code of Ordinances and are intended to provide guidance to TRPA staff and to improve consistency. Proposed Subparagraph 18.2.F(4), which would limit allowable living area associated with residential accessory structures, has not been required in the past and would be a change in current policy. However, this provision is intended to insure that proposed accessory structures are "clearly incidental and secondary to the primary use" as required in Subsection 18.2.A of the Code of Ordinances. Most local jurisdictions have a similar restriction on living areas associated with accessory structures.

The proposed amendments to Chapter 34 outline a procedure for verifying existing residential units of use prior to banking or transfer. Proposed Subparagraph 34.4.D(1) requires that the structure contain, at a minimum, cooking facilities, bathing facilities, and living and sleeping areas. This requirement is consistent with the existing definition of "residential unit" in Chapter 2 of the Code of Ordinances. Proposed Subparagraph 34.4.D(2) requires that the unit in question be legally established as determined per County Assessor, permit, and utility records. This requirement is consistent with the current definition of "existing" in Chapter 2 and the requirements for transfer of existing units of use in Chapter 34. The requirement that records indicate the unit as legally existing as of October 15, 1986 is consistent with Subsection 38.2.C which states in part "Land coverage or units of use may be credited to the parcel account, if such coverage or units is verified by TRPA as legally existing on or after October 15, 1986". Specific requirements for review of Assessor, permit, and utility records are not presently codified but are consistent with current practice.

Environmental Documentation: Staff have completed an Initial Environmental Checklist (IEC) for the amendment and proposes a Finding of No Significant Effect (FONSE). The proposed amendments will not significantly alter implementation of the Code of Ordinances and are intended only to clarify and codify current practices.

Required Findings: The following findings must be made prior to adopting the proposed amendment:

A. Chapter 6 Findings:

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

The proposed amendments will not significantly alter implementation of the Regional Plan and are primarily intended to clarify and codify current practices. The proposed amendments are consistent with the Goals and Policies relating to land use and to transfers of existing development.

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

The proposed amendments are intended to clarify and codify current practices for approving new accessory structures and for verifying existing residential units. This clarification is intended to insure consistency among TRPA staff and to protect the integrity of the TRPA allocation system by providing a standard procedure for verifying existing residential units that may be transferred for use on vacant parcels in lieu of an allocation. In this sense, the amendments are intended to provide improved maintenance of the environmental thresholds.

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

All projects must continue to implement the Regional Plan package, including maintenance of all applicable air and water standards.

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

For the reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the thresholds.

- B. Ordinance 87-8 Findings: Section 2.40 of the Ordinance 87-8 requires the following findings be made prior to amending the Code. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are: