

**TRPA
GOVERNING BOARD
PACKETS**

**JANUARY
1998**

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
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TAHOE REGIONAL PLANNING AGENCY LEGAL COMMITTEE MEETING

NOTICE IS HEREBY given that on Tuesday, January 27, 1998, at 2:00 p.m., the Legal Committee of the Tahoe Regional Planning Agency will meet in the TRPA conference room, 308 Dorla Court, Zephyr Cove, Nevada. The agenda is as follows: 1) public interest comments; 2) review of proposals and recommendation on hiring of outside legal counsel; 3) consideration of the Rules of Procedure (Section 1.5) relating to organization of the Legal Division; and 4) member comments. (Committee: Miner, Cronk, Sevison, Wynn, Chairman Waldie)

January 16, 1998

By: 

Jerry Wells
Deputy Director

(There may be a quorum of the full Governing Board present.)

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.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, January 28, 1998, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on January 28, 1998, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of December 1997 financial statement and check register; 3) amendment of Code Section 1.7 to provide for administrative fee for mitigation fund management and resolution establishing amount collected; 4) Washoe County request for water quality mitigation funds (\$\$101,435) for erosion control; 5) South Lake Tahoe request for water quality mitigation funds (\$187,734) for erosion control and SEZ restoration; 6) allocation of FY 97-98 Local Transportation Funds to South Lake Tahoe (\$381,544) and to Placer County (\$372,607); 7) allocation of FY 97-98 State Transit Assistance funds (\$46,054) to Placer County; 8) release of air quality mitigation funds (\$150,000) to Placer County to assist with construction of TART facility; 9) RTPA resolutions programming FTA Section 5311 funds for acquisition of transit rolling stock by the Tahoe Transportation District and by Placer County; 10) MOU with South Shore Transportation Management Association for expenditure of CTS funds; and 11) member comments. (Committee: Neft, Heller, Galloway, Bresnick, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on January 28, 1998, commencing at 8:30 a.m. in the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) presentation of settlement proposal by Incline Lakes Corp. in TSPC v. TRPA litigation; 3) Bruce Cohen, resolution of enforcement, Washoe County APN 123-190-25; 4) CTS agreement; 5) show cause hearing on Executive Director determination to use project security, Tahoe Mariner, litigation settlement, Washoe County; and 6) member comments. (Committee: Miner, Cronk, Sevison, Wynn, Chairman Waldie)

NOTICE IS FURTHER GIVEN that on January 28, 1998, commencing at 12:00 noon, during the lunch recess, in the same location, the Environmental Improvement Program Implementation Committee (EIPIC) will meet. The agenda will be as follows: 1) public interest comments (no action); 2) RFP for the report on potential regional revenue sources and funding strategies; 3) discussion of draft Environmental Improvement Program; 4) discussion of 1998 Legislative Packet; and 5) member comments. (Committee: Westergard, Miner, Cronk, Waldie, Wynn, Upton)

Date: January 16, 1998

By: 

Jerry Wells
Deputy Director

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

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

January 28, 1998
9:30 a.m.

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

AGENDA

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

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

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

- IV. APPROVAL OF MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 3)
- VII. PUBLIC HEARING (*items include action on the findings plus action on related ordinances, resolutions, environmental documents, and/or plans)
 - A. Designation of Special Area #5 (National Avenue) of the Tahoe Vista Community Plan as a Preferred Industrial Area* 162
 - B. Amendment of Code Chapter 1, Section 1.7, Introduction to Code of Ordinances to Provide for Administrative Fee for Mitigation Fund Management; and Resolution to Establish Amount Collected* 172

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VIII. SHOW CAUSE HEARING

- A. Executive Director Determination to Use Project Security, Tahoe Mariner, Litigation Settlement, Washoe County APNs 123-055-01, 123-062-01, and 123-071-24

180

IX. PLANNING MATTERS

- A. Meeks Lumber Company Relocation, Linked Project Status Designation, City of South Lake Tahoe

182

- B. Approval of Staff Recommendation Concerning Lowering the IPES Line

190

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee

- B. Environmental Improvement Program Implementation Committee

- 1. Discussion on RFP for Report on Potential Regional Revenue Sources and Funding Strategies

- C. Legal Committee - (1:30 p.m.)

- 1. Selection of Outside Counsel

204

- 2. Action on Rules of Procedure (Section 1.5) Relating to Organization of the Legal Division

212

- 3. Performance Evaluation of Agency Counsel (Includes Closed Session Without Action)

XI. REPORTS

- A. Executive Director Monthly Status Report

- 1. Status Report on Project Applications

214

- 2. Annual Status Report on IPES/Land Capability Determinations

216

- B. Legal Division Monthly Status Report

- C. Governing Board Members

XII. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	<u>Page #</u>
1. December 1997 Financial Statement and December 1997 Check Register	Receipt	1
2. Programming of FTA Section 5311 Funds for Acquisition of Transit Rolling Stock by the City of South Lake Tahoe	Adoption of RTPA Resolution	3
3. Incline Village General Improvement District, Pedestrian Pathways and Bicycle Paths, Washoe County	Approval of Findings and Conditions	5
4. Don Hyatt, Multi-Family Special Use Determination, Placer County APN 117-100-30	Approval of Findings and Conditions	43
5. Falcon Capital, Land Capability Challenge, Douglas County APN 005-230-11	Approval	55
6. Release of Water Quality Mitigation Funds (\$187,734) to the City of South Lake Tahoe for Erosion Control and SEZ Restoration	Approval	66
7. Release of Water Quality Mitigation Funds (\$101,435) to Washoe County for Erosion Control	Adoption	70
8. Programming FTA Section 5311 Funds for Acquisition of Transit Rolling Stock by Placer County	Adoption of RTPA Resolution	80
9. Glenbrook Homeowners Association, New Corporation Yard and Employee Housing, Old Highway 50 in Glenbrook, Special Use Determination, Douglas County APN 01-090-12	Approval of Findings and Conditions	82
10. MOU With South Shore Transportation Management Association for Expenditure of CTS Funds	Approval	106
11. Coordinated Transit Agreement	Approval	108
12. Allocation Of FY 1997-98 LTF (\$381,544) to South Lake Tahoe for Operating Assistance of South Tahoe Area Ground Express (STAGE)	Adoption of RTPA Resolution	146
13. Allocation of FY 1997-98 LTF (\$372,607) to Placer County for Operating Assistance of the Tahoe Area Regional Transit System (TART)	Adoption of RTPA Resolution	150

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| 14. | Allocation of FY 1997-98 STA (\$46,054) to Placer County for Operating Assistance of STAGE | Adoption of RTPA Resolution | 154 |
| 15. | Release of Air Quality Mitigation Funds (\$150,000) to Placer County to Assist in Financing Construction of the TART Maintenance Facility | Approval | 158 |
| 16. | Resolution Supporting State Rte 28 Scenic Byway Grant Application | Adoption | 160 |

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

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

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

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

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

Article III (g) Public Law 96-551

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

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MEMORANDUM

January 20, 1998

To: TRPA Governing Board

From: TRPA Staff

Subject: December 1997 Financial Statement and December 1997 Check Register

Requested Action: Staff is recommending receipt of the December statement and check register and will be discussing this recommendation with the Finance Committee. Requested action, should the Finance Committee concur, is receipt by the Board on the consent calendar.

1/20/98
jf

CONSENT CALENDAR ITEM 1



TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

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

January 20, 1998

To: TRPA Governing Board

From: TRPA Staff

Subject: Programming of Section 5311 Funds for Acquisition of Transit Rolling Stock by the Tahoe Transportation District for the City of South Lake Tahoe

Proposed Action: Approve the attached resolution authorizing the use of \$492,512 of Federal Transit Administration Section 5311 funds to purchase transit vehicles for STAGE.

Staff Recommendation: Staff recommends the attached resolution be approved.

Background: As the Regional Transportation Planning Agency (RTPA) for the Tahoe Basin portion of Placer and El Dorado Counties, TRPA is responsible for the programming of Federal Transit Administration (FTA) funds for transit purposes. Caltrans notified TRPA of the availability of Section 5311 Discretionary funds in December 1997. A total of \$2 million is available statewide. The Tahoe Transportation District (TTD) is submitting an application for \$492,512 to purchase 4 vehicles to be used as part of STAGE and CTS service on the South Shore. Placer County is submitting an application for \$328,800 to purchase 2 vehicles as part of the TART service on the North Shore. These two resolutions will be submitted to the FTA and Caltrans as part of the application process.

Discussion: The TTD application is being submitted on behalf of the City of South Lake Tahoe (CSLT). The application will include as match \$123,128 obtained by the sale of 4 existing STAGE vehicles. These 4 vehicles have between 278,000 and 382,500 miles of service between them, and are near the end of their useful lives. TTD is proposing to acquire 4 new vehicles at a total cost of \$153,910 per vehicle. These vehicles will be used as part of the STAGE service until such time as they are committed by the CSLT for use in the CTS service currently under development.

Staff will begin this item with a brief presentation. Please contact Richard Wiggins at (702) 588-4547 if you have any questions or comments regarding this agenda item.

RW/rd

CONSENT CALENDAR ITEM 2.

TAHOE REGIONAL PLANNING AGENCY
SITTING AS THE REGIONAL TRANSPORTATION PLANNING AGENCY
RESOLUTION NO. 98-___

A RESOLUTION APPROVING THE PROGRAMMING OF SECTION 5311 FUNDS
TO THE TAHOE TRANSPORTATION DISTRICT
FOR THE PURCHASE OF TRANSIT VEHICLES

WHEREAS, the Tahoe Regional Planning Agency is designated by the State of California as the Regional Transportation Planning Agency for the Tahoe Region; and

WHEREAS, there are Federal Transit Administration (FTA) Section 5311 discretionary funds available for transit vehicle acquisitions to support public transit services; and

WHEREAS, the Tahoe Transportation District is applying for \$492,512 for the purchase of four (4) transit vehicles to be used for service on the South Shore as part of the STAGE system, and subsequently to be used in the Coordinated Transit System (CTS); and

WHEREAS, the proposed use of these funds is consistent with the TRPA 1992 Regional Transportation Plan – Air Quality Plan for the Lake Tahoe Region.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, that \$492,512 in FTA Section 5311 discretionary funds available for non-urbanized areas be programmed for transit vehicle acquisitions.

PASSED AND ADOPTED this _____ day of January, 1998, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Drake Delanoy, Chairman
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Incline Village General Improvement District Pedestrian Pathways and Bicycle Paths

Application Type: Public Service, Special Use Determination

Applicant: Incline Village General Improvement District

Property Owner: Nevada Department of Transportation and Washoe County

Agency Planner: Vanessa Mongeon, Associate Planner

Location: Tahoe Boulevard (State Route 28) right-of-way, College Drive right-of-way and Northwood Boulevard right-of-way.

Project Number and TRPA File Number: 540-302-97/970442

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

Project Description: This project consists of two separate components. The first component involves construction of a pedestrian pathway along Tahoe Boulevard from the east end of Northwood Boulevard to the west end of Northwood Boulevard. The pedestrian path will include new landscaping and street furniture. The street furniture will include decorative lighting, benches, waste containers, kiosks, picnic tables, a drinking fountain and a clock. The landscape plan includes revegetation of areas and plantings in areas where asphalt has been removed. The second component involves the construction of bicycle lanes along Northwood Boulevard from Tahoe Boulevard (State Route 28) to Village Boulevard and along College Drive from Village Boulevard to Mount Rose Highway (State Route 431).

Site Description: The first component project area is located in the Nevada Department of Transportation right-of-way, from the east end of Northwood Boulevard to the west end of Northwood Boulevard. The second component project areas are located in the Washoe County right-of-way along Northwood Boulevard, from Village Boulevard to Tahoe Boulevard, and the entire length of College Drive.

Issues: The proposed project involves a special use determination, which requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project related issues are:

1. Scenic: The project is visible from Scenic Roadway Unit 22, which is not in attainment with the travel route rating. The project proposes to include landscaping consistent with the Incline Village Commercial Community Plan and the Scenic Quality Improvement Program. The applicant has proposed stone which blends with the natural surrounding for all proposed rip-rap, and fencing shall be wood and earthtone colors and landscaping to screen parking areas shall be included in the plans. By incorporating these items, the applicant is addressing the concerns outlined in the TRPA Scenic Quality Improvement Program and is meeting the requirements of the Incline Village Commercial Community

Plan. As result of the landscaping improvements associated with the project it is anticipated that there will be an incremental increase in the travel route rating for Roadway Unit 22.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Community Plan: The project is located within the Incline Village Commercial Community Plan. The Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. Agency staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed use (transportation route) is a special use in the Incline Village Commercial Community Plan.

C. Land Coverage:

1. Land Capability Districts: The verified land capability districts for the project areas are Class 1b, 1a, 4, and 6. The project area sizes are Tahoe Boulevard right-of-way 623,346 square feet, Northwood Boulevard right-of-way 241,680 square feet and College Drive right-of-way 137,440 square feet.

2. Existing Land Coverage:

TAHOE BOULEVARD (STATE ROUTE 28)

Class 1b	31,692 square feet
Class 4	33,975 square feet
<u>Class 6</u>	<u>264,138 square feet</u>
TOTAL	329,805 square feet

NORTHWOOD BOULEVARD

Class 1b	17,697 square feet
<u>Class 6</u>	<u>103,086 square feet</u>
TOTAL	120,783 square feet

COLLEGE DRIVE

Class 1a	6,456 square feet
Class 1b	13,900 square feet
Class 4	39,379 square feet
<u>Class 6</u>	<u>24,600 square feet</u>
TOTAL	84,335 square feet

3. Proposed On-site Land Coverage:

TAHOE BOULEVARD (STATE ROUTE 28)

Class 1b	29,568 square feet
Class 4	34,629 square feet
Class 6	279,943 square feet
<u>TOTAL</u>	<u>344,140 square feet</u>

NORTHWOOD BOULEVARD

Class 1b	18,348 square feet
Class 6	106,437 square feet
<u>TOTAL</u>	<u>124,785 square feet</u>

COLLEGE DRIVE

Class 1a	6,536 square feet
Class 1b	14,060 square feet
Class 4	39,565 square feet
Class 6	24,866 square feet
<u>TOTAL</u>	<u>85,027 square feet</u>

4. Land Coverage Mitigation:

The project area contains 534,923 square feet of existing land coverage; the proposed land coverage for the project area is 553,952 square feet of land coverage. The applicant shall transfer 19,029 square feet of land coverage to the project area or propose an offsite restoration of land coverage in accordance with Sections 20.3.C and 20.4.C of the TRPA Code of Ordinances. The applicant shall also mitigate excess land coverage in accordance with Section 20.5 of the TRPA Code of Ordinances.

D. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 20 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the findings can be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.
 - a. Land Use: Transportation routes are permissible uses for the Incline Village Commercial Community Plan. Surrounding land uses within the project area include residential, commercial, and public service.

- b. Transportation: The project is proposing to improve the bicycle and pedestrian facilities outlined in the Incline Village Commercial Community Plan. The existing bicycle path along Tahoe Boulevard (State Route 28) will be maintained and new bicycle facilities are proposed for Northwood Boulevard and College Drive. New pedestrian facilities are proposed for the north and south sides of Tahoe Boulevard (State Route 28) from the east end of Northwood Boulevard to the west end of Northwood Boulevard. In addition, driveways have been eliminated and driveway widths have been reduced along Tahoe Boulevard (State Route 28) where feasible, in accordance with the goals of the Incline Village Commercial Community Plan.
- c. Conservation: The project area is visible from Scenic Roadway Unit 22, which is not in attainment with the travel route rating. The applicant is proposing to implement the design standards and guidelines, which are outlined in the Incline Village Commercial Community Plan. These standards and guidelines are consistent with the Scenic Quality Improvement Program. There are no known special interest species, sensitive or uncommon plants or cultural resources within the project area. The applicant will be required to apply Best Management Practices (BMPs) to the project area.
- d. Recreation: An existing Class II bicycle path is located in the Nevada Department of Transportation right-of-way, along Tahoe Boulevard (State Route 28) from the east end of Northwood Boulevard to the west end of Northwood Boulevard. This project is proposing to retain the existing bicycle path on Tahoe Boulevard (State Route 28) and construct new bicycle paths along a portion of Northwood Boulevard and along College Drive. In addition, as outlined in the Incline Village Commercial Community Plan, the project is proposing a pedestrian path, which is separated from the existing bicycle path along Tahoe Boulevard (State Route 28).
- e. Public Service and Facilities: This project is an addition to existing public service facilities (bicycle lanes) along Lake Boulevard (State Route 28). The addition consists of a separate pedestrian pathway between the east end of Northwood Boulevard and west end of Northwood Boulevard. The project also consists of the addition of bicycle lanes along College Drive from Mount Rose Highway (State Route 431) to Village Boulevard and along Northwood Boulevard from Village Boulevard to Tahoe Boulevard.
- f. Implementation: The project does not require any allocations of development.

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CONSENT CALENDAR ITEM NO. 3

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

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

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

(Refer to paragraph 2, above.)

4. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The Incline Village Commercial Community Plan, Policies ICCP.8.1 and ICCP.9.1.1 specifically identify the need for appropriately designed pedestrian and bicycle facilities to create safe areas for pedestrians and bicyclists to move throughout the Incline Village area.

5. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of the property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

There is no evidence that the proposed project will be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the Region. The applicant will be required to apply temporary and permanent Best Management Practices to protect the land, water, and air resources of the subject property and that of the surrounding property owners.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed public service use (transportation route) is consistent with the existing uses in the neighborhood and is not expected to alter the character of the neighborhood. The Incline Village Commercial Community Plan lists transportation routes as a special use. The proposed transportation route is similar to other transportation routes within the neighborhood.

7. The relocation is to an equal or superior portion of the parcel or project area.