

**TRPA
APC
PACKETS**

**MAY
1998**

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, May 13, 1998, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

May 4, 1998

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 GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
Stateline, Nevada

May 13, 1998
9.30 a.m.

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

Page #

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any 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 Meyers Community Plan Commercial Floor Area Allocation Policies 1
 - B. Recommendation on Certification and Technical Adequacy of the Final EIS for the Tahoe City Public Utility District Bicycle Trail 13
 - C. Amendment of Chapter 71, Tree Removal, to Add protection for Old Growth Trees 15
 - D. Amendment of Chapter 93 to Establish a Traffic and Air Quality Mitigation Credit Program and to Reference Air Quality Maintenance Areas 25
- VI. PLANNING MATTERS
 - A. Discussion on Scope of Impacts for Environmental Documents Relative to Washoe Cultural Center 37

- B. Presentation on Environmental Improvement Program
- C. Workshop on Alternative Strategies for Regulatory Streamlining - 11:00 a.m.
- D. Status Report on Special Studies Relating to Motorized Watercraft

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VII. REPORTS

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

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

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

MEMORANDUM

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

April 30, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Meyers Community Plan Commercial Floor Area Allocation Policies

Proposed Action: El Dorado County proposes to make a series of amendments to the commercial floor area allocation policies of the existing adopted Meyers Community Plan as follows:

1. Revise the amounts of commercial floor area available within the Community Plan based on the additional 10,000 square feet allocated by TRPA following the 96 Threshold Evaluation.
2. Allow the County Board of Supervisors to shift the allocation amounts between land use districts provided it finds the needs of the community and community plan would be better served.
3. Allow proponents of commercial projects the option of paying \$20.00/square foot per square foot of required commercial floor area match in lieu of actually providing the matching square footage.

The specific amendments are shown in Exhibit A and are discussed further below. In Exhibit A, underlined language is to be added, lined out language is to be deleted. Exhibit B shows the individual land use districts within the Community Plan.

Staff Recommendation: Staff recommends the Advisory Planning Commission conduct the public hearing on this item as noticed and recommend approval of the amendments to the TRPA Governing Board with the condition that all the funds generated using the payment in lieu of providing the match would be held by El Dorado County and would only be utilized for Community Plan EIP projects subject to a joint recommendation by the County and TRPA.

El Dorado County Planning Commission Recommendation: On April 10, 1998, the El Dorado Planning Commission considered the amendments and conducted a public hearing. The Planning Commission recommended to the Board of Supervisors that they adopt the amendment with the option of allowing the payment of \$20.00/square foot per square foot of required commercial floor area match in lieu of providing the actual match provided it is acceptable to TRPA. The Board of Supervisors has yet to take action as of the date of this staff report.

AS/
4/30/98

AGENDA ITEM NO. V.A.

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Background: In 1993, the Meyers Community Plan was adopted by both TRPA and El Dorado County. The plan included guidelines establishing how to allocate the additional commercial floor area made available under the plan. It also contained a list of threshold-related capital improvements, most if not all, of which have been incorporated into the adopted EIP.

Plan policy favored allocating the majority of new floor area to existing uses to help them remain economically viable rather than allocating it to new uses. The Commercial Allocation Guidelines required that allocations of new floor area be matched with a prescribed amount of existing floor area. This would help retire marginal or non-conforming uses which may lie outside the plan area and result in a concentration of commercial activity within the Community Plan. This was also intended to benefit the existing businesses in Meyers as well as accomplish threshold-related improvements (e.g., removal of land coverage, consolidation of vehicle trips and scenic restoration). Refer to the "Matching Commercial Floor Area" section in section B.2 of Exhibit A.

The required match ratio varies depending on the type of development (new v. expansion of existing) and on the location (land use districts are prioritized). It ranges from 1 sq. ft. of match for every 3 sq. ft. of allocation to 3 sq. ft. of match for each 1 sq. ft. of allocation, and includes intermediate ratios. For the purposes of meeting the match requirement, existing development in the Yank's Station and West Meyers (high priority) land use districts may use legally created existing or banked commercial floor area which is on the parcel (or has been banked therefrom) as a source of match. New development on a vacant parcel(s) must transfer the matching floor area including banked floor area, from outside either land use district. Refer to the land use district map shown in Exhibit B. Since plan adoption, one new commercial project has been developed in the Community Plan: It was allocated 4,000 square feet of commercial floor area and provided the match at a 3:1 (allocation:match) ratio.

Unlike all other adopted community plans, the Meyers Community Plan did not require payment of a fee for additional allocations. The planning team and the two staffs recognized that businesses in Meyers are unable to generate similar levels of sales per square foot or rents as businesses in South Lake Tahoe and Douglas County, and that requiring payment for the original allocations may stifle redevelopment of the area. No funds, therefore, were being generated locally to assist with implementing capital (threshold) improvements. Additionally, the Plan did not require projects to implement on- and off-site improvements as most other Community Plans did, such as sidewalks and roadside drainage conveyances. To receive the additional commercial allocation, projects had to simply provide the match and design their project consistent with the Plan's architectural concept. As a result, implementation of the Plan's capital improvement program is significantly behind schedule. Since the Plan was adopted, one project has been constructed: a segment of Class I bicycle trail along U.S. 50 using primarily TRPA mitigation funds and a California Tahoe Conservancy grant.

Discussion: El Dorado County representatives have received input from some potential project proponents that they are unable to secure existing or banked floor area for the purposes of meeting the match requirement and would like to provide a substitute option so that projects may go forward.

It is desirable to assist projects to move forward which are consistent with the Community Plan. Some mechanism is needed, however, to provide locally generated funding for the EIP (1/3-1/3-1/3 fair-share funding). In lieu of providing the required match, the County proposes to permit project proponents the option of not requiring the match and instead paying \$20.00/square foot for each square foot of match which would otherwise be required. The figure of \$20.00/sq. ft. was derived in part from previous sales of existing commercial floor area used by approved projects, and from reviewing the allocation costs and design requirements of other community plans.

A requirement of the amendment will be that the funds generated from this option would be held by El Dorado County and would only be utilized for Community Plan EIP projects subject to a joint recommendation by the County and TRPA. If all future projects utilized the payment option, up to a maximum of \$536,600 could be raised (estimated total match of 26,830 sq. ft. x \$20.00/sq. ft.). It is not likely that all projects would use this option, so the amount actually generated is expected to be less than the figure shown above. How much less is uncertain, staff suggests that it is reasonable to expect about 50% of projects to use the match, which would generate \$268,300.

A second option is to require the \$20.00/sq. ft. on all the allocation including the match. This could generate a maximum of \$964,600 (48,230 sq. ft. x \$20.00/sq. ft.) if the in lieu fee option was used for the entire match. This sum would certainly enhance the chances of successfully implementing the complete EIP, which in 1993 was estimated to cost between \$2,500,000 and 3,000,000 (not including the Forest Service Meyers Visitors Center). It may, however, prove to be too costly for the businesses in Meyers and inhibit its redevelopment and improvement.

Findings: As an element of the Regional Plan, TRPA must make the following Findings prior to amending the Meyers Community Plan.

Chapter 6 Findings

1. Finding: 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.

Rationale: The amendments to the Meyers Community Plan will not adversely affect implementation of the Regional Plan. It is expected to enhance plan implementation by providing a mechanism to allow development targets established in the Meyers Community Plan to move forward. This in turn is expected to enhance funding for the plan's capital (EIP) improvements which is consistent with implementing the Regional Plan and Community Plan.

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

Rationale: The amendment will not cause environmental thresholds to be exceeded. By providing a fee in lieu of with the specific condition recommended by TRPA and El Dorado County staffs, the attainment and maintenance of environmental thresholds within the Meyers Community Plan is expected to be enhanced.

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

Rationale: See findings 1 and 2 above.

Chapter 13 Findings as Applied to Community Plan Amendments

As a matter of policy, TRPA staff uses the following Chapter 13 findings for Community Plan amendments to determine the consistency with the Community Plan Designations.

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.

Rationale: Subsection 13.5.B refers to the Plan Area Major Land Use Classification and Management Designations. The Community Plan Area Land Use Classification is Commercial Public Service. The purpose of this classification is to concentrate commercial/public service uses for public convenience, and separate incompatible uses. The proposed amendments will be consistent with and reinforce the Plan Area's Major Land Use Classification by concentrating the additional allocation made available under the 96 Threshold Evaluation amendments within the Meyers Community Plan.

The Management Strategy for the Meyers Community Plan is "Development with Mitigation". Areas with this designation are designed primarily to ensure additional development mitigates all potential impacts which may be associated with it. The proposed amendments are consistent with the plan's Management Strategy. All new development which may be approved using the amendments will be required to mitigate impacts as part of the project. In addition, dedication of the in-lieu fee for additional commercial development to EIP projects within the Community Plan will enhance the ability to fund and implement threshold-related improvements

EXHIBIT A
APRIL 24, 1998

DRAFT RESOLUTION

RESOLUTION AMENDING THE GENERAL PLAN

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate, El Dorado County's General Plan and various elements thereof, must be continually updated with current data, recommendations and policies; and

WHEREAS, the Planning Commission has made recommendations to the Board of Supervisors regarding potential amendments of the Land Use Element of the General Plan relating to the Meyers Community Plan; and

WHEREAS, the Board of Supervisors finds that the proposed amendments to the General Plan are consistent with all elements of the General Plan not otherwise amended.

NOW, THEREFORE, BE IT RESOLVED that the El Dorado County Board of Supervisors hereby approves and accepts the environmental documents filed on the Meyers Community Plan as being adequate for the following amendment, and approves and adopts the following amendments to the General Plan based on the findings and reasons set forth in the staff reports and Planning Commission's actions, except as may be noted herein:

CHAPTER 2 - LAND USE ELEMENT

C. MEYERS COMMUNITY PLAN AREA STATEMENT, Page 2-14

COMMERCIAL FLOOR AREA ALLOCATION: Pursuant to Chapter 33, the maximum amount of commercial floor area which may be allocated for additional development in the Community Plan Area until December 31, 1996 is ~~15,400~~ is 25,400 square feet.

CHAPTER 7 - IMPLEMENTATION ELEMENT

A. COMMUNITY PLAN IMPLEMENTATION OBJECTIVES AND SPECIAL POLICIES, Page 7-2

4. Request, as part of plan adoption, that the Tahoe Regional Planning Agency allow use of additional commercial floor area allocation for projects within the community plan which had been reserved for projects outside the community plan.

Policy: In the event that additional commercial floor area is allocated to the plan area, it shall be distributed to each priority group identified in Appendix C in the same proportions as the existing allocation; unless the Board of Supervisors finds modification is needed to meet current trends, and such modified allocation maintains the intent of the Meyers Community Plan.

Subsection 13.5.C addresses Plan Area Designations. The Meyers Community Plan Area Designations include the following: TDR Receiving Area for Existing Development, TDR Receiving Area for Multi-Residential Units (Special Area #3 – West Meyers only), and Scenic Restoration Area. The proposed amendments are consistent with the applicable Plan Area Designations. In particular, potential funding of Scenic Resource & Community Design EIP projects through the in-lieu fee option will assist with Scenic Restoration goals. The other Plan Area Designations remain unaffected by the amendments.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 & 13 findings shown above and on the following:

1. Based on the environmental document prepared for the Regional Plan amendments associated with the 96 Threshold Evaluation, the addition of 10,000 square feet of commercial floor area to the Meyers Community Plan was not considered to have significant impacts which would be unmitigated. Adoption of the amendments as recommended by staff is expected to contribute to threshold attainment as funding and commitment for EIP projects is improved.
2. The other amendments associated with this proposal are administrative in nature and are not expected to have significant impacts to the environment.

Staff will begin this item with a brief presentation. Please contact Andrew Strain at 702-588-4547, or via email at trpa@sierra.net, if you have any questions or comments regarding this item.

Page 3, Resolution
Meyers Community Plan

Priority #1. Existing development or new development located within either Yank's Station or West Meyers land use districts. ~~40,000~~ 15,000 square feet allocated. Match allocation using transfer ratio shown below.

Priority #2. Existing development located outside of the Yank's Station and West Meyers land use districts. 4,000 square feet allocated. Match allocation using transfer ratio shown below.

Priority #3. New development located outside of the Yank's Station and West Meyers land use districts. ~~1,400~~ 6,400 square feet allocated. Match allocation using transfer ratio shown below.

Should the County become aware that the allocations to the priorities noted above are not adequately serving the need and the policies of the Meyers Community Plan, the Board of Supervisors, upon recommendation of the Planning Commission, may make such findings and modify the priorities and their related allocation without amendment to the Meyers Community Plan.

New development is development which occurs on a vacant parcel. A vacant parcel is defined by TRPA as undeveloped or unimproved and has no established use. Existing development is development which is legally present or approved on the effective date of the community plan. Chapter 33 of TRPA's Code of Ordinances permits, under certain conditions, the expansion of legally existing commercial floor area by 5% or 500 square feet, whichever is less, without first receiving an allocation of new commercial floor area. The 5%/500 expansion may not be applied for or built in conjunction with any other addition or expansion. All commercial uses which qualify for this expansion are encouraged to use it. Refer to TRPA Code Section 33.3 for the exact specifications for use.

In the event the additional commercial floor area previously allocated to El Dorado County outside of community plan areas is reallocated to the Meyers community plan (approximately 4,500 square feet), the allocation to each of the three priorities would be increased based on their relative proportions of the initial allocation of 15,400 square feet by the Board of Supervisors based on recommendation of the Planning Commission and their findings on how such allocations supports the Meyers Community Plan.

2. Matching Commercial Floor Area. Allocation priorities identified above require each project applicant to transfer or otherwise bring to the project a certain amount of the project's total commercial square footage. It is possible to bring in more than the minimum required match, however, the maximum allocation of additional commercial floor area will not increase. The following matching ratios are established for each allocation priority:

Priority #1. 75% allocation, 25% project match (3 to 1)

Priority #2. 50% allocation, 50% project match (1 to 1)

Priority #3. 25% allocation, 75% project match (1 to 3)

C. METHODS OF IMPLEMENTATION, Page 7-5

1. Provide Additional Development Incentives: The plan contains at least three significant incentives to create additional growth and make badly needed improvements to the area. The incentives are: ~~15,400~~ 25,400 square feet of additional commercial floor area; ten additional tourist accommodation bonus units; and additional land coverage.

APPENDIX C**COMMERCIAL FLOOR AREA ALLOCATION PROCEDURES, Page C-1****A. INTRODUCTION, amend paragraph four as follows:**

The allocation procedures listed below identify how to acquire and use the ~~additional~~ 15,400 square feet of commercial floor area allocated to the community plan area. The allocation is derived from two sources: 10,000 square feet from the initial allocation; and 5,400 square feet of bonus commercial floor area. The allocations are intended to support additional development through 1996. At that time, the community plan will be reviewed and, based on amendments to the Regional Plan, may provide additional allocations of commercial floor area. In 1997 the Regional Plan was amended allocating an additional 10,000 square feet of commercial floor area to the community plan.

B. ALLOCATION PROCEDURES

The allocation procedures provide opportunities for all lands within the community plan area on which commercial uses are permitted to compete for an allocation of additional commercial floor area. To receive an allocation, project applicants must satisfy all of the following criteria.

1. Location Within Priority Land Use Districts. The community plan designates the Yank's Station and the West Meyers land use districts as the priority areas (nodes) for additional commercial development. This includes additions to existing commercial uses as well as new development. The districts have relative advantages for increased development over the remainder of the plan area. Advantages include, but are not limited to, containing the majority of existing commercial uses, preferred locations for new retail commercial uses, containing additional area to expand and the ability to cluster development thereby reducing vehicle trips. Refer to the Land Use District map in Chapter 2 for the exact boundaries of each district.

Establishing priorities clearly states the plan's intentions as to which geographic areas are most important for implementing the plan. Each priority contains a separate transfer ratio required to use the allocation. Any of the priorities may be used at any time. In other words, it is not necessary to first build out all the commercial square footage provided under Priority #1 before moving on to Priority #2. ~~Following the first two years of implementation, any or all of the priorities may be amended to better suit the needs of the community.~~ The following priorities are established to guide the ~~initial~~ distribution of the additional floor area:

For the purposes of transferring matching floor area for a project, existing development (Priorities #1 and #2), may use legally created existing or banked commercial floor area which is on the parcel (or banked therefrom) as a source of match. New development on a vacant parcel(s) must transfer matching floor area including banked floor area, from outside either the Yank's Station or West Meyers districts.

OPTION #1

As an option to providing the match required herein, the applicant receiving the allocation may pay a fee of \$20.00 per square foot of allocation received. This eliminates the need to provide a match. The funds received from this fee shall be allocated to Meyers Capital Improvement Projects.

OPTION #2

As an option to providing the match required herein, the applicant receiving the allocation may pay a fee of \$20.00 per square foot of required match. The funds received from this fee shall be allocated to Meyers Capital Improvement Projects.

Using the allocation ratios and assuming all commercial floor area is built by providing a match, a maximum of approximately 26,933 53,600 square feet of new commercial floor area may be developed as follows: 13,333 square feet in Priority #1 areas, 8,000 square feet in Priority #2 areas, and 5,600 square feet in Priority #3 areas.

<u>Priority Area #1</u>	<u>20,000 square feet</u>
<u>Priority Area #2</u>	<u>8,000 square feet</u>
<u>Priority Area #3</u>	<u>25,600 square feet</u>

OPTION #1

If a fee is paid for the allocation instead of using the match option, a maximum of approximately 25,400 square feet of new commercial floor area may be developed as follows:

<u>Priority Area #1</u>	<u>15,000 square feet</u>
<u>Priority Area #2</u>	<u>8,000 square feet</u>
<u>Priority Area #3</u>	<u>6,400 square feet</u>

OPTION #2

If a fee is paid for the match instead of requiring the match, a maximum of approximately 25,400 square feet of new commercial floor area may be developed as follows:

<u>Priority Area #1</u>	<u>15,000 square feet</u>
<u>Priority Area #2</u>	<u>8,000 square feet</u>
<u>Priority Area #3</u>	<u>6,400 square feet</u>

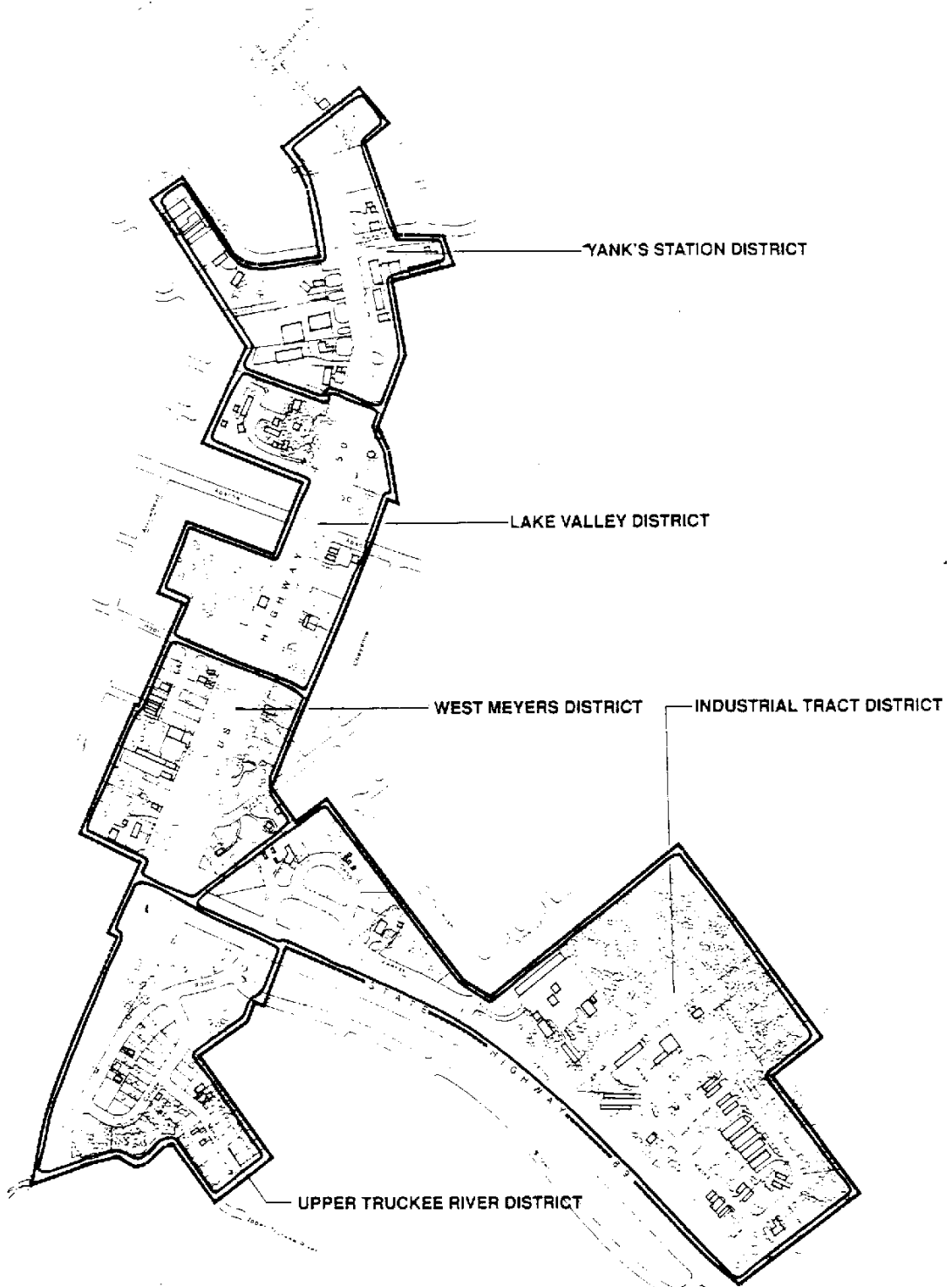
The ultimate development may be somewhat less than this depending upon the source and location of the matching floor area.

3. Maximum Allocation Per Project. To make the allocation of additional commercial floor area available to as many projects as possible, a maximum of 2,000 square feet of additional commercial floor area will be allocated to any legally created parcel which is 6,000 square feet or larger as of July 1, 1987. Parcels which are smaller than 6,000 square feet as of July 1, 1987, may be eligible for an allocation which is proportional to the parcel size using the formula shown below.

$$\frac{\text{Parcel Size (s.f.)}}{6,000 \text{ s.f.}} = \frac{\text{Allocation of Floor Area (s.f.)}}{2,000 \text{ s.f.}}$$

4. Consistency with the Community Design Plan. Any project for which additional commercial floor area is sought must fully implement the minimum community design elements identified in the Community Plan Design Review Guidelines (Appendix A, Section A). The Planning Commission may, during their review of a proposed project, determine that additional design guidelines from either the Community Plan Design Guidelines or the TRPA Design Review Guidelines should be applied as conditions of project approval. El Dorado County will specify application, submittal and review procedures.
5. Timing and Distribution of Additional Commercial Floor Area Allocations. It is the intent of the plan that allocation of all the additional commercial floor area be made within ninety days of community plan adoption. This will be done using a one time, filing deadline procedure. El Dorado County shall specify the application procedures, including the carry over of unused allocation and adjustments to matching ratios consistent with provisions of the Community Plan.

Contingency: In the case where applications are received requesting more commercial floor area than is available to allocate, the Board of Supervisors or their designee with the assistance of TRPA staffs, shall conduct a design competition. The competition shall be used to determine which projects(s) best meet the needs of Meyers in terms of land use, physical design and other community improvements. El Dorado County shall establish the competition procedures.



 **Meyers Community Plan
LAND USE DISTRICTS**  **TAHOE
REGIONAL
PLANNING
AGENCY**  Date: Apr 1, 1993
0 100 200 400 600

Figure 2-1. Land Use Districts

