

**TRPA
APC
PACKETS**

**MAY
2000**

Counter

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 May 10, 2000, 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 1, 2000



Jerry Wells
Acting Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Stateline 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
U.S. Highway 50
Stateline, Nevada

May 10, 2000
9:30 a.m.

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

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 HEARINGS
 - A. Amendment of the Boundary Between the Incline Commercial Community Plan and Plan Area Statement 046, Incline Village Residential, in the Area of Cottonwood Court Pg 1
 - B. Amendment of Regional Plan for Geomorphic Unit Map in the Vicinity of Douglas County APN 07-350-14 (178 Buchanan Road) Pg 7
 - C. Amendment of Code Chapter 13 (Plan Area Statements and Plan Area Maps), Section 13.7D(2), to Add Language That Addresses Changes and Limitations to Urban Boundary Areas Through Plan Area Statements Pg 13
- VI. PLANNING MATTERS
 - A. Report From the Design Development Working Group on Transit-Oriented Design and the Two-Step Subdivision Processes Pg 19

B. Discussion and Clarification of Definition of Threshold-Related Research Facilities Relative to Social and Political Research as Set Forth in Chapter 18, Permissible Uses Pg 27

C. Discussion on Status of the Environmental Improvement Program (EIP) Update Pg 31

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

2. Notice of Circulation, 64-Acre Tract Intermodal Center TRPA DEIS, NEPA DEIS, and CEQA DEIR Pg 33

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT

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MEMORANDUM

May 1, 2000

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Boundary Between the Incline Village Commercial Community Plan and PAS 046, Incline Village Residential in the Area of Cottonwood Court.

Proposed Action: The applicant, Cottonwood Court Properties, LLC, proposes to amend the boundary line between PAS 046, Incline Village Residential and Incline Village Commercial Community Plan, to add Washoe County APNs 124-041-90, -34, and -36 into PAS 046 (see Exhibit A).

Staff Recommendation: Staff is recommending that the TRPA Advisory Planning Commission recommend approval of boundary line amendment to the TRPA Governing Board.

Previous APC Review: The Advisory Planning Commission previously reviewed this proposal during their regular meeting on July 14, 1999. During that meeting, Mr. Harper, Washoe County, stated that the boundary amendment would need to be processed and approved by the County, which requires a County Comprehensive Plan amendment, and is typically a three to six month process. He further commented that the APC recommendation to the Governing Board would not necessarily drive the position of the county. After a lengthy discussion, a motion was made that the item be continued until such a time as it could be scheduled at the same time that a Comprehensive Plan amendment is in process by Washoe County.

On August 17, 1999, staff from Washoe County and TRPA met to discuss this issue. The resulting consensus from this meeting was that, should the applicant choose to proceed, TRPA must process a plan area amendment to allow the condominiumization of the Cottonwood Court properties. Further, Washoe County must process a Comprehensive Plan amendment to exclude the lots from the Community Plan. Lastly, should the applicant decide to continue with the process, a joint review of the application by TRPA and Washoe County, should occur.

Discussion: The subject parcels are located within the Incline Village Commercial Community Plan area, and border PAS 046, Incline Residential. The parcels are currently developed as multi-family use. The parcels are located on, and accessed by Cottonwood Court. Surrounding land uses to the north, east and west of the subject parcels consist mainly of multi-family and condominium development (within PAS 046). To the south of the subject parcels is the core of the Incline Village Commercial Community Plan area, comprised mainly of retail and office commercial uses. The subject parcels are located on the border of the two plan areas; the applicant proposes to amend the boundary line in order to include the parcels within PAS 046, Incline

Residential, thereby removing them from the Incline Village Commercial Community Plan.

The Incline Village Commercial Community Plan states, *"The plan's vision... is creating a traditional downtown (village core) that is people friendly, interesting and aesthetically pleasing... High-density residential uses, including affordable housing, surrounding the commercial area are an integral part of the town center."*

The original application for this project was made to subdivide the existing multi-family units into single-family units. However, within the Incline Village Commercial Community Plan, section ICCP.4.1.4 states *"Single family dwellings shall only be allowed in the plan area when they are part of a mixed use development or when they are affordable housing units."* Within the Community Plan, subdivision of the existing units creating a single-family use is permissible, provided the subdivision results in affordable housing units, as defined by income limitations established by the U.S. Department of Housing and Urban Development.

Within PAS 046, Incline Village Residential, single-family dwellings are a permissible Special Use. Due to the fact that these residential units are in existence, the boundary line change would result in an existing special use, and the property would not be subject to Special Use findings. By amending the boundary line between these plan areas, the existing tri-plex can be subdivided resulting in single-family uses, without the requirement that these units be deed restricted to affordable housing units, which would be the case if the subdivision were to occur within the Community Plan area.

The Incline Village Commercial Community Plan and PAS 046, Incline Village Residential, both possess the special designation of Preferred Affordable Housing Area. This special designation is intended to preserve and encourage the development of affordable housing.

Washoe County Zoning and Comprehensive Plan Designations: Washoe County has adopted the Incline Village Commercial Community Plan. Washoe County's zoning designation for PAS 046 is High Density Residential (HDR).

Washoe County Planning Commission unanimously approved the amendment during their regular April meeting.

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

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 proposed amendment to the Community Plan will not adversely affect implementation of the Regional Plan. The subdivision of existing residential units will not increase

development potential in the Region, and will be consistent with the Plan Area Statement, Code and other planning provisions.

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

Rationale: The plan area boundary amendment would not cause any of the environmental thresholds to be exceeded.

3. Finding: Where ever federal, state and local air and water quality standards applicable to the Regions, which ever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: The subdivision of existing units will not adversely affect air and water quality standards, further, the subject property will still be required to comply with all applicable air and water quality standards.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: The plan area boundary amendment would not cause any of the environmental thresholds to be exceeded.

5. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: The plan area boundary amendment would not cause any of the environmental thresholds to be exceeded.

Chapter 13 Findings:

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

Rationale: Plan Area Statement 046, Incline Village Residential, has a Land Use Classification of *Residential*. The existing and proposed use is consistent with this land use classification as residential. The surrounding land use of this subject property is predominately residential, with close proximity to commercial uses.

The Management Strategy for PAS 046, Incline Village Residential is *Mitigation*. Areas with this designation can

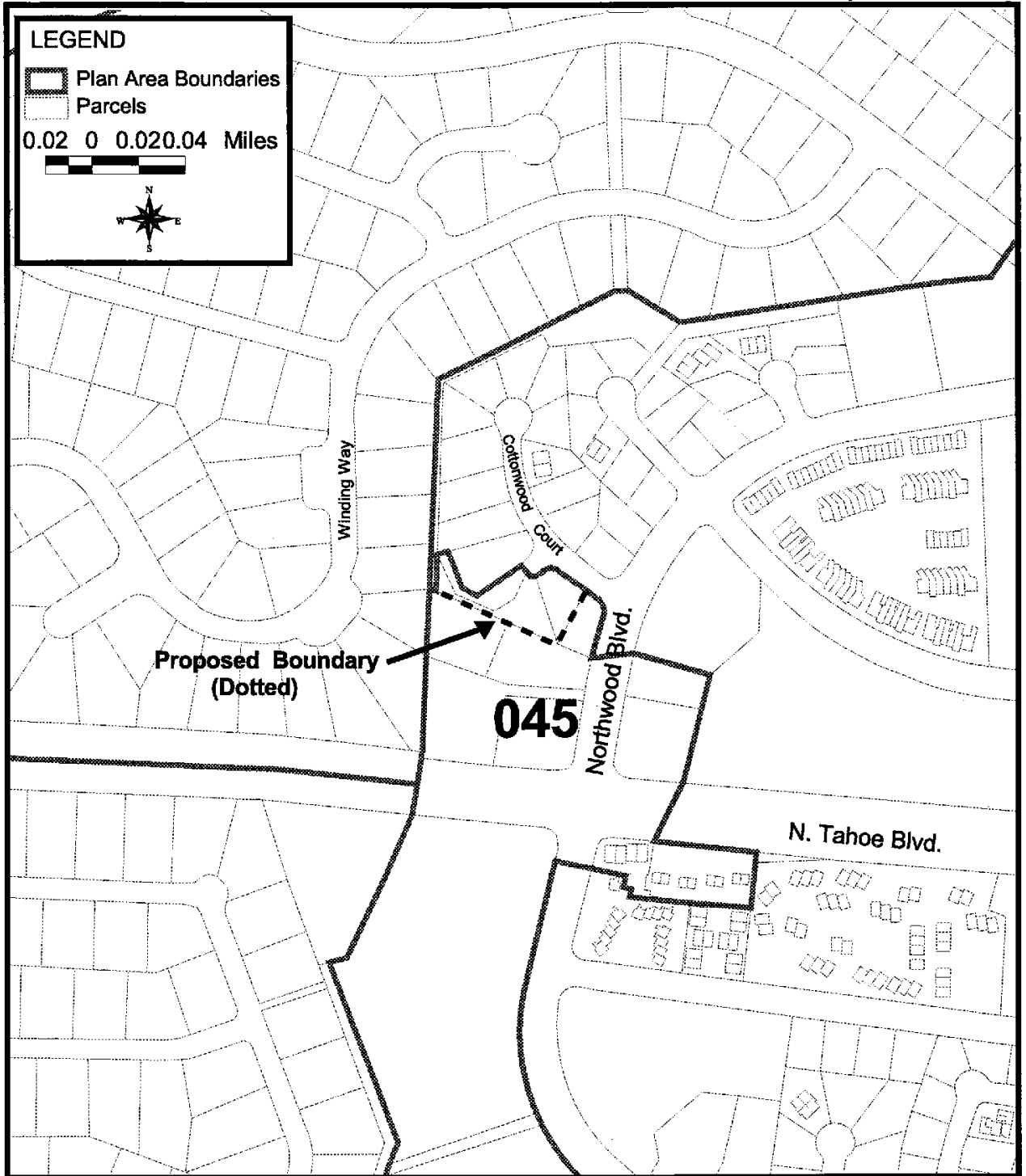
accommodate additional development if the impacts are fully mitigated and the land is capable of withstanding the use. The proposed action will not increase development potential, nor will on-site mitigation be required. Existing land uses suggest that this area is capable of withstanding the proposed single-family use.

PAS 046 possess the Special Designations of: TDR receiving area for 1. Existing Development, and 2. Multi-Residential Units. Further, Preferred Affordable Housing Location, Scenic Restoration Area and Multi-Residential Incentive Programs are all included in the PAS as Special designations. The proposed action does not employ any of these special designations.

Environmental Documentation: An Initial Environmental Checklist has been completed for the proposed action. Staff recommends a Finding of No Significant Effect (FONSE) based on the Chapter 6 and 13 findings, and on the following:

1. No additional development would be permitted by the amendment than is otherwise permissible under the Regional Plan.

Please contact Peter Eichar at (775) 588-4547, or recreation@trpa.org, if you have any questions regarding this agenda item.



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MEMORANDUM

May 2, 2000

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Regional Plan for Geomorphic Unit Map in the Vicinity of Douglas County APN 07-350-14 (178 Buchanan Road)

Proposed Action: The applicant, George Mc Call requests that the Advisory Planning Commission (APC) review the proposed Regional Plan Amendment and, if appropriate, approve the proposed amendment.

Staff Recommendation: Staff recommends that the APC review the proposed Regional Plan Amendment and deny the proposed amendment changing the Geomorphic Unit of the parcel from C-2 (Strongly dissected lands, high hazard lands). The proposed Regional Plan Amendment does not meet the minimum acreage requirement found in Chapter 20 of the TRPA Code of Ordinances for the creation of a new geomorphic unit. (See Attachment B, Section 20.2.E of the Code.)

Background: The parcel being considered for a Regional Plan Amendment is located on Buchanan Road in Douglas County, Nevada (see map, Attachment A) and is 10 ACRES in size. A TRPA staff soil scientist conducted the fieldwork for the geomorphic unit in June 1999. Staff determined that this parcel and adjacent parcels in the Kingsbury Grade area of Douglas County, Nevada were correctly mapped as Geomorphic Unit C-2 (Strongly dissected lands, high hazard lands).

An agent for the owner filed a land capability challenge in October 1998. A TRPA team of experts conducted the field investigation in June 7, 1999. Joseph Pepi, Certified Professional Soil Scientist, conducted the soils investigation. A soils report was prepared and concluded that the soils were different than those on the mapped TRPA Land Capability Overlay Map. However, a change could not be made in the Land capability class unless a Regional Plan Amendment was completed changing the Geomorphic Unit from high hazard to moderate or low hazard lands.

Report: The following analyses are necessary to complete the Regional Plan Amendment:

- (a) **Geomorphic Characteristics** - *The Geomorphic Analysis of the Lake Tahoe Basin* (Bailey, 1974) classifies the land in the Tahoe Basin into fifteen geomorphic units. These units reflect the impact of geomorphic processes that shape the earth's surface, can modify soil behavior, and create environmental influences which are unique to a given unit. These units are delineated based on:
- A minimum unit area of 1 square mile.
 - Broad similarity in type of landform development
 - Distinctive internal structure of the landform and surface material
 - Distinctive pattern of land and water areas

Geomorphic units occur in six major groups: glaciated granitic uplands, glaciated volcanic flowlands, streamcut granitic mountain slopes, streamcut volcanic flowlands, depositional lands, and over-steepened slopes. Each of these units has a distinctive capability for use and development, and they are ranked into three groups according to hazard potential based on soil characteristics such as depth to water table, soil texture, soil-plant relationships, depth to bedrock and potential for floods and landslides. The rankings of the units are high, moderate, or low.

For high hazard lands, one or more of the above stated conditions occur uniformly over much of the area. Moderate hazard lands also have hazardous conditions, but these characteristics are not uniformly distributed over the area, are a smaller percentage of the land, and are so situated that it is possible to avoid them when placing land-disturbing activities. Low hazard lands are the least fragile of the geomorphic units with the smallest percentage of hazardous areas, and can support the widest range of land-disturbing activities.

APN 07-350-17 is mapped within Geomorphic Unit C-2 (Strongly dissected lands), and is classified as high hazard lands. The soils and slopes identified on the parcel (see item c below) are consistent with the mapped geomorphic hazard rating. Based on the fieldwork completed by staff, the soils on the majority of the parcel were found to be moderately deep to shallow and the slopes were greater than 30 percent. On a portion of the parcel, approximately 3 acres in size, the soils were found to be deep to moderately deep and the slopes were less than 30 percent. The area surrounding the parcel has slopes greater than 30 percent.

Subsection 20.2.E of the TRPA Code of Ordinances allows for two methods to alter the mapped geomorphic unit. These are 1) minor adjustments in the boundaries of geomorphic units to include parcels, or 2) the use of smaller more precise geomorphic unit maps if such units are adopted by TRPA.

Minor boundary adjustments, however, cannot be used to create new geomorphic units. Creation of new units requires a minimum area of one square mile or more. The McCall parcel is within a large area of Geomorphic Unit C-2 (Strongly dissected lands), and is classified as high hazard lands. Since there are no adjacent low or moderate hazard geomorphic units, no minor adjustments in the boundaries of geomorphic units to include the McCall parcel is possible. Any change in the geomorphic unit classification of the parcel must meet the one-square mile minimum size required for the creation of a new geomorphic unit. The area of this parcel that could be possibly reclassified as moderate or low high hazard geomorphic unit is roughly three acres.

The only other approach would be an re-mapping of the current Geomorphic Units, adopting smaller more detailed units for the entire Tahoe Basin. At this time no such work has been completed or is it planned for the near future. The minimum delineation size of these units is based on the scale at which the mapping occurs. The current Geomorphic Unit map is based on a minimum delineation of 640 acres, which is common for maps with a scale of up to a 1:250,000. Even if TRPA was to complete a re-mapping of these units at a scale equivalent to a U.S Geological Survey 7.5 minute quadrangle map (1:24,000), the smallest or minimum delineation size possible would 10 acres.

- (b) **Surface and Subsurface Hydrology** - The parcel has no surface water drainages and there is no evidence of near surface groundwater.
- (c) **Physical/Chemical Soil Characteristics** - The parcel is mapped as CaF (Cagwin-rockoutcrop complex, 30 to 50 percent slopes) map unit on the TRPA Land Capability Overlay Map.
- (d) **Erosion Hazard** - The soils on the vast majority of this parcel and the surrounding land, are moderately deep to shallow and have a high runoff potential. The surface soils have a high relative erosion hazard.
- (e) **Vegetation** - The vegetative cover on the parcel consists of Jeffrey pine, white fir, antelope bitterbrush, whitethorn and manzanita.

This determination solely applies to the classification of the parcel under the Bailey Geomorphic Unit System.

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

A. 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: An amendment of the Regional Plan to amend the TRPA Geomorphic Unit Map is not consistent with and will have significant impacts on the Regional Plan, Goals and Policies, Plan Area Statements, the Code or other TRPA plans and programs are anticipated.

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

Rationale: The basis on which this finding can be made is provided in the checklist entitled, "Checklist: Article V (g) Findings," in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. Responses contained in said checklist indicate noncompliance with the environmental threshold carrying capacities; specifically the proposed amendment will exceed the 1 percent allowable coverage limit for lands located in a high hazard geomorphic unit. A copy of the completed checklist is available at the APC hearing and on file at TRPA.

- 3. Finding: 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 (d) of the Compact, the project meets or exceeds such standards.

Rationale: The basis on which this finding can be made is provided in the checklist entitled, "Checklist: Article V (g) Findings", in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. Responses contained in said checklist indicate noncompliance with the Soil Conservation impervious coverage limits defined in the environmental threshold carrying capacities. A copy of the completed checklist is available at TRPA.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: For the reasons stated in support of Findings 1, 2, and 3 above, the proposed amendment will not result in the Regional Plan Package continuing to achieve and maintain thresholds.

Conclusions: Agency staff has found that there is not sufficient information to support the Regional Plan Amendment that proposes changing the Geomorphic Unit in the vicinity of APN 07-350-14 from C-2 (Strongly dissected lands, high hazard lands.)

Environmental Documentation: An environmental checklist has been filled out for this project. Responses contained in said checklist indicate noncompliance with the environmental threshold carrying capacities. A copy of the completed checklist is available at TRPA.

If there are any questions related to this agenda item, please contact Joe Pepi at (775) 588-4547 or at jpepi@trpa.org.