

ISSUE SUMMARY

Context/Background: To support a recreation-based economy and reduce travel distances between recreation destinations and lodging/housing areas, the Draft Regional Plan permits the development and subdivision of Tourist, Commercial and Residential uses in the Recreation District as part of a conforming Area Plan or Master Plan that promotes threshold attainment and meets other requirements. Currently, certain accessory commercial uses and a single residence are permitted in each Recreation area. The Draft Plan also expands the Recreation District to include Van Sickle State Park, 250 acres of private land adjacent to the High Density Tourist District (Edgewood Mountain Property) and 22 acres of private land adjacent to the Heavenly Cal-base at the top of Ski Run Blvd. 45,208 acres of property (22.4% of the Region) are currently designated Recreation.

RPU Committee: The RPU Committee advanced new allowances for Tourist, Commercial and Residential uses in the Recreation District by a non-unanimous vote. The RPU Committee unanimously endorsed the parcel specific map changes.

The Bi-State Working Group reviewed non-unanimous actions and provided compromise recommendations.

EIS Analysis: The EIS identified potentially significant impacts related to the potential for development in many areas that are not currently planned for development. Mitigation measures would require that new development in the Recreation District be compatible with Recreation District uses, not induce substantial growth (either directly or indirectly) and not conflict with any environmental policy or regulation. Mitigation specific to each plan would be required.

Public Comments: This issue category was addressed in many comment letters. The majority of agency and public comments focused on concerns about widespread development and harmful environmental effects in Recreation Areas. Some comments supported the amendment, noting that environmental improvement would be required and the Region’s ski areas would benefit from locating on-slope lodging and housing close to recreation sites.

Summary of Recommendation:

1. Review and endorse the Bi-State Recommendation (Exhibit B), which would:
 - o Eliminate the new land use allowances in the Recreation District;
 - o Create a new “Resort Recreation” designation with limited allowances for tourist, commercial and residential uses; and
 - o Designate the Heavenly Cal-Base and the Edgewood Mountain Property “Resort Recreation”.
 - o Maintain the Draft Plan’s “Recreation” Designation for Van Sickle State Park.
2. Review the Draft Mitigation Measure and endorse its modification or elimination based on limitations and protections in the Bi-State Recommendation.
3. Consider public comments related to Recreation Areas and Uses.

ISSUE ANALYSIS

Context/Background:

The Draft Regional Plan would permit the development and subdivision of Tourist, Commercial and Residential uses in the Recreation District as part of a conforming Area Plan or Master Plan that promotes threshold attainment and meets other requirements.

The Draft Plan also expands the Recreation District to include Van Sickle State Park, 250 acres of private land adjacent to the High Density Tourist District (Edgewood Mountain Property) and 22 acres of private land adjacent to the Heavenly Cal-base at the top of Ski Run Blvd. 45,208 acres of property (22.4% of the Region) are currently designated Recreation. Exhibit A depicts existing and proposed Recreation areas in the Region.

The amendments are intended to support the Region's transition from a gaming based economy to a recreation-based economy, to reduce travel distances between recreation destinations and lodging/housing areas, and to provide outdoor recreation opportunities adjacent to major tourist destinations.

Currently, certain accessory commercial uses and a single residence are permitted in each Recreation area.

RPU Committee Action:

The RPU Committee advanced new allowances for Tourist, Commercial and Residential uses by a non-unanimous vote. Concerns focused on the potential for the proliferation of development outside the urban area and the associated environmental impacts.

The RPU Committee unanimously endorsed the map changes.

Endorsed Plan and Code sections are attached as Exhibit C.

EIS Analysis:

The EIS identified potentially significant impacts related to the possibility of development in many areas that are not currently planned for development. In effect, the policy change permits some level of Residential, Tourist and Commercial development outside the "Urban Area". The environmental analysis found that the approval requirements in the Draft Plan may not be sufficient to eliminate the potential for significant environmental impacts resulting from the proposed policy change.

Mitigation measures would require that new development in the Recreation District be compatible with Recreation District uses, not induce substantial growth (either directly or indirectly) and not conflict with any environmental policy or regulation. Mitigation specific to each plan would be

required. To the extent that environmental analysis indicates mitigation measures are required, those measures may include, but are not limited to, the following:

1. The development shall be an accessory use to a primary recreation use as defined by Code Section 21.3;
2. The development shall not increase in development potential the number of existing units of use at the site unless it is the result of transfers of existing residential and tourist units of use and existing commercial floor area from outside designated Town Centers, the Regional Center, and the High Density Tourist District;
3. The development shall transfer existing units of use at a ratio of more than 1:1 or require that units of use be transferred from sensitive lands;
4. The development shall provide transportation options such as bike trails, chairlifts, dedicated transit, sidewalk, and trails that links to community centers and recreation access opportunities in the vicinity and demonstrate a net decrease in VMT; and
5. The geographic extent of development shall be limited.

The draft mitigation measure is attached as Exhibit D.

Bi-State Recommendation:

The Bi-State Recommendation for Recreation areas and uses includes the following provisions:

- Eliminate the new land use allowances in the Recreation District;
- Create a new “Resort Recreation” designation with limited allowances for Tourist, Commercial and Residential uses and additional development restrictions;
- Designate the Heavenly Cal-Base and the Edgewood Mountain Property “Resort Recreation”; and
- Maintain the Draft Plan’s “Recreation” Designation for Van Sickle State Park and other existing Recreation areas.

Specific Bi-State Recommendations are outlined in Exhibit B.

Public Comments:

Exhibit E lists comments from Agencies, Organizations and Individuals/Businesses that address the proposed changes to zoning and allowable uses in Recreation Districts.

Most comments involve the non-unanimous topic from the RPU committee. A majority of Public Agencies, Organizations and Individual comments expressed concern over the potential for widespread development and harmful environmental effects resulting from new allowable uses.

Several comments suggested that the Recreation areas eligible for new uses be more limited than allowed for in the Draft Plan.

Other detailed comments suggested re-zoning of specific areas to be more consistent with existing management designations.

Public Agency Comments:

Local Governments did not provide comments on zoning and allowable uses in Recreation Districts.

California State Agencies expressed concern about the amount of recreation lands potentially affected by the change in allowable uses. Several Agencies offered detailed comments and recommendations. Specific comments include:

- Need to limit the locations where additional uses are allowed.
- Transfers of development into Recreation Districts would compete with transfers into Town Centers and would be counter to the goal of having compact development.
- Edwin L. Z'berg Natural Preserve should be zoned Conservation not Recreation to be consistent with the California Department of Parks and Recreation management designation.

The State of Nevada did not submit written comments. Staff has met with various Nevada State Agencies. Nevada appeared supportive of the Recreation designation of Van Sickle State Park to be consistent with designations for other state parks in the Region. The discussions did not focus on allowable land uses in Recreation areas.

The U.S. Forest Service did not submit written comments. Staff has met with the U.S. Forest Service, but the discussion did not focus on Recreation areas or uses.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations expressed significant concern over environmental impacts from allowing new uses in Recreation Districts. Major concerns include:

- The new allowable uses in Recreation Districts would expand the amount of urbanized land in the Region and would result in the development of currently protected lands.
- The allowable uses are not consistent with the Recreation designation and would negatively impact the recreational experience.

Comments from business organizations did not focus on Recreation areas and uses.

Comments from Individuals and Businesses:

The majority of comments from individuals and businesses were opposed to the changes to zoning and allowable uses in Recreation Districts as proposed in the draft plan. Many comments expressed

similar concerns as the California State Agencies or environmental organizations. Several comments were supportive of the proposed changes, some of which indicated that the change would enhance recreational experiences.

A few comments, including comments from Heavenly Mountain Resort, recommended that the rezoning of PAS 085 proposed in Alternative 5 be incorporated into the Draft Plan. This change would make the Recreation District consistent with Heavenly Mountain Resorts U.S. Forest Service permit boundary.

Recommendation:

Most comments that were received on Recreation areas and uses are addressed in the Bi-State Recommendation. By creating the new “Resort Recreation” land use designation, limiting new development allowances to the new district and establishing additional development restrictions, the Bi-State Recommendation may also support eliminating or reducing the needed scope of the draft mitigation measure.

Staff recommends the Update Committee:

1. Review and endorse the Bi-State Recommendation (Exhibit B), which would:
 - o Eliminate the new land use allowances in the Recreation District;
 - o Create a new “Resort Recreation” designation with limited allowances for Tourist, Commercial and Residential uses; and
 - o Designate the Heavenly Cal-Base and the Edgewood Mountain Property “Resort Recreation”.
 - o Maintain the Draft Plan’s “Recreation” Designation for Van Sickle State Park.
2. Review the Draft Mitigation Measure and endorse its modification or elimination based on limitations and protections in the Bi-State Recommendation.
3. Consider public comments related to Recreation Areas and Uses.

Exhibits:

- A. Maps of existing and proposed Recreation Areas
- B. Bi-State Recommendation
- C. Draft Plan and Code Text - April 25, 2012
- D. Draft EIS Mitigation Measures
- E. List of Applicable Comment Letters