

TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, July 22, 2009**, commencing at **9:30 a.m.** at the **North Tahoe Conference Center**, 8318 North Lake Blvd., Kings Beach, CA, and **Thursday, July 23, 2009** commencing at **8:30 a.m.** at **Lakeshore Lodge Conference Room**, 930 Bal Bijou Road, So. Lake Tahoe, CA 96150, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on **Wednesday, July 22, 2009**, commencing at **8:00 a.m.**, at **TRPA**, the TRPA Legal Committee will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Closed Session with Counsel to Discuss Existing and Potential Litigation; 3) Potential Direction Regarding Agenda Item No. 2; 5) Member Comments;** (Committee: Chair – Aldean, Vice Chair – Bresnick, Biaggi, Santiago, Miller, Sher)

NOTICE IS FURTHER GIVEN that on **Wednesday, July 22, 2009**, commencing at **8:30 a.m.**, at **TRPA**, the TRPA Operations Committee will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Filing Fee Revenue Status Report; 3) Release of \$40,000 in Water Quality Mitigation Funds to Douglas County for the Lincoln Park Erosion Control Project; 4) Resolution Allocating FY 2009-2010 Local Transportation Funds (LTF) to El Dorado County; 5) Amendment of the TRPA Employee Policy Manual to Amend Policy 1.20, Tahoe Transportation District Manager and Other Employees and Policy 1.21 South Tahoe Area Transit Authority Blue Go Transit Administrator and Other Employees; 6) Member Comments** (Committee: Chair – Merrill, Vice Chair – Ruthe, Cashman, Breternitz, McDermid)

July 15, 2009



Joanne S. Marchetta, Executive 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	
GOVERNING BOARD	
North Tahoe Conference Center	July 22, 2009 at 9:30 a.m.
8318 North Lake Blvd.	
Kings Beach, CA	
Lakeshore Lodge Conference Room	
930 Bal Bijou Road	July 23, 2009 at 8:30 a.m.
South Lake Tahoe, CA	

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments (3 minutes for individuals and 5 minutes for group representatives). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting.

“Teleconference locations are open to the public ONLY IF SPECIFICALLY MADE OPERATIONAL BEFORE THE MEETING by agenda notice and/or phone message referenced below.”

In the event of hardship, TRPA Board members may participate in any meeting by teleconference. Teleconference means connected from a remote location by electronic means (audio or video). The public will be notified by telephone message at (775) 588-4547 no later than 6:30 a.m. PST on the day of the meeting if any member will be participating by teleconference and the location(s) of the member(s) participation. Unless otherwise noted, in California, the location is 175 Fulweiler Avenue, Conference Room A, Auburn, CA; and in Nevada the location is 901 South Stewart Street, Second Floor, Tahoe Hearing Room, Carson City, NV. If a location is made operational for a meeting, members of the public may attend and provide public comment at the remote location.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Judy Nikkel at (775) 589-5243 if you would like to attend the meeting and are in need of assistance.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC INTEREST COMMENTS – All comments may be limited by the Chair. Any member of the public wishing to address the Governing Board on any item not listed on

the agenda may do so at this time. However, public comment on Project Review, Public Hearing, and Appeal items will be taken at the time those agenda items are heard. 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 AGENDA

V. APPROVAL OF MINUTES

VI. TRPA CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

Adjourn as the TRPA and convene as the TMPO

VII. TAHOE METROPOLITAN PLANNING ORGANIZATION

- A. TMPO Consent Calendar (see Consent Calendar agenda below for specific items)

Adjourn as the TMPO and reconvene as the TRPA

VIII. PUBLIC HEARINGS

- A. Adoption of Resolution to Support the Environmental Improvement Program Update **Page 21**
- B. Amendments of Code Chapter 33 and Goals and Policies Chapter 7 Regarding the Carryover of Residential Allocations **Page 27**
- C. Amendment of the Boundary Line of Kings Beach Community Plan and Plan Area Statement 028, Kings Beach Residential to Incorporate Placer County APNs 090-122-036 and 037 into the Community Plan Area and Amendment of Urban Design and Development Special Policies of the Land Use Element **Page 37**

IX. PLANNING MATTERS

- A. Staff and Governing Board Bus Tour of Kings Beach and Crystal Bay Vicinity **(Time Certain 11:00 a.m. – 1:00 p.m. Wednesday)**
- B. Discussion and Potential Direction to Staff on Aquatic Invasive Species Prevention Strategies Related to Watercraft **Page 59**

X. ADMINISTRATIVE MATTERS

- A. Governing Board Committee Appointment Amendment

XI. REPORTS

- A. Executive Director Status Report **Page 61**
1. Agency Work Program Priorities for July

- a. Forest Fuels Management Update
- b. Regional Plan Update
- c. Aquatic Invasive Species
- d. EIP Update
- e. Shorezone Implementation

2. ERS Quarterly Report

B. General Counsel Status Report

XII. GOVERNING BOARD MEMBER REPORTS

XIII. COMMITTEE REPORTS

- A. Legal Committee
- B. Operations Committee
- C. Public Outreach & Environmental Education Committee
- D. Catastrophic Wildfire Committee
- E. Local Government Committee

XIV. Governing Board Retreat (**Time Certain 8:30 a.m. – 12:30 p.m., Thursday**)

- Discussion of Governing Board Responsibilities and Potential Direction to Staff on Workload Priorities and Related Matters
- Closed Session to Discuss Existing and Potential Litigation Matters

XV. ADJOURNMENT

TRPA CONSENT CALENDAR

Item	Recommendation	
1. Release of \$40,000 in Water Quality Mitigation Funds to Douglas County for the Lincoln Park Erosion Control Project	Approval	<u>Page 1</u>
2. Resolution Allocating FY 2009-2010 Local Transportation Funds (LTF) to El Dorado County	Approval	<u>Page 3</u>
3. Amendment of the TRPA Employee Policy Manual to Amend Policy 1.20, Tahoe Transportation District Manager and Other Employees and Policy 1.21 South Tahoe Area Transit Authority Blue Go Transit Administrator and Other Employees	Approval	<u>Page 7</u>

TMPO CONSENT CALENDAR

Item	Recommendation	
1. Approval of NDOT Transportation Systems Projects (TSP) Funding for FY 2010-2019	Approval	<u>Page 13</u>

The consent calendar items are expected to be routine and non-controversial. **They will be acted upon by the Board at one time without discussion or staff presentation.** 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 Tahoe Regional Planning Agency Governing Board Members: Chair, Allen Biaggi, Director of Nevada Dept. of Conservation & Natural Resources; Vice-Chair, Norma Santiago, El Dorado County Supervisor; Mara Bresnick, California Assembly Speaker's Appointee; Shelly Aldean, Carson City Supervisor; John Breternitz, Washoe County Commissioner; Jennifer Montgomery, Placer County Supervisor; Nancy McDermid, Douglas County Commissioner; Steven Merrill, California Governor's Appointee; Open, California Governor's Appointee; Ross Miller, Nevada Secretary of State; Donna Ruthe, Nevada Governor's Appointee; Timothy Cashman, Nevada At-Large Member; Byron Sher, California Senate Rules Committee Appointee; Hal Cole, City of South Lake Tahoe Council; Josh Reid, Presidential Appointee.

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

TRPA
128 Market Street
Stateline, NV

June 24 & 25, 2009

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chair Mr. Biaggi called the meeting to order at 9:30 a.m.

Members Present:

Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. Breternitz, Ms. Montgomery, Ms. McDermid, Mr. Merrill, Mr. Miller, Ms. Ruthe, Ms. Santiago, Mr. Cashman, Mr. Cole, Mr. Sher, Mr. Reid

III. PUBLIC INTEREST COMMENTS

Leo Schools commented on quagga/zebra mussel concerns for Lake Tahoe and asked for a moratorium on boats.

Lyn Paulsen expressed concern for wildlife habitat in Washoe Meadow State Park with the establishment of the golf course.

IV. APPROVAL OF AGENDA

Ms. McDermid moved approval.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. Breternitz moved approval.
Motion carried.

Ms. Ruthe abstained.

VI. CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

TRPA CONSENT CALENDAR

1. Acceptance of May Monthly Financial Statement
2. Adoption of Fiscal Year 2009-2010 Operating Budget
3. Adoption of FY09-10 Agency Work Program
4. Incline High School Sports Stadium and Practice Field Improvements, 499

Village Boulevard, Incline Village, Washoe County, NV, APN 124-071-42/ERSP2009-0354

5. Approval of 319(h) Grant Agreement #08-604-556 – Lake Tahoe BMP Implementation and Effectiveness

6. Douglas County School District – George Whittell High School Gym Expansion, 240 Warrior Way, Douglas County, Nevada, Assessor's Parcel Number (APN) 1318-03-000-005, TRPA File No. ERSP2009-0181

7. El Dorado Beach Improvement Project at Lakeview Commons, Beach Recreation, 1004 Lakeview Avenue, El Dorado County, California, Assessor's Parcel Number (APN) 026-050-06, TRPA File Number ERSP2008-0474

8. Resolution of Enforcement Action, David Bradford, Unauthorized Construction Creating Coverage in the Backshore, 256 Four Ring Road, El Dorado County, CA, Assessor's Parcel Number 017-021

9. Final Fiscal Year 2009-2010 Transportation Development Act (TDA) Local Transportation Fund (LTF) Apportionments

10. Resolution Allocating FY 2009-2010 Local Transportation Funds (LTF) to the City of South Lake Tahoe and the Tahoe Regional Planning Agency

Mr. Merrill stated that the Operations Committee approved all of their items.

Ms. Aldean stated that the Legal Committee approved Item No. 8.

Mr. Cole moved approval of the Consent Calendar.

Motion carried unanimously.

VII. RESOLUTIONS

- A. Recognition of Stuart Yount's Service as a Member of the TRPA Governing Board

Governing Board members recognized Mr. Yount's contribution to the Governing Board and Lake Tahoe. Mr. Yount encouraged the Board to continue their efforts for Lake Tahoe.

VIII. PUBLIC HEARINGS

- A. Certification of the Final EIS for the Sierra Colina Village Project, APN 1318-23-301-001, TRPA File Number 2006095STD

Mr. Reid stated he was abstaining from discussion because his brother is the attorney for the proposed project. He noted for the record that he has not discussed this item with other Governing Board members.

Executive Director Ms. Marchetta explained that the Governing Board's decision will be to determine a housing project for the site. This should be based on science, compact directives and if the project harmonizes with the social and economic needs of the region.

General Counsel Ms. Rinke explained one presentation will be made regarding EIS certification; the Plan Area Statement Amendment; and, associated project findings and approvals, but that the Governing Board will make separate motions

for each item. She stated that EIS certification is to determine if an adequate document was presented. The decision regarding the project should be based on if there are any adverse, significant environmental impacts that were identified and suggested mitigation is adequate. She noted voting for EIS certification is not an automatic vote for the project.

Staff member Theresa Avance presented an overview of the proposed project components.

Sydney Coatsworth, EDAW and preparers of the Environmental Impact Statement (EIS) for the proposed project, presented the status of the Environmental Impact analysis prepared for the project.

Leif Reid, representing the Sierra Colina team, stated they attempted to achieve water quality improvements that were beyond what is currently under code.

Gordon Shaw, Transportation Engineer, presented the results of the traffic study and mitigations proposed.

Brent Wolfe, NHC Consulting, presented the storm water study and proposed solutions.

Gary Midkiff, consultant, presented the project and highlighted the important points of the project.

Board Comments & Questions:

Mr. Merrill and Ms. Bresnick expressed concern about traffic impact on air quality and water quality mitigation.

Mr. Merrill disclosed he had a phone conversation with Leif Reid and e-mail exchanges with the League to Save Lake Tahoe and the Sierra Club to ask questions about the project.

Ms. Bresnick disclosed she toured the site with project proponents and Michael Donahoe and Jim Beache. She also had e-mail communications with the Sierra Club and e-mail communications and a conference call with project representatives.

Ms. Santiago disclosed she toured the site twice; once with project proponents and once with the League to Save Lake Tahoe; the Sierra Club; and other concerned citizens. She also had e-mail communications with the Sierra Club; the League to Save Lake Tahoe; Leif Reid; and various meetings with Leif Reid. She also exchanged e-mails with Jennifer Montgomery and Mara Bresnick.

Ms. Santiago expressed concern regarding base line conditions.

Mr. Biaggi requested more information regarding TMDL Treatment Tier Two and its regulatory status. He also questioned how full-time occupancy would be maintained for the moderate-income housing.

Mr. Biaggi disclosed he had a couple of telephone conversations with Leif Reid and toured the site with Norma Santiago; project proponents; the Sierra Club; the League to Save Lake Tahoe; and others. He also received countless e-mails from both sides on the project.

Ms. Aldean disclosed she spoke with Leif Reid; had a conversation in her offer with John Upton from APC; received numerous e-mails; and toured with site with TRPA staff.

Ms. Aldean questioned if improvements to the Lake Village Drive/Highway 50 intersection would be completed prior to construction; if sunset provisions would be imposed for the CC&Rs for water quality improvements; and, if water quality improvements would have to be completed even if a lawsuit was filed against the project.

Ms. McDermid disclosed she had extensive contact with the applicant and the Sierra Colina Team. She toured the site on numerous occasions prior to Kenninger ownership. She met with Douglas County staff and had e-mails in support of the project and snail mail in opposition of the project.

Ms. Ruthe disclosed she met with Leif Reid and toured the project site. She has also received numerous e-mails in favor and in opposition of the project.

Ms. Ruthe asked about the benefits being lost to the community by proposing fewer homes in Alternative Three compared to Alternative One.

Mr. Cole disclosed he toured the site with the Mr. Kenninger. He had a one-on-one meeting with John Upton. He also received numerous e-mails, but has not yet responded to any e-mails.

Mr. Cole expressed concern about conflicting scientific opinions.

Mr. Miller disclosed he met and talked to project proponents, the Kenninger, and Leif Reid. He also toured the property and met with Michael Donahoe in person and Admiral Layman and his wife, Ann. He also received e-mails and phone calls regarding the project.

Mr. Breternitz disclosed he toured the site with the project proponents. He received e-mails, faxes and mail in support and in opposition of the project. He also met with Admiral Layman and his wife, Ann.

Mr. Cashman disclosed he toured the site with the developer and Leif Reid. He also had subsequent conversations with Mr. Reid, Michael Donahoe, and the Sierra Club. He also received approximately 1,000 contacts by e-mail and letters.

Mr. Cashman asked how alternatives were developed; how drainage from the pipe removal will be handled in the project; and if there was a requirement for on-going monitoring of the filtered storm water treatment system.

Ms. Montgomery disclosed she discussed the project with the Sierra Club, specifically Michael Donahoe and Ron Graffe. She had e-mail communications

with Leif Reid and Gary Midkiff and the League to Save Lake Tahoe. She toured the site with Jason Drew from Nichols Consulting. She also communicated with Norma Santiago by e-mail.

Ms. Montgomery's expressed concern about storm run-off and questioned how Linear Public Facility Four would be made available to emergency vehicles and the width of the bike trail in order to allow emergency vehicles.

Mr. Sher disclosed he received e-mails in favor of and in opposition to the project. He also received a packet of material from Admiral Layman and his wife, Ann, including a list of project concerns. He was also sent material from Michael Donahoe. He briefly visited the site with Jennifer Montgomery; Michael Donahoe; and Roger Rosenberger during the break in last month's TRPA meeting.

Mr. Sher questioned proposed water quality improvements as it relates to the TMDL.

Ms. Bresnick requested if mitigation identified in the draft and final EIS have been incorporated as part of the project.

Public Comment: The following members of the public expressed their support of the project for the benefits the project would provide to the community:

Greg Lynn
Mimi Moss
Scott Morgan
Father Richard DeMolen
Brad Nelson
Andrew Strain
Lon Rusk
Mike Bradford
Elaine Casteling
Bea Gorman
Cindy Hannah
Stacy Dingman
Carl Ribaudo
Richard Jones
Tom Bork
Gary Bowen
Mike Weber

The following members of the public expressed their opposition to the project because of water quality concerns; approving community plan area statement amendments before the Regional Plan was updated; development of undeveloped land; and wildlife in the area:

Ellie Waller
Ann Harmon
Gary Hoffman
Roger Rosenberger
Rich Horner

Michael Graff
Bob Johnston
Jerry Dinzes
Brenda Donahoe
Kathy Campion
Mary Orland
Michael Donahoe
Jennifer Quashnick

Alan Tolhurst, Advisory Planning Commission (APC) Chair, reported that the Washoe Tribe had felt their concerns were not addressed in the final EIS and those concerns included having an on-site monitor and to be notified of any significant archeological finds on the property. The APC had some concerns about detention basins.

Brian Williams, Lake Village resident, stated that he had no objection to the Sierra Colina project if the project evolves as proposed and adheres to parameters described by the developer and required mandates.

Leo Horton, Douglas County Fire District, explained the project would meet all fire safety requirements.

Michael Brown, Douglas Community Development, acknowledged staff effort in working with the Sierra Colina project specifically on storm water issues and the development agreement.

Ron Roman, Douglas County Public Works Senior Engineer, commented on the department's involvement in the development of the water quality system for the project. He noted funding was already in place from grants from the U.S. Forest Service and the Nevada Division of State Lands.

Eric Shinault, Bryan Shinault Architect PC Operations Business Manager, reported his company would be involved in coordinating the "green" aspects of the proposed homes for the project.

Vaikko Allen, Contech Storm Water Solutions representative, stated he was the author of the water quality report for the project's water quality filtering system and explained that the system has been tested and would meet all the requirements.

John Porter, Lake Tahoe resident, commended the project for its "green" initiatives, but expressed concern about the pipe.

Philip Sternberg, Incline Village resident, commended the TRPA on incorporating "smart growth" with the moderate-income housing and lead certification for the project, but questioned the classification of the project as "urban infill".

Margaret Eadington, Lake Tahoe resident, expressed concern that the TRPA was supporting urbanization of the area.

Rochelle Nason, League to Save Lake Tahoe, stated that the League to Save Lake Tahoe would join in support of other written and oral comments made in opposition to the Sierra Colina project. She commented that the project would exceed the amount of coverage for the area because of the linear public facilities.

Susan Gearhart, Homewood resident and Friends of the West Shore representative, stated she was concerned that the TRPA was not able to use recent TMDL scientific data.

Following responses to public comment and Governing Board deliberation, Ms. Aldean moved to certify the Final Environmental Impact Statement for the Sierra Colina Village Project.

Motion carried.

Mr. Sher voted no.

- B. Amendment of Plan Area Statement 073 – Lake Village to allow Special Area #1 to be eligible for the Multi-Residential Incentive Program by amending Special Policy 3, and provide for other matters properly related thereto

Mr. Cole moved to approve the required findings, including a finding of no significant effect.

Motion carried.

Mr. Sher abstained.

Mr. Cole moved to adopt the proposed ordinance amending the Plan Area Statement.

Motion carried unanimously.

Mr. Grego voted on behalf of Mr. Cole.

Mr. Harris voted on behalf of Mr. Breternitz.

- C. Amendment of Code Section 54.5.B. (3) to facilitation streamlining of Buoy Permitting and Enforcement Process

Staff member Jason Ramos presented the proposed amendment to Code Section 54.5.B (3) to Facilitate Streamlining of Buoy Permitting and Enforcement Process.

Board Comments & Questions:

Mr. Merrill asked why streamlining would be necessary, if TRPA had buoy records for proof of eligibility. He also agreed that the amendment is necessary for streamlining of the process.

Ms. Bresnick questioned why this process would be more efficient than the League to Save Lake Tahoe's suggested process. She suggested adding a

refundable security deposit to the amendment in order to have funds to remove illegal buoys.

Ms. Santiago expressed concerned about enforcement of BMP requirements.

Chair Mr. Biaggi asked if applicants could obtain their own GPS coordinates.

Ms. Aldean noted GPS coordinates were listed on inspection invoices for owner identification. She suggested amending the language to include the verbiage "conditional" permit.

Mr. Harris for Mr. Breternitz asked when streamline applications would be available and who would be qualified to conduct buoy inspections.

Mr. Cashman disclosed he was assigned a State Lands Division permitted buoy. He asked if buoy fields would have to comply with BMP requirements and, if so, if buoy fields would also have one year to come into compliance.

Ms. Montgomery stated she was in support of the League's process and Ms. Aldean's suggestion to include the word "conditional". She expressed concern about incentives for individuals to obtain permits.

Ms. McDermid expressed her support for staff's recommendation.

Mr. Sher stated he was in support of the streamline process and complimented staff for their effort. He requested why the number 4,454 was consistently being used in reference to buoys.

Public Comment:

Jan Brisco, Tahoe Lakefront Owners Association, stated they were in support of a streamlined process, but there was concern about the applicant agreement to remove buoys if not in compliance. She suggested including a permit appeal process and holding a buoy registration event next month.

Nicole Gergans, League to Save Lake Tahoe, explained the League was opposed to staff's recommendation because buoy permits would be issued without BMP compliance.

Ms. Rinke read the following amended language: "TRPA shall not issue a permit for a mooring buoy unless the applicant has received a certificate of completion for water quality BMPs for the project area; provided, however, TRPA may issue a conditional permit for certain authorized buoys under Subsection 52.4.E which shall among other permit conditions, require submittal of the certificate within one year of the issuance of the conditional permit."

Ms. Aldean moved to approve the findings.

Motion carried unanimously.

Ms. Aldean moved to adopt the attached ordinance.

Ms. Aldean disclosed her family was going through the TRPA permitting process and that they have received a permit from State Lands Commission and were completing required BMPs.

Mr. Harris disclosed that his family has a buoy permit from State Lands and that they were in full compliance with BMP certification.

Motion carried unanimously.

- D. Notice of Preparation (NOP) and scoping for the Environment Impact Project, TRPA File Number ENVP2008-0002, Douglas County, Nevada, Assessor's Parcel Numbers 1318-27-001-001, 1318-27-001-002, 1318-27-001-003, and 1318-27-001-004

Environmental Review Services Branch Chief Lyn Barnett presented the notice of preparation and scoping for the Environmental Impact Statement for the Edgewood Hotel and Golf Course Realignment Project.

Lew Feldman, representing the applicant, presented the proposed project.

Board Questions & Comments:

Chairperson Biaggi requested information on the water quality design criteria. He also requested clarification that the dam near Friday Station would be lowered, but that capacity would be increased. He also asked if the project is a non-gaming facility.

Ms. Aldean asked if removal of the Horizon Hotel was a proposed mitigation measure.

Mr. Grego asked about the timeframe for the project.

Ms. Santiago asked if water quality improvements would be completed before construction of the hotel; and if proposed height requirements would be in conflict with height requirements in the updated Regional Plan.

Ms. McDermid expressed concerns regarding access to public facilities.

Ms. Montgomery expressed concern about proposed water quality improvements.

Mr. Merrill asked for the number of parking spaces proposed for the project.

Mr. Cashman encouraged the use of an environmental system that has a mechanical filtration system for water quality improvements.

Mr. Sher asked about TAU transfers and the size of units.

Suzanne Enslow, EDAW consultant preparing the Environmental Impact Statement, presented what will be analyzed in the EIS.

Board Questions & Comments:

Ms. McDermid suggested transit issues be analyzed in relation to other Stateline multi-transit services being proposed. She also suggested five-star properties be reviewed in analyzing TAU size.

Mr. Sher requested clarification of timelines for the draft and final EIS.

Ms. Aldean asked if public facilities would be for the general public or individuals residing in the hotel. She also asked how the public beach would be demarcated.

Ms. Santiago asked about existing conditions for the project and commented on the need for data on existing sediment loading in comparison to the proposed alternatives.

Ms. Montgomery expressed concern about vehicle traffic for the proposed public facilities.

Ms. Aldean requested besides required mitigations that volunteer mitigations should also be presented for the proposed project.

Mr. Cashman questioned the EIS selection process.

Mr. Harris stated the EIS would need to address treatment of the accumulated sediment over time to ensure capacity requirements were being met.

Public Comment:

Nicole Gergans, League to Save Lake Tahoe, noted written comments from the League would be submitted by the July 15th deadline. She requested that presentations from Mr. Feldman and Ms. Enslow be posted on the TRPA website for further review.

IX. PROJECT REVIEW

- A. North Tahoe Fire Protection District Public Safety Center, 221 Fairway Drive, Placer County, CA, Assessor's Parcel Number (APN) 094-540-013, TRPA File Number ERSP2008-0995

Ms. Montgomery disclosed that her husband works for the North Tahoe Fire Protection District.

Staff member Wendy Jepson presented the proposed project.

Chief Duane Whitelaw, representing the North Tahoe Fire Protection District and applicant, presented the need for this updated fire station.

Ms. Aldean asked about plans for the existing fire station and if the property was being used for unlicensed snow storage.

Ms. Bresnick asked who the owner of the property was housing the current fire station.

Ms. Montgomery asked about outreach in progress to address the snow removal issue.

Mr. Cashman asked about the cost of the total structure improvements and funding status.

Mr. Merrill asked if demolition of the current fire station was a requirement.

Mr. Sher expressed his support of Mr. Merrill's suggestion to condition demolition of the current fire station.

Ms. Montgomery stated Placer County's intention is not to take possession of the property until the fire station was demolished. She asked if funding was earmarked for demolition.

Ms. Aldean commented that demolition of the fire station should be left to the discretion of local jurisdictions.

Ms. McDermid concurred with Ms. Aldean's comments.

Public Comment:

There was no public comment regarding this item.

Mr. Sher moved to approve the required findings.

Motion carried unanimously.

Mr. Sher moved approval of the proposed project with the condition that the old building is demolished.

Motion failed.

Ms. McDermid moved approval of the proposed project subject to the conditions contained in the draft permit.

Motion carried.

Mr. Merrill voted no.

- B. Sierra Colina Village Projects, Assessor's Parcel Numbers (APNs) 1318-23-301-001 and 560-201-00
1. Pedestrian and Bicycle Path Linear Public Facilities Project, TRPA File Number 20060598
 2. Sierra Colina Village Multiple Family Dwelling Project, TRPA File Number 20060599

3. Subdivision and Conveyance of the Sierra Colina Multiple Family Dwelling Project, TRPA File Number 20060681
4. Highway 50/Lake Village Drive Intersection Improvement Project, TRPA File Number ERSP 2008-1019

Ms. McDermid moved to approve the required findings for:

A. Linear Public Facilities Project as amended

Motion carried.

Mr. Merrill and Mr. Sher voted no.

Ms. McDermid moved to approve the required findings for:

B. Sierra Colina Multiple Family Dwelling Project

Ms. Bresnick expressed concern with the project without additional monitoring for water quality.

Ms. Santiago agreed that monitoring of the proposed filtration system was important.

General Counsel Ms. Rinke reported that the project would include monitoring to ensure compliance with existing standards. She cautioned the Board about requiring the property owner to do additional monitoring.

Ms. Aldean stated that the public sector was attempting to find funding for additional monitoring.

Mr. Biaggi reported that funding was being secured at the federal level for monitoring activities through the consortium within the Basin.

Ms. McDermid stated Douglas County would offer assistance with monitoring.

Ms. Santiago requested more information from the developers regarding monitoring for the project.

Jason Drew, Nichols Consulting, reported there would be compliance monitoring and that funding would be identified for performance monitoring.

Ms. Aldean asked if the developer would cover public costs if funds could be reimbursed.

Leif Reid, representing the applicant, expressed concern about reimbursing funding.

Mr. Sher commented that we could not be certain if the filtration system works unless it is monitored.

Mr. Cashman suggested obtaining funding from the filter supplier for monitoring and collecting samples, until grant funding was received.

Gary Midkiff, representing the applicant, commented on the importance of the seed money for the analysis and expressed concern that the burden of additional funding would fall on the Homeowners Association.

Ms. McDermid commented that it is not yet known what standards should be met in relation to the proposed filtration system and that developers should not be penalized further for going over and above current standards.

Mr. Miller requested a straw vote.

Ms. Bresnick asked if water quality mitigation fees could be used for water monitoring.

Jason Drew, Nichols Consulting, stated there was a portion of water quality mitigation funding allocated to Douglas County that could be used for water monitoring.

Gary Midkiff stated that the Board could approve of crediting water quality mitigation fees towards water monitoring.

Mr. Cole suggested collecting and documenting samples.

Jason Drew, Nichols Consulting, noted samples could only be held for a minimum amount of time.

Ms. McDermid stated Douglas County, the applicant, and the TRPA should determine when and what needs to be monitored and where funding would come from for the monitoring.

Executive Direct Ms. Marchetta clarified for the record there was a water quality mitigation fee being paid as part of the project in the amount of \$75,000 that would be paid to Douglas County.

Motion carried.

Mr. Merrill and Mr. Sher voted no.

Ms. McDermid moved to approve the required findings for:

C. Subdivision of Multiple Family Dwelling Project.

Motion carried.

Mr. Merrill and Mr. Sher voted no.

Ms. McDermid moved to approve the required findings for:

D. Intersection Improvement Project

Motion carried.

Mr. Sher abstained.

Ms. McDermid moved to approve the required findings for:

A. Linear Public Facilities Project with amendments as follows: 1) prior to permit acknowledgement, easements for LPF3 and 4 will be revised to include emergency vehicle ingress/egress designation; 2) LPF3 and 4 will include snow removal; and 3) prior to permit acknowledgement, the applicant will provide a plan in concurrence with local emergency service authorities that identifies under what circumstances the emergency access would be triggered.

Motion carried.

Mr. Merrill and Mr. Sher voted no.

Ms. McDermid moved to approve the required findings for:

B. Sierra Colina Multiple Family Dwelling Project with the following amendment condition: that, prior to permit acknowledgement, the applicant shall provide evidence that \$75,000 has been paid to Douglas County for the purpose of developing a performance monitoring plan for water quality.

Motion carried.

Mr. Merrill and Mr. Sher voted no.

Ms. McDermid moved to approve the required findings for:

D. Intersection Improvement Project

Motion carried.

Mr. Sher abstained.

Ms. McDermid moved to approve the required findings for:

C. Subdivision of Multiple Family Dwelling Project

Motion carried.

Mr. Merrill and Mr. Sher voted no.

X. PLANNING MATTERS

- A. Presentation of the Lake Tahoe Region Aquatic Invasive Species Management Plan

Staff member Ted Thayer gave a presentation on the Lake Tahoe Region Aquatic Invasive Species Management Plan.

Mr. Cashman asked if percentages of where boats were coming from were included in the study, and if there were zebra mussel in Lake Powell.

Ms. Aldean asked if there was a funding component to approval of the plan.

Mr. Cashman asked if there was additional AIS research being conducted in the basin; if the federal government would have to sign off on the plan before implementation; and, if public launch sites were secure and monitored.

Ms. Aldean asked if the FAA could be involved in preventing seaplanes landing on Lake Tahoe in response to Mr. Schools' comments made during public comment.

Chair Mr. Biaggi asked if the long-term plan was to continue inspections of boat ramps or have entry points. He also asked if revenue was being generated for the ramp inspection program.

Mr. Merrill questioned how the TRPA Board could assist in implementation of the plan.

Ms. Santiago suggested setting up a campaign for alternate boating or for individuals to only use rented boats from the Lake Tahoe area.

Ms. McDermid stated she was in favor of Ms. Santiago's suggestion, but that a more permanent, long-term solution was needed for security of the lake.

Ms. Ruthe commented that funding should be sought to eradicate the big problem which was entries into the Basin. She commented on the lack of quality boat rentals in the Lake Tahoe area.

Ms. Aldean suggested increasing inspection fees to include funding for the AIS plan.

Mr. Cashman asked about the difference between decontamination and quarantine.

Mr. Grego for Mr. Cole asked how many inspectors were currently involved in detecting mussels. He suggested offering a \$5,000 reward for finding mussels and charging for reviews of development projects, as short-term funding solutions for the AIS plan.

Ms. Ruthe stated she was not in favor of offering a reward for detecting mussels.

B. EIP Update/Legislative Affairs Briefing

Communication and Legislative Affairs Chief Julie Regan and Environmental Improvement Program Branch Chief Paul Nielsen presented an update on the EIP and Legislative Affairs.

Ms. Santiago asked about specific performance measures contained in the program.

Ms. McDermid expressed concern about getting local matches if the Board expresses opposition against projects. She stated Douglas County was proactive in a storm water master plan and noted there were other local benefits besides environmental benefits in projects.

XI. REPORTS

A. Executive Director Status Report

1. Agency Work Program Priorities for June:

- a. Forest Fuels Management Update
- b. Regional Plan Update
- c. Aquatic Invasive Species
- d. EIP Update
- e. Shorezone Implementation

Executive Director Ms. Marchetta reported a date was still needed for the Board Retreat.

B. General Counsel Status Report

General Council Ms. Rinke reported she was investigating what it meant for TRPA, as a real party of interest, in the Lahontan Waste Discharge waiver suit.

XII. GOVERNING BOARD MEMBER REPORTS

Mr. Greco requested review of the agency's drive-up window policy.

XIII. COMMITTEE REPORTS

A. Legal Committee – none

B. Operations Committee – none

C. Public Outreach & Environmental Education Committee – none

D. Catastrophic Wildfire Committee – Ms. McDermid reported on the results of their Wildfire Committee meeting.

E. Local Government Committee – none

XIV. ADJOURNMENT

Governing Board Chair Mr. Biaggi adjourned the meeting at 3:30 p.m. on Thursday.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Judy Nikkel", is centered on the page. The signature is written in black ink on a light-colored background.

Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.



MEMORANDUM

Date: July 15, 2009

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of \$40,000 in Water Quality Mitigation Funds to Douglas County for the Lincoln Park Water Quality Improvement Project, Letter Reference No. EIP 2009-020

Requested Action: Governing Board action to release \$40,000 in Water Quality Mitigation Funds to Douglas County for the project listed in Table 1, subject to the conditions cited below.

Staff Recommendation: Staff recommends that the Governing Board approve Douglas County’s request, subject to the conditions cited below. The project is consistent with the Environmental Improvement Program objectives, Chapter 82 of the TRPA Code of Ordinances and the Governing Board’s policy on the use of mitigation funds. TRPA reserves the right to withhold funds to ensure project priorities, goals and specifications are consistent with those of the Environmental Improvement Program and the TRPA Regional Plan.

Required Motion: To approve the requested release, the Board must make the following motion:

- 1) A motion to approve the release subject to the conditions contained in this memorandum.

In order for the motion to pass, an affirmative vote of any 8 Board members is required.

Table 1 Proposed Funding Release			
EIP #	PROJECT	Fund	Amount
677	Lincoln Park Water Quality Improvement Project	AQ	\$40,000
	Total Funding Requested		\$40,000

Background: Douglas County is requesting the release of \$40,000 of water quality mitigation funds for the Lincoln Park Water Quality Improvement project. This project was originally constructed in 2006 using Nevada Division of State Lands Bond funds, SNPLMA funds from the US Forest Service, and 319 funds from the Nevada Department of Environmental Protection. Since construction in 2006, Douglas County has been monitoring the project and has discovered that modifications to a bioswale constructed as a part of the original project are needed in order to safely treat and convey storm water in this area. The County is requesting to use water quality mitigation funds for improvements to this bioswale which will result in improved storm water treatment.

Issues/Concerns:

- As of July 7, 2009 Douglas County's Water Quality Mitigation fund account balance was \$305,344 which is sufficient to cover this request.
- Staff recommends approving the release of these funds subject to the following conditions of approval:
 1. The recipient shall only use the funds for the project cited above and as approved by TRPA.
 2. The TRPA reserves the right to withhold funds to ensure project priorities, goals and objectives are consistent with those of the Environmental Improvement Program and TRPA's Regional Plan.
 3. The County agrees to follow all laws, codes and regulations adopted by federal, state and local authorities/agencies.
 4. The County agrees to maintain a report detailing the use and expenditures of all funds used on the project. These records shall be made available for review and audit by TRPA within thirty (30) calendar days upon written request.
 5. All mitigation funds not used as described above shall be returned to TRPA. Upon written approval from TRPA, these funds may be re-allocated to another project.
 6. These funds may not be used for design studies, environmental documents, application costs, or other pre-design tasks.

Regional Plan Compliance: The proposed release complies with the TRPA Regional Plan and Code of Ordinances.

Contact Information: If you have any questions regarding this item please contact Jeanne McNamara, Assistant Branch Chief, Environmental Improvement Branch at jmcnamara@trpa.org or by phone at (775)589-5252.



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

MEMORANDUM

Date: July 15, 2009
To: TRPA Governing Board
From: TRPA Staff
Subject: Resolution Allocating FY 2009-2010 Local Transportation Funds (LTF) to El Dorado County

Requested Action: Governing Board adoption of the attached resolution (Attachment A) approving the allocation of FY 2009-2010 Local Transportation Funds (LTF) to El Dorado County.

Staff Recommendation: Staff recommends the Governing Board approve the attached resolution (Attachment A) approving the release of FY 2009-2010 LTF to El Dorado County in the amount of \$241,540.

Required Motion: In order to adopt the proposed resolution, the Board must make the following motion, based on this staff summary and the evidence in the record:

1. A motion to adopt the proposed resolution (Attachment A).

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background: As the designated Regional Transportation Planning Agency (RTPA) for the California portion of the Tahoe Region, TRPA has the responsibility for administering the funds, which are provided by the Transportation Development Act (TDA). TDA provides two sources of funds, which are intended to support and develop transportation services. These funds are the Local Transportation Fund (LTF) and the State Transit Assistance Fund (STA).

TDA legislation (SB325) provides a source of financial support for public transportation by allowing counties to impose a one-quarter percent sales tax. The revenue collected from the tax is returned to the county of origin to be redistributed on a population basis. These funds are deposited in a local transportation fund. RTPAs administer these funds within their areas of jurisdiction. Local transportation funds are allocated by the RTPAs for use in the counties based upon the priorities set by the TDA.

The first priority for the use of LTF monies is to support the RTPA's cost of administering the TDA program. The second priority allows up to three percent of the TDA funds to be allocated to the RTPAs for transportation planning and programming purposes. Third priority for the use of these funds allows a portion to be set aside for bicycle and pedestrian facilities. After these priorities, claims may be filed by transit operators for

operating costs or capital requirements; by cities or counties for transit services provided under contract; or by cities and counties for streets and roads, if no unmet transit needs which are reasonable to meet exist in the claimant's jurisdiction.

As required by the TDA, the El Dorado County and Placer County Auditor/Controller Office has notified TRPA of those LTF monies apportioned for allocation in the El Dorado County and Placer County portion of the Tahoe Basin for transit operations. These monies are available to the City of South Lake Tahoe for BlueGO fixed route and paratransit operations, El Dorado County for BlueGO demand responsive and paratransit operations and Placer County for Tahoe Area Regional Transit (TART) fixed route and paratransit operations.

Following the priorities set by the TDA, TRPA has allocated LTF monies for its costs of administering the TDA programs in the Region. These costs are prorated to the City of South Lake Tahoe, El Dorado County, and Placer County. TRPA has also allocated a portion of the available LTF monies for transportation planning functions. TRPA is withholding an additional 0.5% that will be used to analyze the need for a Consolidated Transportation Service Agency (CTSA). The Tahoe Transportation District (TTD) is officially designated as the CTSA for the Tahoe Region. The analysis will determine whether community transit services shall be provided according to Article 4.5 of the TDA.

The allocation of LTF to the City of South Lake Tahoe and to TRPA has already been approved by the Governing Board at the June 2009 meeting. TRPA has not yet received a claim from Placer County, but will bring that claim to the Board for approval when it is received.

As mentioned above, there are two sources of funds programmed to support public transportation through the TDA: Local Transportation Funds (LTF) and State Transit Assistance (STA). This claim is to approve the allocation of LTF funds only. As a result of the current economic situation in the State of California, the Governor has taken action to eliminate the State Transit Assistance fund through 2013.

Staff has reviewed the claim submitted by the County and finds that the claim is consistent with TDA rules and regulations. The services to be provided through the use of these monies are also consistent with the TRPA/Tahoe Metropolitan Planning Organization (TMPO) Regional Transportation Plan.

Issues/Concerns: The proposed allocation of TDA funding allocation does not have any known issues or concerns.

Regional Plan Compliance: The proposed allocation of funds complies with all requirements of the State of California TDA rules and regulations, and the objectives of the TRPA Regional Plan Goals and Policies.

Contact Information: If there are any questions regarding this agenda item, please contact Bridget Cornell at 775-589-5218 or by email at bcornell@trpa.org.

Attachments:

- A. Resolution

TAHOE REGIONAL PLANNING AGENCY, SITTING AS THE
REGIONAL TRANSPORTATION PLANNING AGENCY
TRPA RESOLUTION NO. 2009-_____

A RESOLUTION ALLOCATING FISCAL YEAR 2009-2010
LOCAL TRANSPORTATION FUNDS TO EL DORADO COUNTY

WHEREAS, the Tahoe Regional Planning Agency (TRPA) was designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the Tahoe Region; and

WHEREAS, as the RTPA, TRPA has the responsibility for allocating the Local Transportation Funds for the Tahoe Region; and

WHEREAS, the amount of Local Transportation Funds available for allocation during FY 2009-2010 to El Dorado County is \$241,540; and

WHEREAS, TRPA has received a claim from the El Dorado County for the allocation of these funds; and

WHEREAS, the claim submitted by El Dorado County was reviewed and found to be consistent with the Transportation Development Act Rules and Regulations; and

WHEREAS, the provision of public transportation services by El Dorado County is consistent with TRPA Regional Transportation Plan Goals and Policies; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, authorizes the allocation of Local Transportation Funds in the amount of \$241,540 to El Dorado County.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, at its regular meeting held on July 22, 2009 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Allen Biaggi, Chair
Tahoe Regional Planning Agency
Governing Board



www.trpa.org

Mail
PO Box 5310
Stateline, NV 89449-5310
775-588-4547

Main Office
128 Market Street
Stateline, NV 89449
fax 775-588-4527

North Shore Office
3080 North Lake Blvd.
Tahoe City, CA 96145
fax 530-583-2612

MEMORANDUM

Date: July 15, 2009

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of the TRPA Employee Policy Manual to Amend Policy 1.20, Tahoe Transportation District Manager and Other Employees, and Policy 1.21 South Tahoe Area Transit Authority Blue Go Transit Administrator and Other Employees

Requested Action: TRPA Governing Board adoption of the attached resolution (Attachment A) amending the TRPA Employee Policy Manual Policy 1.20, Tahoe Transportation District Manager and other Employees, and Policy 1.21, South Tahoe Area Transit Authority Blue Go Transit Administrator and Other Employees.

Staff Recommendation: Staff recommends that the Governing Board make the required findings and adopt the attached Resolution (Attachment A) amending the TRPA Employee Policy Manual Policy 1.20, Tahoe Transportation District Manager and other Employees, and Policy 1.21, South Tahoe Area Transit Authority Blue Go Transit Administrator and Other Employees.

Required Motion: To adopt the proposed resolution, the Board must make the following motion, based on this staff summary and the evidence in the record:

1) A motion to adopt the attached resolution, amending the TRPA Employee Policy Manual Policy 1.20, Tahoe Transportation District Manager and other Employees, (Attachment B), and Policy 1.21, South Tahoe Area Transit Authority Blue Go Transit Administrator and Other Employees, (Attachment C).

In order for the motion to pass, any 8 affirmative votes of the Board are required.

Background: The Tahoe Transportation District (TTD), and the South Tahoe Area Transit Authority, (STATA) operate under a Memorandum of Understanding with the Tahoe Regional Planning Agency. The amendments to Policy 1.20 and 1.21 are intended to clarify the authority of the TTD Board and the STATA Board over their respective employees. The amended policies provide notice that TTD and STATA employees have the opportunity for participation in the TRPA benefits and retirement programs and, with the exception of setting qualifications and compensation of their respective employees, TTD and STATA employees will be subject to the TRPA Employee Policy Manual, until such time they have their own.

Required Findings: The following findings are required to approve the Resolution amending the TRPA Employee Policy Manual (findings are underlined, followed by rationales for the findings).

Chapter 6 Findings (TRPA Code of Ordinances)

1. The amendment to Policy 1.20, Tahoe Transportation District Manager and other Employees, and Policy 1.21 Provision of South Tahoe Area Transit Authority Blue Go Transit Administrator and Other Employees, 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.

The proposed amendments to the TRPA Employee Policy Manual will not adversely affect the Regional Plan because it merely provides clarification of the roles and responsibilities of the TRPA, TTD and STATA staff under the Memoranda of Understanding currently in place.

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

The amendments relates only to the TRPA Employee Policy Manual administration.

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

See findings 1 and 2, above.

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

See findings 1 and 2, above.

If you have any questions, please contact Michele Chouinard at mchouinard@trpa.org or 775) 589-5276.

Attachments:

- A. Adopting Resolution
- B. Proposed Policy 1.20 – Tahoe Transportation District Manager and other Employees
- C. Proposed Policy 1.21 – South Tahoe Area Transit Authority BlueGo Transit Administrator and other Employees

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 2009-

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY
AMENDING THE TAHOE REGIONAL PLANNING AGENCY EMPLOYEE POLICY
MANUAL, POLICY 1.20, TAHOE TRANSPORTATION DISTRICT MANAGER AND
OTHER EMPLOYEES, AND POLICY 1.21, SOUTH TAHOE AREA TRANSIT
AUTHORITY BLUE GO ADMINISTRATOR AND OTHER EMPLOYEES

WHEREAS, the proposed amendments to the Tahoe Regional Planning Agency (TRPA) Employee Policy Manual are necessary and desirable to promote, and are reasonably related to the public health, safety and general welfare of the Tahoe Region; and

WHEREAS, the proposed amendments comply in all respects, procedural and substantive, with the Tahoe Regional Planning Compact, the Regional Plan, ordinances and rules of the TRPA, and are necessary to effectuate and implement same; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency, that the amended TRPA Employee Policy Manual, presented to this meeting is hereby approved and adopted.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on the 22^h day of July, 2009.

Ayes:

Nays:

Abstentions:

Absent:

Allen Biaggi, Chair
Tahoe Regional Planning Agency
Governing Board

Policy NO. 1.20 – TAHOE TRANSPORTATION DISTRICT MANAGER AND OTHER EMPLOYEES

The Tahoe Transportation District, subject to terms of a Memorandum of Understanding with the Tahoe Regional Planning Agency, is eligible to participate in TRPA's employee benefit and retirement program. Until such time as the District adopts its own Employee Policy Manual District employees will be subject to the TRPA Employee Policy Manual with the following exceptions.

The Tahoe Transportation District Board shall determine the qualifications of and shall appoint and fix the compensation of the District Manager and other employees of the Tahoe Transportation District. The District Manager is an employee of the Tahoe Transportation District ~~and shall be subject to the rules of the Tahoe Regional Planning Agency~~ and shall be responsible to and shall serve at the pleasure and under the direction of the Tahoe Transportation District Board. All other employees of the Tahoe Transportation District shall be responsible to the District Manager and serve under the direction of the District Manager.

~~All employees of the Tahoe Transportation District except as otherwise expressly provided by the Compact, shall be subject to the rules of the Tahoe Regional Planning Agency and serve under the direction of the District Manager.~~

**POLICY NO. 1.21 – ~~PROVISION OF~~ SOUTH TAHOE AREA TRANSIT AUTHORITY
BLUE GO TRANSIT ADMINISTRATOR AND OTHER EMPLOYEES**

~~The South Tahoe Area Transit Authority Board shall determine the qualifications of and shall appoint and fix the compensation of the BlueGO Transit Administrator of the South Tahoe Area Transit Authority. Possible other employment positions may include a clerical and/or accounting position.~~

~~The BlueGO Transit Administrator and other employees may be an exclusive or shared employee of the Tahoe Regional Planning Agency and shall be subject to the rules of the Tahoe Regional Planning Agency and shall be responsible to and shall serve at the pleasure and under the direction of the South Tahoe Area Transit Authority Board related to South Tahoe Area Transit Authority affairs.~~

~~All employees of the South Tahoe Area Transit Authority except as otherwise expressly provided by the Participation Agreement, shall be subject to the rules of the Tahoe Regional Planning Agency and serve under the direction of the BlueGO Transit Administrator.~~

The South Tahoe Area Transit Authority, subject to terms of a memorandum of Understanding with the Tahoe Regional Planning Agency (TRPA), is eligible to participate in TRPA's employee benefit and retirement program. Until such time as STATA adopts its own Employee Policy Manual STATA employees will be subject to the TRPA Employee Policy Manual with the following exceptions.

The South Tahoe Area Transit Authority Board shall determine the qualifications of and shall appoint and fix the compensation of the BlueGo Transit Administrator and other employees of STATA. The BlueGo Transit Administrator is an employee of STATA and shall be responsible to and shall serve at the pleasure and under the direction of the STATA Board. All other employees of STATA shall be responsible to the BlueGo Administrator and serve under the direction of the BlueGo Transit Administrator.



MEMORANDUM

Date: July 15, 2009
To: TMPO Governing Board
From: TMPO Staff
Subject: Approval of Nevada Department of Transportation – Transportation System Projects (TSP) for Fiscal Years 2010-2019

Requested Action: Tahoe Metropolitan Planning Organization (TMPO) Governing Board approval of the Nevada Department of Transportation (NDOT) – Transportation System Projects (TSP) Fiscal Years 2010-2019 for the Lake Tahoe area.

Staff Recommendation: Staff recommends that the TMPO Governing Board approve the NDOT – Transportation System Projects Fiscal Years 2010-2019.

TTC Recommendation: The Tahoe Transportation Commission (TTC) recommended TMPO Governing Board approval of the NDOT – TSP for Fiscal Years 2010-2019 at the July 10, 2009 TTC meeting.

Required Motion: In order to approve the Nevada Department of Transportation – Transportation System Projects Fiscal Years 2010-2019, the Board must make the following motion based on this staff summary and the evidence in the record:

- 1) A motion to approve the NDOT – TSP Fiscal Years 2010-2019.

In order for the motion to pass, an affirmative vote of any eight board members is required.

Background: In compliance with Title 23 of the Federal Aid Highway Act and the Nevada Revised Statutes (NRS 408.203), NDOT produces the TSP document. This is done in cooperation with federal and regional agencies and local governments, so funding can be made available for needed transportation improvements in Nevada. The full TSP document can be viewed/downloaded at http://www.tahoempo.org/documents/NDOT_TSP_2010_TMPO.pdf. Hard copies will be available for review at the regular meeting of the Governing Board.

The TSP contains the following sections:

- Statewide Transportation Improvement Program
- Grouped Category Programs: Transportation Enhancement Program, Safety Program
- Landscape Projects
- Annual Work Program: Short Range Element, Long Range Element

TMPO staff is working with NDOT and the Tahoe Transportation District to include the SR431 and Hwy 28 Intersection Project in the TSP. The inclusion of the project may need to be amended into the TSP, if it is unable to be included in the original TSP adoption timeline.

Regional Plan Compliance: The proposed allocation of funds complies with all requirements of the TRPA Goals and Policies and Regional Transportation Plan.

Contact Information: If there are any questions regarding this agenda item, please contact Nick Haven at 775-589-5256 or by email at nhaven@trpa.org.

Attachment:

- A. Nevada Department of Transportation System Projects (TSP) of Fiscal Years 2010-2019 (TMPO projects portion)

DRAFT

TMPO

**FY 2010
ANNUAL WORK PROGRAM**

**FY 2011 – FY 2012
SHORT RANGE ELEMENT**

**FY 2013 – FY 2019
LONG RANGE ELEMENT**

Annual Work Program / Short Range Element / Long Range Element

INTRODUCTION

This section of the Transportation System Projects document contains the ANNUAL WORK PROGRAM, SHORT RANGE ELEMENT, and LONG RANGE ELEMENT listed by County.

The ANNUAL WORK PROGRAM (AWP) includes:

Construction projects NDOT intends to start work on or participate in during the current Federal Fiscal Year 2010;

Construction projects NDOT plans to award to contractors; and

Major Maintenance work initiated by NDOT which may be completed by the end of the Federal Fiscal Year 2010.

The AWP is considered the Department's capital improvement program for the current Federal Fiscal Year 2010. All projects are subject to the availability of state and federal funds as well as staff resources. Problems in financing, engineering, right-of-way acquisitions, or revised priorities may delay the completion of any project listed.

The SHORT RANGE ELEMENT (SRE) includes:

Construction projects proposed for Federal Fiscal Year 2011 through 2012,

Construction projects NDOT plans to award to contractors, and

Major maintenance work initiated by NDOT, which may be completed by the end of the Federal Fiscal Year 2012.

The LONG RANGE ELEMENT (LRE) identifies:

Construction projects the State, the four Metropolitan Planning Organizations, and local governments would like to have initiated within Federal Fiscal Years 2013 through 2019.

PROGRAM DEVELOPMENT DIVISION

Nevada Department of Transportation
1263 South Stewart Street
Carson City, Nevada 89712
(775) 888-7118

Annual Work Program / Short Range Element / Long Range Element

DEFINITIONS OF PROJECT ID CODE (MAP LOCATION NUMBER)

PROJECT ID CODE: WA20090003-10

- WA:** These Two Letters Designate the County
- 2009:** Starting with the FY 2009 AWP these Four Numbers designate the Fiscal Year the Project was entered into the AWP
- 0003:** Starting with the FY 2009 AWP these Four Numbers are assigned to the Project to differentiate it from Other Projects within the same County and Fiscal Year.
- 10:** These Two Numbers represents the Year the Project is to be funded.
Example: 2010 = 10; 2011 = 11; 2012 =12 and 2013 = 13
- LRE:** A Project or Phase of a Project that has not been scheduled for funding is listed as a Long Range Element (LRE)*

*When the Project or Phase is scheduled for funding it moves from the LRE to the AWP or to the Short Range Element and is assigned a Project ID Code.

COUNTY IDENTIFIER ABBREVIATIONS:

CC - Carson City	EU - Eureka County	NY - Nye County
CH - Churchill County	HU - Humboldt County	PE - Pershing County
CL - Clark County	LA - Lander County	ST - Storey County
DO - Douglas County	LN - Lincoln County	WA - Washoe County
EL - Elko County	LY - Lyon County	WP - White Pine County
ES - Esmeralda County	MI - Mineral County	

PROJECT ID COLOR CODES USED ON MAPS

PROJECTS SCHEDULED FOR:

CURRENT FISCAL YEAR	RED	-10
NEXT FISCAL YEAR	GREEN	-11
ADDITIONAL FISCAL YEARS	BLUE	-12
	PURPLE	-13

TMPO

Proposed Highway Projects For FY 2010 - 2019

DRAFT

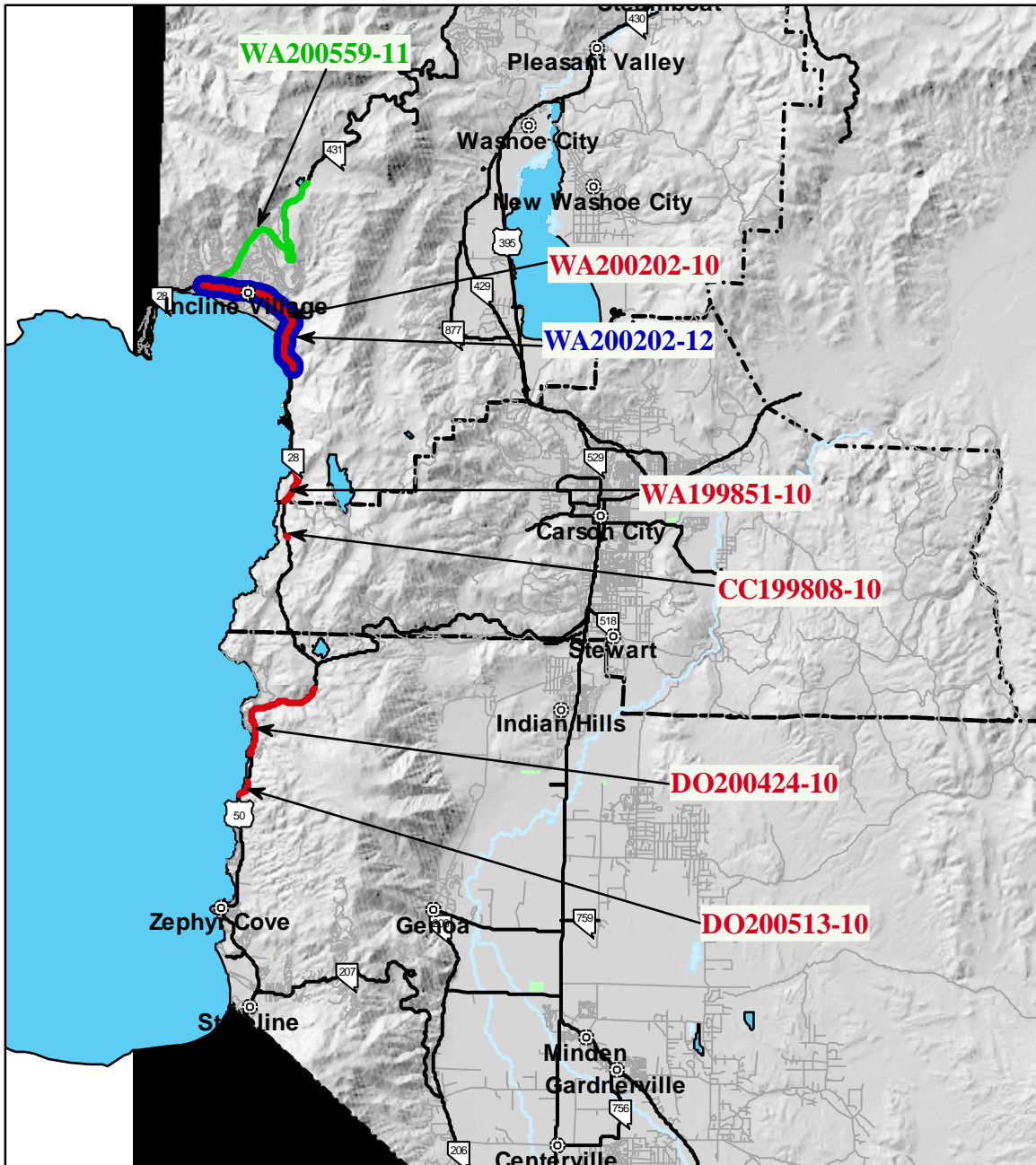
TAHOE MPO

DRAFT

Map Location	Location / Project Description (Phase) - Fund Source	Total
CC199808-10 FY 2010	SR 28 from the CC/DO County Line to the CC/WA County Line. / Erosion control and drainage improvements (PE) - State Funded	\$100,000
DO200424-10 FY 2010	US 50 from Glenbrook Entrance to near the Jct with SR 28. / Master Plan and Design erosion control features and cut slope improvements. (Const) - Tahoe Bond/AB 285	\$13,875,000
DO200513-10 FY 2010	US 50 from the north side of Cave Rock to 0.50 M N of Cave Rock. / Master Plan and Design water quality enhancement features along US 50 (Const) - Other	\$500,000
WA199851-10 FY 2010	SR 28 Tahoe Blvd from CC/WA County Line for 2.58 M N. / Erosion control and water quality improvements. (PE) - State Funded	\$650,000
WA200202-10 FY 2010	SR 28 from the Mt. Rose Hwy (SR 431) to the CA/NV State Line. / Erosion control, water quality improvements (Const) - Multi/ Forest Highways \$3 M Tahoe Bond \$4.1 M	\$7,100,000
WA200559-11 FY 2011	SR 431 Mt Rose Hwy from Tahoe Blvd (SR 28) to 6.13 M E. / Master Plan and design water quality enhancement & erosion control features (Const) - Forest Highways	\$2,650,000
WA200202-12 FY 2012	SR 28 from the Mt. Rose Hwy (SR 431) to the CA/NV State Line. / Erosion control, water quality improvements (Const) - Forest Highways	\$3,000,000
CC199808-LRE LRE	SR 28 from the CC/DO County Line to the CC/WA County Line. / Erosion control and drainage improvements (PE, RW, Const) - Unknown	\$300,000
CC200504-LRE LRE	Clear Creek watershed south (below) Hwy 50 right of way from Spooner Summit to confluence with Carson River / Design slope stability, erosion control and water quality enhancements within Clear Creek watershed (Const) - Unknown	\$3,000,000
WALRE19 LRE	SR 28 from CC/WA County Line to 2.50 M N. / New bike way. (PE, RW, Const) - Unknown	\$13,000,000

Total Proposed Expenditures: \$44,175,000

NDOT Projects: Tahoe MPO



Prepared by:
Nevada Department of Transportation
May, 2009



This map is for display purposes only. No liability is assumed for the information displayed hereon.

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TA-1M

MEMORANDUM

Date: July 15, 2009
To: TRPA Governing Board
From: TRPA Staff
Subject: Recommendation to Adopt Resolution Supporting Environmental Improvement Program Update

Requested Action: Governing Board (GB) adoption of the attached resolution (Attachment A) supporting the updated Environmental Improvement Program (Attachment B).

APC Recommendation: The APC unanimously recommend the Governing Board adopt the attached resolution.

Staff Recommendation: Staff recommends GB adoption of the attached resolution supporting the updated EIP.

Required Motion: In order to adopt the proposed resolution, the GB must make the following motion, based on this staff summary, and the evidence in the record:

- 1) A motion to approve the proposed resolution supporting the updated Environmental Improvement Program.

Background: In 1996, the Tahoe Regional Planning Agency (TRPA) evaluated the environmental thresholds to determine whether implementation of the TRPA Regional Plan was effective in attaining and maintaining the thresholds. TRPA found that the majority of threshold standards were not being achieved. Some indicators, such as lake clarity, were continuing to decline. The threshold evaluation called for an integrated implementation program to reverse the environmental decline and to increase the pace of environmental improvements and ultimately threshold attainment. This was the catalyst for the creation of the EIP, a strategy to help achieve the environmental threshold carrying capacities for the Lake Tahoe Basin.

The first draft of the EIP was prepared in conjunction with the 1997 Lake Tahoe Presidential Forum. The program was designed to accomplish, maintain or exceed multiple environmental goals. Key to the EIP strategy is reliance upon partnerships with all sectors of the community, including the private sector, local, state and federal government, for necessary funding and implementation of watershed management, air quality/transportation, recreation and other threshold-related projects. EIP projects are linked to the annual evaluations of EIP implementation at the local level, which serves to

set the amount of development allocated for subsequent years through TRPA's Regional Plan.

At the July 8, 2009 APC meeting the Commission voted unanimously to recommend GB adoption of the resolution supporting the updated EIP. A suggestion was made to consider adjusting the cost estimates to account for inflation and two members requested that the cost estimates for O & M be increased since it was felt the current estimate was too low. The need to continue expansion of transit service to recreation sites was also discussed and one member suggested creating a process for streamlining the delivery of EIP project to achieve greater efficiency in getting projects on-the-ground. The topic of public share contributions to the EIP was discussed and the need to develop a more predictable methodology for determining future private shares. A member of the public requested that a table showing the status of the thresholds be included in the document.

EIP Update

The Lake Tahoe Forum in August 2007 marked the 10-year anniversary of the Environmental Improvement Program. Since 1997, significant progress has been made by all partners, public and private, through investments totaling \$1.1 billion in threshold-related capital EIP projects. Partners invested additional funds on science projects to help inform policy choices by increasing knowledge related to environmental thresholds and for technical assistance.

For the past two years, with assistance from a grant from the Bureau of Reclamation, new cost estimates have been generated to continue the EIP. Staff anticipates the updated EIP to be highlighted at the Federal Event on August 20, 2009. The updated EIP was developed under the direction of the Tahoe Interagency Executive (TIE) Steering-Committee, which consists of executives from TRPA, US Forest Service LTBMU, California Tahoe Conservancy, Nevada Division of State Lands and local government.

These agencies have the expertise to generate cost estimates for their organizations based on resource management needs, the capacity to deliver projects and agency priorities. The estimates represent the collective efforts of these implementing agencies to make progress toward threshold attainment and maintenance and will be the basis for funding requests by those agencies. The larger Tahoe Interagency Executive Committee has also been engaged during the process and staff from numerous EIP partner agencies served on the EIP Strategic Planning Group (SPG) which prepared the initial cost estimates and program descriptions. The TIE met on July 7, 2009 and unanimously voted to accept the updated EIP program.

The elements of the EIP update are as follows:

1. Program descriptions to guide where future capital funding will be focused over the next 10 years to make substantial progress toward attainment and maintenance of the environmental threshold carrying capacities

The next phase of the EIP will focus on six areas:

- Watersheds, Habitat & Water Quality
- Forest Management
- Air Quality & Transportation

- Recreation & Science Resources
- Applied Science
- Program Support

These six areas reflect a programmatic approach for grouping initiatives under the EIP by connecting projects directly to the benefits they produce. Each of the six areas of emphasis include specific goals, actions, funding needs, measures of success, project development guidance and monitoring needs. A complete list of programs is contained in the attached document (see page 83) and represents the proposed organization of the EIP and those areas where future funding will be focused over the next 10 years.

2. New 10-year funding targets

The new 10-year funding targets (in millions) for each capital program are:

Watersheds, Habitat & Water Quality	\$913
Forest Management	\$203
Air Quality & Transportation	\$174
Recreation & Science Resources	<u>\$213</u>
Total	\$1,509

New 10-year funding targets (in millions) for the non-capital programs are:

Applied Science	\$91
Program Support	\$44

Additionally, expenditures related to operating and maintaining EIP projects are expected to exceed \$140 million over a 10-year period. A majority of the expenditures are attributable to the local jurisdictions as a result of maintaining water quality projects to ensure their effectiveness. These costs are consistent with the TMDL estimates for the expected level of effort needed to ensure water quality facilities maintain their effectiveness in removing fine sediment and nutrients.

3. Annual reporting protocol for EIP accomplishments

EIP reporting will consist of three elements:

- Annual Reporting Document – This document will provide the public, policy makers, and agencies with program and project accomplishments and expenditures. A new set of performance measures is in development That will represent a better understanding of how EIP accomplishments are linked to the attainment of the environmental Threshold Carrying Capacities.
- Annual Briefing Report – This report will synthesize scientific information that requires the interaction of EIP partners and members of the scientific community. This information will be used by project implementers and policy makers to make strategic decisions regarding programmatic

priorities and project development to maximize the effectiveness of the EIP.

- State of the Tahoe Basin Report - This report will coincide with the 5-year Threshold Evaluation Report and will take a broader look at scientific findings and program effectiveness.

4. Science Program

Significant investments in scientific activities throughout the Lake Tahoe Basin provide valuable information for policy makers and resource managers. Continuing these investments will ensure monitoring of the status and trends of the environmental threshold indicators and applied research continues, and the management, synthesis and reporting of this information occurs on a regular and consistent basis. The purpose of the science program seeks to implement a management system that will:

- Identify and prioritize research, synthesis, and other science information needs of management and regulatory agencies
- Establish processes to track and synthesize science efforts
- Convert the analysis and results into knowledge that can then be used to inform decision making

A complete description of the Lake Tahoe Basin Science Program Management System and funding needs is included in the document.

Contact Information: If you have any questions regarding this item please contact Paul Nielsen, Branch Chief, Environmental Improvement at 775-589-5249 or Julie Regan, Communications and Legislative Affairs Chief at 775-589-5237.

Attachments:

- A. Resolution in support of EIP Update
- B. Draft EIP Update

**RESOLUTION 2009-
RESOLUTION IN SUPPORT OF THE
ENVIRONMENTAL IMPROVEMENT PROGRAM UPDATE**

WHEREAS, the Lake Tahoe Basin is one of the world's extraordinary natural features and is an ecological, biological, cultural, historical, and aesthetic resource of great significance to the people of California, Nevada, and the United States, as well as to its permanent residents and to its indigenous people, the Washoe Tribe of Nevada and California;

WHEREAS, the natural and recreational attributes of Lake Tahoe are the foundation of the regional economy, and the future prosperity of the region is dependent upon the sustainable development of the Lake Tahoe Basin and on continued progress in harmonizing conservation and economic goals;

WHEREAS, the United States Congress has consented to the adoption of the Tahoe Regional Planning Compact (P.L. 96-551) between the states of California and Nevada, which created the bistate Tahoe Regional Planning Agency and charged that agency with the adoption, achievement, and maintenance of environmental threshold carrying capacities for the region, as standards to assure the preservation and restoration of significant scenic, recreational, educational, scientific, and natural values of the region, and to maintain public health and safety within the region;

WHEREAS, the Lake Tahoe Basin is threatened by the impacts of land use and road networks developed in the last generation which have caused a decline in Lake clarity from fine sediment and algae-nourishing phosphorus and nitrogen;

WHEREAS, the States of California and Nevada, the Federal Government, local jurisdictions and private entities collaboratively developed the Environmental Improvement Program in the mid 1990's to help attain of the environmental thresholds for Lake Tahoe;

WHEREAS, the EIP partner agencies and organizations have collectively contributed more than \$1.1 billion from federal, state, local, and private sources in furtherance of the EIP from 1997 to 2007;

WHEREAS, the Environmental Improvement Program expenditures from 1997 to 2007 have made a significant contribution towards the attainment of the environmental thresholds for Lake Tahoe, and have improved the environmental and economic health of the Lake Tahoe Basin;

WHEREAS, the Tahoe Regional Planning Agency and its federal, state, local, and private EIP partners have developed an Environmental Improvement Program Update (EIP Update) setting forth the capital projects and other actions toward the achievement and maintenance of the thresholds for the period 2008 to 2018;

WHEREAS, there exists among the citizens of the Lake Tahoe Basin in both California and Nevada widely shared agreement on the measures and processes needed to protect the natural assets of the Lake Tahoe Basin, including the need for the

ATTACHMENT A

implementation of the EIP Update and the need for continued and expanded participation of public-private partnerships and consensus-building groups in the planning and implementation of environmental protection measures for Lake Tahoe;

NOW, THEREFORE, BE IT RESOLVED,

THAT, the TRPA Governing Board affirms its commitment to the Tahoe Regional Planning Compact, and to the sound management and protection of the Lake Tahoe Basin's natural resources and the support of a healthy, sustainable economy;

THAT, the TRPA Governing Board expresses its commitment to the achievement and maintenance of environmental thresholds, cultural and historical values, and economic health for Lake Tahoe and to the support and implementation of the EIP Update;

THAT, the EIP Update will provide a framework for establishing funding priorities and cost-sharing among federal, state, local, and private sources, including federal funds through the Lake Tahoe Restoration Act, the Southern Nevada Public Land Management Act, and other sources; state funding through general obligation bonds and other sources, and local funding through appropriate local sources;

THAT, the Governing Board reaffirms its commitment to the development and coordination of focused scientific monitoring and assessment necessary to evaluate the effectiveness of EIP Update projects and programs, and their contribution to the achievement and maintenance of environmental threshold carrying capacities;

THAT, the Governing Board reaffirm its commitment to continuing and expanding the participation of public-private partnerships and consensus-building groups in planning and implementing environmental protection measures for Lake Tahoe, including, but not limited to, the support, maintenance, funding, implementation, and scientific evaluation of the EIP Update;

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 22, 2009, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Allen Biaggi, Chairm
Tahoe Regional Planning Agency

AGENDA ITEM NO.VIII.A.

MEMORANDUM

Date: July 15, 2009

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendments to Code of Ordinance Chapter 33 and Goals and Policies Chapter 7 Regarding the Carryover of Residential Allocations.

Requested Action: Governing Board adoption of the attached ordinance (Attachment B) amending the Goals and Policies (Land Use and Implementation Elements) and the Code of Ordinances (Chapters 33), to extend the expiration dates for allocations distributed to local jurisdictions, enabling them to be carried over until the updated Regional Plan is in place. The proposed amendments relating to the allocation and distribution methods of additional residential units are as follows:

1. Amend Goals and Policies Plan, Chapter VII (Implementation Element) to add language to allow local jurisdictions the option to retain unused allocations distributed through the annual performance review process until the adoption of the Regional Plan update.
2. Amend TRPA Code of Ordinances Chapter 33 Subsections 33.2.A and 33.2.B to add language to allow local jurisdictions the option to retain unused allocations distributed through the annual performance review process until the adoption of the Regional Plan update.
3. Amend TRPA Code of Ordinances Chapter 33 Subsection 33.2.B.(5) to add language that will allow for the continuance of the performance review system in the event that the number of allocations available for distribution is less than the minimum and base described in the Allocation Performance Table. This is to due to the uncertain number of allocations that will be available for next year's distribution to local jurisdictions.

Staff/APC Recommendation: Staff and the Advisory Planning Commission (APC) recommend adoption of the above-described, amendments and proposed implementing ordinance (Attachment B) to the TRPA Governing Board. The APC unanimously voted to recommend these amendments to the Governing Board. No public comment was made in opposition to the proposed amendments.

Required Motion: In order to adopt the proposed ordinance, the Governing Board must make the following motions, based on this staff summary and the evidence in the record:

- 1) A motion to approve the required findings (see Attachment A), including a finding of no significant effect, and
- 2) A motion to adopt the proposed Ordinance (see Attachment B).

In order for the motions to pass, an affirmative 4-4 vote (4NV, 4CA) of the Governing Board is required.

Background: Adoption of the Regional Plan Update has not been as timely as originally anticipated. Due to the large number of government agencies, non-government organizations, and stakeholder groups, who have a significant amount of interest in the direction of the Regional Plan & Update, additional outreach has been conducted. The result of this additional time needed for plan development delayed plan adoption from the original intended 2007 timeline.

In order to avoid disruption to local communities and provide a seamless transition from the 1987 Regional Plan to the updated Regional Plan, action was needed to extend the expiration dates in the TRPA Code of Ordinances and Goals and Policies of unused development allocations. In 2006 action was taken to establish an interim allocation system until the adoption of the Regional Plan. The extension of unused development allocations allowed no more development potential than that which was considered, analyzed and allocated under the 1987 Regional Plan. In addition, it provided continual environmental protection by retaining all of the attributes of the existing residential performance review system.

At the time the interim allocation system was initiated, it was intended that the Regional Plan update would be adopted within a one to two year window, which would not require further amendments to the allocation system. Due to delays, the adoption of the Regional Plan update has gone beyond the two year window. As a result, there is a need to extend the interim program and take measures to ensure that the limited number of remaining unused allocations are available until the Regional Plan is adopted.

The pool of annual residential allocations for the year 2010 is uncertain and likely to be fewer than the 78 minimum stated in this Allocation Performance table shown in Chapter 33 of the Code of Ordinance. It was the recommendation of the Performance Review Committee (PRC) to compensate local jurisdictions for the reduced number of annual allocations by maintaining the current performance review system, but allowing the jurisdictions to carry un-used allocations forward into the next year.

The following amendments are the necessary Goals and Policies, and Code of Ordinance changes necessary to move forward with this recommendation for the 2010 residential allocation distribution.

Regional Plan Compliance: The proposed action complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 6 of the TRPA Code of Ordinances.

If there are any questions regarding this agenda item, please contact Neil Crescenti at (775) 589-5216 or by e-mail at ncrescenti@trpa.org

Attachment A - Required Findings/Rationale

Attachment B - Proposed Adopting Ordinance (with Exhibits)

ATTACHMENT A

Required Findings/Rationale

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

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: At the time the interim allocation system was initiated, it was intended that the Regional Plan update would be adopted within a one to two year window, which would not require further amendments to the allocation system. Due to continued setbacks, the adoption of the Regional Plan update has gone beyond the two year window. The pool of annual residential allocations for the year 2010 is uncertain and likely to be fewer than the 78 minimum stated in Allocation Performance table shown in Chapter 33 of the Code of Ordinance. It was the recommendation of the Performance Review Committee (PRC) to compensate local jurisdictions for the reduced number of annual allocations by maintaining the current performance review system, but allowing the jurisdictions to carry un-used allocations forward into the next year.

The proposed amendments are consistent with the orderly growth contemplated by and analyzed as part of the Regional Plan. The environmental documents for the 1987 Regional Plan and the 1988 208 Plan (as modified by subsequent documents) assumed growth consistent with the allocations being proposed for continuation.

2. Finding: That the project will not cause the Environmental Thresholds to be exceeded.

Rationale: The proposed Goals and Policies, Code of Ordinances and Community Plan amendments provide consistency among Regional Plan Documents. The allocations contemplated for release with these amendments are consistent with the total build-out numbers analyzed in the 1987 Regional Plan. The amendments, alone, do not provide approval for projects.

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: See Findings 1 and 2 above. Any projects resulting from this amendment will continue to be subject to federal, state, and local air and water quality standards.

ATTACHMENT A

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

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

Rationale: See findings 1 and 2, above.

Ordinance 87-8 Findings:

1. Finding: The amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: See Chapter 6 findings.

2. Finding: One or more of the following.

- a) There is a demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of the thresholds;
- b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
- c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
- d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reasons:
 - The cost of implementation outweighs the environmental gain to be achieved.
 - Implementation will result in unacceptable impacts on public health and safety; or
 - Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

ATTACHMENT A

- e) That the provision to be amended has shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional plan Package and complying with the Compact.

Rationale: Finding d) applies in these circumstances. Amendments extending unused allocations are consistent with the total Basin build-out numbers analyzed in the 1987 Regional Plan EIS. It is impracticable not to allow an orderly allocation system to continue during the interim allocation period because the Regional Plan, including its allocation distribution system, by its nature affects the planning activities of numerous governmental jurisdictions and utility service districts. In order to avoid unreasonable disruption to the orderly activities of local communities and provide a seamless transition from the 1987 Regional Plan to the updated plan, continuation of the interim allocation program is needed. The social disruption costs of failing to implement an interim allocation system outweigh the environmental gains that would be foregone if no EIP project incentives or mitigated development projects can proceed during the interim period while the Regional Plan update is completed.

Environmental Documentation: The proposed amendments are within the environmental documentation conducted by staff, with assistance from Jones and Stokes as part of the interim allocation program adopted in 2006. An Environmental Assessment and Initial Environmental Checklist to assess the potential environmental effects of the proposed Interim Allocations system were completed as part of the program. No significant environmental impacts were identified. Staff recommended and the Governing Board certified, that a Finding of No Significant Effect (FONSE) be made based on the evidence in the record, including:

1. The chapters 6, 13 and Ordinance 87-8 Findings;
2. The Interim Allocations Environmental Assessment;
3. That fact that the amendments would not approve development greater than contemplated by the Regional Plan.

**DRAFT
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2009-__**

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE GOALS AND POLICIES AND CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY TO AMEND CHAPTER 7 GOAL 2 POLICY 11, CHAPTER 33, SECTION 33.2.A.3(b), SECTION 33.2.A.(4), SECTION 33.2.B.(4).e, AND SECTION 33.2.B.(5) REGARDING THE RETURN OF UNUSED ANNUAL RESIDENTIAL ALLOCATIONS FROM LOCAL JURISDICTIONS TO TRPA AND OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00

Findings

- 1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which Ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals and Policies section 7.2.11 and Code of Ordinance 33.2.A.3(b), 33.2.A.4, 33.2.B.(4).e, 33.2.B.(5) in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendment and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendment. At those hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that, prior to the adoption of this Ordinance, the Board made the findings required by Chapter 6 of the Code, and Article V(g) of the Compact.
- 1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental Threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

ATTACHMENT B

Section 2.00 Amendment of Goals and Policies Chapter 7 and Code of Ordinance Chapter 33, subparagraph 33.2.A and subparagraph 33.2.B.

Ordinance No. 87-9, as amended, is hereby further amended as set forth in Attachment B Exhibit 1, dated July 22, 2009, which attachments are attached hereto and incorporated herein.

Section 3.00 Interpretation and Severability

The provisions of this Ordinance and the amendment of the Goals and Policies Chapter 7, Code of Ordinance Subsection 33.2.A, subsection 33.2.B, adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance and the amendment to the Goals and Policies Chapter 7, Code of Ordinance subsection 33.2.A, and subsection 33.2.B shall not be affected thereby. For this purpose, the provisions of this Ordinance and its amendments are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this Ordinance amending Goals and Policies Chapter 7, Code of Ordinance Subsection 33.2.A, subsection 33.2.B shall be effective immediately.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 22, 2008 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Allen Biaggi, Chair
Tahoe Regional Planning Agency

ATTACHMENT B, EXHIBIT 1

Chapter VII Implementation Element Goal #2 Policy 11

FROM JANUARY 1, 2007, THE MAXIMUM ADDITIONAL RESIDENTIAL UNITS THAT MAY BE AUTHORIZED IS EQUAL TO THE NUMBER OF UNITS IN THE ALLOCATION POOL CARRIED OVER FROM 2006 PLUS THE 236 UNUSED PRIOR TO 1996 ALLOCATIONS THAT SHALL BE ADDED TO THE POOL. THIS LIMITATION SHALL NOT APPLY TO AFFORDABLE HOUSING UNITS DESCRIBED IN THE HOUSING SUBELEMENT. ALL UNUSED DISTRIBUTED ALLOCATIONS AS OF JANUARY 1 OF EACH YEAR SHALL BE REASSIGNED TO THE ALLOCATION POOL ADMINISTERED BY TRPA. **BEGINNING JANUARY 1, 2009 AND UNTIL ADOPTION OF THE REGIONAL PLAN UPDATE, LOCAL JURISDICTIONS MAY ELECT TO RETAIN THOSE ALLOCATIONS EARNED THROUGH THE ANNUAL PERFORMANCE REVIEW PROCESS AND UNUSED BY DECEMBER 31ST.** THE ALLOCATION POOL SHALL BE USED TO ALLOW PROPERTY OWNERS WHO RETIRE SENSITIVE PARCELS TO RECEIVE AN ALLOCATION, APPLICANTS FOR MODERATE HOUSING UNITS UNDER THE MODERATE HOUSING PROGRAM TO RECEIVE ALLOCATIONS, AND FOR LOCAL JURISDICTIONS TO EARN ALLOCATIONS FOR ANNUAL DISTRIBUTION. ALLOCATIONS ASSIGNED YEARLY TO EACH JURISDICTION SHALL BE LINKED TO THE LOCAL JURISDICTION'S PERFORMANCE ON PERMIT COMPLIANCE, IMPLEMENTATION OF WATER QUALITY AND AIR QUALITY IMPROVEMENTS AND MONITORING AND INCREASED TRANSIT OPERATIONS. THE ALLOCATION AND DISTRIBUTION OF ALLOCATIONS EACH YEAR FOR LOCAL JURISDICTIONS SHALL NOT EXCEED THE FOLLOWING:

MAXIMUM YEARLY ALLOCATIONS

MAXIMUM YEARLY ALLOCATIONS		
YEAR	2002	2003-06
EL Dorado County	92	111
CITY OF SLT	38	47
PLACER COUNTY	88	66
WASHOE COUNTY	59	49
DOUGLAS COUNTY	22	21
TOTAL	299	294

Chapter 33 Allocation of Development 33.2.A.(3).(b)

(b) Unused allocations from 1987-1996 shall be assigned to the allocation pool. The 236 unused allocations from 1997 to 2002 shall also be assigned to the allocation pool on January 1, 2007. Beginning January 1, 2002, those allocations earned by local jurisdictions through the Performance Review System and unused by December 31 are returned to the Allocation Pool. **Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31ST.**

Chapter 33 Allocation of Development 33.2.A.(4)

ATTACHMENT B

- (4) Allocation Pool: At the beginning of each year, unused allocations from the previous year shall be assigned to an allocation pool administered by TRPA. [Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31st.](#)

Chapter 33 Allocation of Development 33.2.B.(4).e

- (e) All unused allocations previously distributed to each jurisdiction as of January 1 of each year shall be assigned to the allocation pool. Potential allocations not earned pursuant to (5) below do not exist and shall not be placed in the allocation pool. [§] [Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31st](#)

Chapter 33 Allocation of Development 33.2.B(5)

- (5) Performance Review System[§]: Starting January 1, 2003, each jurisdiction shall receive a base allocation according to the Allocation Performance Table below. The base allocation may be enhanced or reduced incrementally according to subparagraphs (a) through (g) below. After the submittals for the 2003 allocations, annual submittals will be due October 1, 2003, and every year thereafter, the Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA. The review committee shall consist of representatives of the participating counties, City and TRPA and shall review the performance criteria contained in subparagraphs (a) through (g) below. TRPA may establish guidelines to establish consistent evaluations and/or audits for (a) through (g) to assist the Performance Review Committee's review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in the Allocation Performance Table below. [When the total number of allocations available for distribution are fewer than the number shown in the Allocation Performance Table below, TRPA shall apply the Performance System proportionality to the remaining allocations.](#)

ALLOCATION PERFORMANCE TABLE					
Jurisdiction	Minimum Allocation with Deductions	Deduction Increments	Base Allocation	Enhancement Increments	Maximum Allocation with Enhancements
Douglas	9	-1	13	1	21
Washoe	13	-3	25	3	49
El Dorado	27	-7	55	7	111
CSLT	11	-3	23	3	47
Placer	18	-4	34	4	66
Total	78		150		294

Note: One deduction or enhancement increment equals the number of allocations shown for individual jurisdictions.



MEMORANDUM

Date: July 15, 2009
To: TRPA Governing Board (GB)
From: TRPA Staff
Subject: Amendment of the Boundary Line of Kings Beach Commercial Community Plan (KBCP) and Plan Area Statement 028, Kings Beach Residential to Incorporate Placer County APNs 090-122-036 and 037 into the Community Plan Area; Amend Urban Design and Development Policies of the Land Use Element; and Provide for Other Matters Properly Related Thereto;

Requested Action: Adoption of the attached ordinance (Attachment B) amending the following KBCP provisions:

- 1) Amend the Kings Beach Community Plan Boundary to add Placer County APNs 090-122-036 and 090-122-037 to Special Area #1 for future development of affordable housing (see Attachment B, Exhibit 2), and
- 2) Amend Kings Beach Community Plan Land Use Element, to delete Urban Design and Development Policy 1.b which limits the incentives for commercial uses on APNs 090-222-028 & 029 (now consolidated as a part of APN 090-222-050) (see Attachment B, Exhibit 1 for language and Attachment C for a location map), and
- 3) Amend the Kings Beach Community Plan to add two new Urban Design and Development Policies. Policy 6.b provides for a landscaping buffer to be created along the boundaries of APN 090-222-050 and Policy 9.b which requires that APNs 090-122-36 & 37 are permanently deed restricted for affordable housing (see Attachment B, Exhibit 1 for language and Attachment C for location map),

Staff Recommendation: Staff recommends that the Governing Board make a finding of no significant environmental effect and approve the proposed Kings Beach Community Plan amendments (see Attachment B).

APC Recommendation: The APC recommends that the Governing Board make the required findings and approve the proposed Kings Beach Community Plan amendments. The APC voted unanimously to recommend approval.

The APC discussed the need to be supportive of affordable housing and was very supportive of the amendments to help facilitate the future Domus projects moving forward.

BH

AGENDA ITEM VIII.C.

Required Motions: In order to adopt the proposed ordinance, the Board must make the following motions, based on this staff summary and the evidence in the record:

- 1) A motion to approve the required findings (see Attachment A), including a finding of no significant effect; and
- 2) A motion to adopt the proposed Ordinance 2009-___ and the associated Exhibits 1 & 2 (see Attachment B).

In order for the motions to pass, an affirmative 4 - 4 vote (4 NV, 4 CA) of the Board is required.

Placer County Action: The KBCP is a joint TRPA and Placer County planning document. Placer County Redevelopment is the owner of one of the subject parcels, APN 090-122-050. As such, Placer County is supportive of these amendments. However; Placer County has informed TRPA that they are not proposing to amend their Community Plan at this time as it is not required to facilitate their permitting of the proposed Domus Affordable Housing Projects. (Please note, this application is to amend the KBCP only, and that the Domus affordable housing projects are currently being reviewed and will be the subject of a separate action by both TRPA and Placer County.) TRPA recommends that at some time in the future Placer County amend the KBCP to ensure a consistent joint document is maintained and a consistent planning review processes can continue.

Background/ Project Description: The applicant, Domus Development, has submitted an application to amend the KBCP boundary line to add Placer County APNs 090-122-036 and 090-122-037 to Special Area #1 of the KBCP from Plan Area Statement 028, (see Attachment C) to facilitate the construction of a future affordable housing project. Secondly, they propose to amend the KBCP Urban Design and Development Policy 1.b to facilitate the development of mixed use commercial projects in the KBCP. Thirdly, staff is recommending that two additional Urban Design and Development Policies be added to the KBCP to ensure the facilitation of affordable housing; to facilitate the implementation of the goals and objectives of the KBCP, and other existing policies within the Regional Plan; and, to ensure the findings can be made to amend the KBCP boundaries.

Although Domus Development is the applicant, SKI Brown, the proponent for the BB, LLC Community Enhancement Program project, owns APNs 090-122-36 & 37. Placer County Redevelopment has an option on these parcels project and they are the owners of APN 090-222-050. Both of these owners have provided permissions for this amendment application.

Boundary Line Amendment:

The proposed boundary line amendment is consistent with Chapter 14 and the findings required to adjust the boundaries (See Required Findings – Attachment A), and will allow the applicant's parcels to take advantage of the Plan's land coverage incentive pursuant to TRPA Code Section 20.3.B. The subject parcels are currently located in Plan Area 028 – Kings Beach Residential; where multi-family residential facilities are

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permissible uses, but where allowable land coverage limits are subject to the Bailey Land Capability system. The subject parcels have been verified as land capability Class 5 with 25 percent allowable base land coverage. If the proposed boundary amendment were approved, any proposed affordable housing project on the subject parcels could take advantage of the 50 percent land coverage incentive pursuant to TRPA Code Section 14.3.A and Section 20.3.B. The additional land coverage above the base allowable land coverage (under the Bailey system) must be transferred onto the subject parcels pursuant to TRPA Code Section 20.3.C at a ratio of 1:1. The 1:1 transfer ratio will result in the land coverage being transferred from the sending parcel located within the same hydrologic area. Consequently, there will not be a net increase in allowable land coverage within the hydrologic area as a result of the inclusion of the subject parcels into the Kings Beach Community Plan boundary.

Urban Design and Development Policy Addition (9.b):

The applicant has proposed an affordable housing project on the above subject parcels. To ensure that the subject parcels are used for affordable housing, a new Urban Design and Development Policy 9.b is being proposed by staff that will require the properties to be deed restricted for affordable housing purposes.

Amendment to Urban Design and Development Policy 1.b:

The proposed amendment to Urban Design and Development Policy 1.b of the Kings Beach Community Plan Land Use Element, Objectives and Special Policies, will delete the last sentence which states (emphasis added): “*Community Plan coverage incentives pursuant to Subsection 20.3.b (2) shall not apply to Placer County APNs 090-222-028 and -029.*” Placer County APNs 090-222-028 and -029 are located in Special Area #2 (See Attachment B, Exhibit 2a). Please note that the two subject APNs have since been consolidated with APNs 090-222-015, 016, 017, 028 & 029 to form a new parcel 090-222-050. With the proposed modification of Urban Design and Development Policy 1.b noted above, the new parcel 090-222-050 will be eligible for 50% allowable land coverage incentive pursuant to TRPA Code Section 20.3.B. This change is proposed to make a mixed use commercial project feasible at this location and is consistent with the goals and objectives of the KBCP.

Urban Design and Development Policy Addition (6.b):

TRPA staff recommends adding the following policy language to the KBCP.

- 6.b, A landscaping and open space buffer shall be provided along the boundaries of APN 090-222-050 (formerly in part APNs 090-222-028 & 029) and the adjacent residential Plan Area Statements 028 Kings Beach Residential and 031 Brockway. The landscaping and open space buffer shall provide a visual and physical buffer between the proposed development and the existing adjacent single family residences. The buffer shall minimize noise and light shedding onto adjacent single family residential properties. No buildings or structures other than fences shall be located within the buffer area. The size, landscaping content, and character of the buffer area shall be determined during review of any proposed project located on the parcel.*

This policy addition recognizes the intent of an existing policy within PAS 028, Special
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Policy #7 that relates to the former APN 090-222-029. This addition could be viewed as a clean-up amendment. As previously noted, APNs 090-222-028 & 029 have been consolidated into parcel, APN 090-222-050. Staff recommends the new policy apply to the entire parcel APN 090-222-050. As stated below, Attachment D provides a more detailed discussion on this topic.

Issues/Concerns:

1. *Increase in Land Coverage:*
 - The proposed amendments will allow the subject parcels (Placer County APNs 090-122-036, 090-122-037, 090-222-028 and 090-222-029) to take advantage of the 50 percent land coverage incentive pursuant to TRPA Code Section 20.3.B.
 - Utilization of the 50 percent land coverage incentive will require transfer of land coverage to Placer County APNs 090-122-036, 090-122-037, 090-222-028 and 090-222-029.
 - The land coverage transfers will not result in increased land coverage in the watershed due to the required conformance with TRPA Code Section 20.3.C, which requires a 1:1 transfer ratio.
2. *Rational for Landscaping and Open Space Buffer Policy:*
 - The proposed amendments would transfer and modify Special Policy #7 currently within Plan Area Statement (PAS) 028 - Kings Beach Residential. This policy is applicable to APN 090-222-029.
3. *The League to Save Lake Tahoe commented on this item during the APC meeting. Attachment D provides a response to the concerns that were raised specifically during the public comment period for this item.*

Please see Attachment D for a more detailed discussion of the issues and concerns relating to the proposed amendments to the KBCP.

Regional Plan Compliance: The proposed action complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapter 6, Chapter 13, and Chapter 14 of the TRPA Code of Ordinances.

Contact Information: If you have any questions, please contact Brenda Hunt, Associate Planner II at bhunt@trpa.org or 775.589.5225.

Attachments:

- A. Required Findings/Rationale
- B. Draft Ordinance and associated Exhibit
Exhibit 1 – Proposed Amendments to Chapter II, Land Use, of the Kings Beach Community Plan
Exhibit 2 – Kings Beach Commercial Community Plan Proposed Boundary Line Amendment
- C. Location Map Kings Beach Commercial Community Plan
- D. Issues/Concerns Discussion

Required Findings/Rationale

(Kings Beach Community Plan Boundary Line Amendment
and Modification to Urban Design and Development Policy 1.b)

Findings: Prior to amending the Kings Beach Commercial Community Plan (KBCP) boundary line and modifying the provisions of Urban Design and Development Policy 1.b, TRPA is required to make Chapter 6, Chapter 13 and Chapter 14 Findings that determine if the amendments to the KBCP are necessary.

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 community plan boundary line amendment will be consistent with, and will not adversely affect implementation of the Regional Plan because the proposals will help facilitate the construction of affordable housing and mixed use commercial projects within the KBCP pursuant to incentives provided within the TRPA Code of Ordinances to concentrate these uses within Community Plans, and the objectives and policies outlined in the KBCP, specifically Objective 9 (see Attachment B, Exhibit 1). The KBCP boundary line is proposed to be amended to incorporate two parcels (Placer County APNs 090-122-036 and 090-122-037) to Special Area #1 to facilitate affordable housing at these sites. The boundary line amendment will provide an incentive for increased land coverage up to the Community Plan maximum of 50 percent on APNs 090-122-036 & 037 if a deed restricted affordable housing project is constructed. Urban and Design Policy 9.b shall be added to require the subject parcels to be deed restricted for affordable housing purposes. Additionally, the proposal includes a modification to the Urban Design and Development Policy 1.b which currently restricts land coverage for commercial facilities on Placer County APNs 090-222-028 and 090-222-029 (now consolidated into APN 090-222-50) to the limits allowed by the Bailey Land Capability System. The portion of Urban Design and Development Policy 1.b that restricts land coverage on Placer County APNs 090-222-28 & 29 will be deleted. This policy is not necessary as any land coverage above the base allowable must be transferred in accordance with TRPA Code Subsection 20.3.C (See Finding 2 below). Any project proposed to utilize the land coverage incentives will still be subject to the applicable TRPA Goals and Policies, Code of Ordinances and the Kings Beach Community Plan.

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

Rationale: The proposed boundary line amendment and modification to Urban Design and Development Policy 1.b will not cause the environmental thresholds to be exceeded. All land coverage above the base allowable for the subject parcels must be transferred in accordance with Subsection

20.3.C of the TRPA Code and will not result in increased land coverage in the hydrologic area. Any subsequent project that is approved for the subject parcels must also make the finding that no threshold will be exceeded.

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

Rationale: Any new development will continue to be subject to the Regional Plan Package, including maintenance of 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: See Chapter 6 Findings 1 and 2 above. Projects that may be processed and approved pursuant to this amendment will be subject to the Code, Goals and Policies, and the KBCP and its guidelines for achieving and maintaining environmental thresholds.

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

Rationale: See Chapter 6 Findings 1 & 2. above.

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.

Rationale: The proposed amendments are substantially consistent with the plan area designations established in Subsections 13.5.B and 13.5.C. The plan area is an adopted community plan designated as an area for concentration of commercial/public service development with Special Designations as a TDR Receiving area for multi-family units and for the multi-residential incentive program. These designations promote the desire to obtain affordable multi-family housing within the KBCP. The amendments proposed are largely being considered to facilitate the construction of affordable housing and mixed use commercial projects within the KBCP. The Management Strategy, Redirection, will not change with the proposed amendments. The proposed amendments are consistent with the planning direction for the plan area.

The subject parcels associated with the boundary line adjustment are directly adjacent to the existing community plan boundary and, if developed with deed restricted affordable housing as proposed by Urban Design and Development Policy 9.b, they will be compatible with the

surrounding residential, commercial and tourist uses. Existing public services are available in the surrounding area to support housing on the subject parcels.

Chapter 14 Findings

1. Finding: Use Considerations: The area within the KBCP boundaries is an area where commercial, tourist, and related uses are concentrated or where commercial, tourist, or affordable residential uses should be concentrated; is served or easily served by transit systems; which has adequate highway access; which has or can have housing in the vicinity available for employees working in the area; and which otherwise qualifies as an area suitable for continued or increased levels of commercial activity. In areas where existing and proposed development patterns are found to support affordable housing, the community plan shall limit the applicable community plan incentives to uses classified as deed restricted affordable housing or employee housing with the employment base nexus identified within close proximity to the proposed employee housing.

Rationale: The proposed amendment to modify the KBCP boundary to add Placer County APNs 090-122-036 and 090-122-037 to Special Area #1 is consistent with the intent of the Kings Beach Community Plan and will provide an additional incentive (up to 50 percent land coverage) for the applicant to develop affordable housing for local residents and employees. The addition of Urban Design and Development Policy 9.b will ensure the two parcels are developed with deed restricted affordable housing. As noted in the Chapter 13 findings above, the subject parcels are served by nearby transit systems and have adequate neighborhood services. The surrounding use patterns support affordable housing in the community plan as there is sufficient commercial and public services available.

The proposed amendment to Urban Design and Development Policy 1.b and addition of Policy 9.b is consistent with the Use Considerations outlined above. The modification to Policy 1.b may assist in the provision of mixed use opportunities on Placer County APNs 090-222-028 and 090-222-029 (now consolidated into APN 090-222-50).

2. Finding: Traffic Considerations: The nature and intensity of uses proposed for the area within the boundaries is demonstrably consistent with the achievement of VMT reduction policies and level of service goals for street and highway traffic established for the plan area.

Rationale: No new uses are proposed as a part of these amendments to the KBCP. The proposed Community Plan amendments are consistent with the nature and intensity of uses that is projected for Special Area #1 and Special Area #2, which is a mix of commercial, tourist and residential uses.

3. Finding: Concentration: The area within the boundaries will encourage concentration of commercial development, discourage the maintenance or exacerbation of strip commercial development and shall not allow isolated areas of commercial or tourist accommodations unrelated to the central commercial area.

Rationale: The addition of the two parcels to Special Area #1, modification of Urban Design and Development Policy 1.b, and addition of Policy 9.b to the KBCP is consistent with the concentration of commercial development and will not exacerbate strip development along Highway 28. The boundary line amendment is located on Trout St. and does not create additional commercial opportunities along the Highway 28 corridor. The modification and addition of the above referenced policies would encourage the concentration of uses and enhance the ability to achieve the policies outlined within the KBCP. The amendment would create housing opportunities within close proximity to commercial and employment centers.

4. Finding: Size: The area within the boundaries is a size consistent with the needs for additional commercial development established by the needs assessment which evaluated the entire area of the community plan, taking into account the needs and opportunities of the Region taken altogether.

Rationale: Placer County APNs 090-122-036 and 090-122-037 are proposed to be added to Special Area #1 of the KBCP. These parcels were not assessed as part of the commercial floor area needs assessment for the Community Plan. However, the subject parcels will be deed restricted for affordable housing use (proposed by Urban Design and Development Policy 9.b), thereby eliminating the possibility of commercial development on the properties.

Placer County APNs 090-222-28 & 29 (now consolidated into APN 090-222-50) are not changing in size. The deletion of the Urban Design and Development Policy 1.b will not affect the boundaries of the adopted KBCP.

Environmental Documentation: The applicant has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the checklist and Chapter 6, Chapter 13 and Chapter 14 Findings documented above.

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2009 – __

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING POLICIES IN CHAPTER II OF THE KINGS BEACH COMMUNITY PLAN; AMENDING THE BOUNDARY LINE BETWEEN SPECIAL AREA #1 OF THE KINGS BEACH COMMUNITY PLAN AND PLAN AREA STATEMENT 028 TO ADD PLACER COUNTY APNs 090-122-036 AND 090-122-037 INTO SPECIAL AREA #1, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00

Findings

- 1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending policies within Chapter II, Land Use Element of the Kings Beach Community Plan and by amending the boundary line between Special Area #1 of the Kings Beach Community Plan and Plan Area Statement 028 to add Placer County APNs 090-122-036 and 090-122-037 into Special Area #1, to further implement the Regional Plan pursuant to the Land Use Subelement of the Regional Plan Goals and Policies, Chapter 14 of the TRPA Code of Ordinances and Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.
- 1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6, Chapter 13, and Chapter 14 of the Code and Article V(g) of the Compact,
- 1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

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AGENDA ITEM VIII.C

Section 2.00 Amendment of Chapter II, Land Use, of the Kings Beach Community Plan

Subsection 6.10, subparagraph (30) of TRPA Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated 7/15/2009, which attachment is appended hereto and incorporated herein.

Section 3.00 Amendment of Plan Overlays

Subsection 6.20, subparagraph (1) of TRPA Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 2, dated 7/15/2009, which attachment is appended hereto and incorporated herein.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Regional Plan Package adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Kings Beach Community Plan are hereby declared respectively severable.

Section 5.00 Effective Date

The provisions of this ordinance amending policies within Chapter II, Land Use, of the Kings Beach Community Plan and amending the boundary line shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 22, 2009, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Allen Biaggi, Chairman
Tahoe Regional Planning Agency

OBJECTIVES AND SPECIAL POLICIES:

Urban Design and Development

1. The overall theme for Kings Beach is "Major Tourist Accommodation, Retail, and Services." The themes for the sub-areas of the Community Plan are implemented through the Special Areas. Commercial activities with direct frontage on State Route 28 should be oriented toward tourist needs, e.g. accommodation, dining, and retail sales. The Plan encourages a mix of tourist, commercial, and residential uses, but encourages service oriented commercial to be located off State Route 28. The State Park area should be looked upon as the town center or town plaza with a concentration of tourist-related uses around it.
 - a. *Policy: In Special Area 1 (Downtown Area Commercial), tourist-oriented commercial uses are the predominant theme. This area represents the "heart" of the downtown Kings Beach Community, and generally fronts on State Route 28. This area has historically had a wide range of commercial activity not always compatible among themselves and not always appropriate for a tourist-oriented economy. The policy of this Plan is to keep the types of activities more homogeneous and oriented to the visiting public.*
 - b. *Policy: In Special Area 2 (East and West Entry Commercial Areas), more emphasis is placed on commercial services oriented more to the local population, such as auto repair, building materials and hardware, laundries and dry cleaning, and storage yards, to name a few. These areas are generally at the entrance points at either end of the commercial districts. ~~Community Plan coverage incentives pursuant to Subsection 20.3.B(2) shall not apply to Placer County APNs 090-222-028 and 029.~~^{§§}*
 - c. *Policy: In Special Area 3 (Recreation Area), permissible uses are oriented toward outdoor recreation activities. This area is generally defined geographically on the State Beach area, and is bounded generally between State Route 28 and the lake, in the middle of the downtown area. Limited commercial activity is permitted to reflect the historical relation between lake-front recreation and tourist-related commercial activities.*
4. Encourage the upgrading or replacement of commercial advertising signs that detract from the aesthetic appearance of the community.
 - a. *Policy: Outdoor advertising shall be subject to the standards and guidelines established in the Placer County Standards and Guidelines for Signage, Parking and Design (Appendix B).*
 - b. *Policy: Nonconforming signs shall be subject to an amortization plan and incentive program to provide for the eventual elimination or replacement of such signs.*
5. Complete the undergrounding of overhead utilities for Kings Beach. Undergrounding of utilities on State Route 267 should be given priority, with the back-street areas to follow.

^{§§} Amended 7/22/2009

- a. *Policy:* Pursuant to the general recommendations for scenic improvements in Chapter IV, all projects within the scenic corridor shall be responsible for removing, relocating or screening overhead utilities as a condition of project approval. TRPA may waive this requirement if the project is part of an undergrounding program or the undergrounding has been determined by TRPA not to be necessary to meet the scenic targets of this Plan.
6. Integrate more landscaping into both private development and public projects.
 - a. *Policy:* Projects with existing coverage in excess of 75% of their project area, shall be required to provide an increase in landscaping equal to 5% of the project area. The landscaping requirement shall be met within the project area or, if not feasible, off-site in a related area. This condition may be waived by the Design Review Committee, if the project is part of an assessment district which is providing the required increase in landscaping or the landscaping requirement has been met by a previous approval
 - b. A landscaping and open space buffer shall be provided along the boundaries of APN 090-222-050 (formerly in part APNs 090-222-028 & 029) and the adjacent residential Plan Area Statements 028 Kings Beach Residential and 031 Brockway. The landscaping and open space buffer shall provide a visual and physical buffer between the proposed development and the existing adjacent single family residences. The buffer shall minimize noise and light shedding onto adjacent single family residential properties. No buildings or structures other than fences shall be located within the buffer area. The size, landscaping content, and character of the buffer area shall be determined during review of any proposed project located on the parcel.**
 7. Implement the recommendations described in the Conservation Element, Scenic Target, for improving overall scenic quality.
 - a. *Policy:* The Design Review Committee shall consider the recommendations of the Scenic Target section of Chapter IV when reviewing projects and, where appropriate, incorporate conditions of approval to implement the recommendations of the Scenic Target section or the equal or superior recommendations of the applicant.
 8. Preserve and enhance scenic views to Lake Tahoe and to other prominent areas of special interest.
 - a. *Policy:* Projects located between the designated scenic corridors and Lake Tahoe shall not cause a reduction of the views of Lake Tahoe from the corridors. TRPA may consider as an alternative, offsite improvements if it is determined there is a net increase in the lake views within the scenic unit.
 9. The development of better quality affordable housing is a primary goal of this Plan for the neighborhoods in and surrounding the Community Plan.
 - a. *Policy:* An employee housing mitigation program shall be required of projects creating jobs for 20 or more employees.

b. Policy: Placer County APNs 090-122-036, and 090-122-037 shall be deed restricted for affordable housing to facilitate implementation of affordable housing in the Kings Beach Community Plan. Community Plan development incentives may only apply to this parcel if and when a deed restricted affordable housing project is developed.

Commercial Development::

1. The Plan acknowledges the community's tourist orientation and the critical role of recreation in the Kings Beach economy. Tourism is the foundation of the economic base and its inter-relationship with recreation should continue to be fostered.
2. Encourage development and/or activities that will enhance the "year round" economy.
3. Special event area for arts and crafts shows, seasonal sales, and other similar events shall be established. Arts and cultural events are encouraged as part of the theme for Kings Beach.
 - a. *Policy: Special event area for arts and crafts shows, seasonal sales, farmer's market, boat shows and other similar events shall be considered in the State Park area. The design and regulation of the area by the County or NTPUD should allow such events to occur as activities not subject to TRPA review.*
 - b. *Policy: The Plan allows for the establishment of galleries and working studios. Living spaces for the artist inside and working space outside shall be considered special uses. Outside display of art onsite or offsite shall require review of the Design Review Committee.*

Insert Kings Beach Community Plan Proposed Boundary

Jill you may want to redo the header as well. I will insert attachments prior to final draft.

Insert Kings Beach Community Plan Location Map

Jill you may want to redo the header as well. I will insert attachments prior to final draft.

Issues and Concerns Discussion

1. Land Coverage Issues:

Boundary Line Amendment/ Addition of Urban Design and Development Policy 9.b:

The boundary line amendment will facilitate the development of affordable housing in the Kings Beach Community Plan, as the two subject parcels will be deed restricted for affordable housing as proposed by Urban Design and Development Policy 9.b.

The expansion of the community plan boundary will result in an increase in allowable land coverage on those parcels. However, this increase in allowable land coverage will not result in an overall increase in land coverage within the hydrologic boundary. Any land coverage above the base allowable (Bailey) for the subject parcels must be transferred onto the property from within the hydrologic unit and therefore no overall increase in land coverage will occur.

Amendment to Urban Design and Development Policy 1.b:

This provision of Urban Design and Development Policy 1.b was added to the Community Plan when Placer County APNs 090-222-028 and -029 were added to the Kings Beach Community Plan in a 2002 boundary line amendment. The 2002 boundary line amendment was processed so that a mixed used commercial project (retail nursery plant, employee housing and storage facility) could be considered for approval, but without the additional land coverage incentives offered to Commercial properties in TRPA Code Subsection 20.3.b(2). This commercial/mixed use project was never constructed. At the time, the last sentence was included in this policy because it was thought that the original Regional Plan analysis did not analyze the additional land coverage that may occur on these parcels if allowed to obtain the 50 percent coverage incentive. It has subsequently been determined this analysis did not consider that land coverage above the base allowable land coverage (25 percent land coverage for Class 5 lands in this instance) must be transferred onto the subject parcels pursuant to TRPA Code Section 20.3.C., as also noted for APNs 090-122-036 and -037 above. Therefore, the land coverage issue was analyzed as a part of the original Regional Plan. The 1:1 transfer ratio will result in land coverage being transferred from the sending parcel to the subject parcels located within the same hydrologic area. Consequently, there will not be a net increase in allowable land coverage within the hydrologic area as a result of the elimination of the subject provision in Urban Design and Development Policy 1.b.

2. Rationale for the Landscaping and Open Space Buffer Policy:

Plan Area 028 – Kings Beach Residential contains a policy (Special Policy #7) that specifically relates to APN 090-222-29. This policy was not carried over into the KBCP in 2002 when the KBCP Boundary was amended to include the balance of APNs 090-222-028 & 029 discussed previously.

Special Policy #7 specifically states:

A continuous landscape and open space buffer shall be provided along the western boundary of APN 90-222-29 as part of development of a multiple family residential project which includes the parcel. The purpose of the buffer is to provide visual and physical separation between multiple family residential uses in Plan Area 028 and single family residential uses in Plan Area 031. The buffer

Issues and Concerns Discussion

shall average at least twenty five feet in width and shall not be less than twenty feet in width. No building, structure other than fences, exterior lighting, vehicle parking or circulation, trash facilities or mechanical equipment shall be located within the buffer.

TRPA staff recommends that this policy be revised and a new policy be added to the KBCP Urban Design and Development Policies. The new policy, outlined below, is more specific in relation to the purpose and need for the buffer, yet less prescriptive in its specific size requirements. Specifically, staff proposes that the following Urban Design and Development Policy (6.b) language be added to the KBCP:

A landscaping and open space buffer shall be provided along the boundaries of APN 090-222-050 (formerly in part APNs 090-222-028 & 029) and the adjacent residential Plan Area Statements 028 Kings Beach Residential and 031 Brockway. The landscaping and open space buffer shall provide a visual and physical buffer between the proposed development and the existing adjacent single family residences. The buffer shall minimize noise and light shedding onto adjacent single family residential properties. No buildings or structures other than fences shall be located within the buffer area. The size, landscaping content, and character of the buffer area shall be determined during review of any proposed project located on the parcel.

As previously noted, APNs 090-222-028 & 029 have been consolidated and given a new parcel number, APN 090-222-050. Staff recommends the new policy apply to the new parcel APN 090-222-050.

This policy would essentially replace Special Policy #7 in PAS 028; however, the removal of Special Policy #7 was not formally noticed; therefore, staff recommends that PAS 028 be updated and the removal of Special Policy #7 be addressed during the Regional Plan Update.

3. During the APC meeting, the League to Save Lake Tahoe commented on this item. Responses to the concerns raised are detailed below.
 - a. The League raised a concern that this type of boundary line amendment could set a precedent for now and the future Regional Plan that could result in boundary's being pushed further and further into rural lands.

TRPA staff does not believe that this boundary line amendment for affordable housing purposes is precedent setting. Chapter 14 of the TRPA Code allows for affordable housing to be considered when making findings related to boundary line adjustments (see Attachment A, Chapter 14 Findings). Multi-family residential is already considered a permissible use in Plan Area Statement 028 and would continue to be a permissible use within the KBCP. Amending the KBCP boundary in the manner proposed would only incorporate areas already deemed urban lands suitable for multi-family development into the Community Plan.

Issues and Concerns Discussion

- b. The land transfers for additional land coverage above the base allowable under the Bailey Classification System would be more beneficial if the land coverage transfers came from within the KBCP or from sensitive lands outside the KBCP, but within the same hydrologic area.

TRPA Code Section 20.3.C.5 limits all coverage transfers from sending parcels to receiving parcels to be located within the same hydrologically related area. The intent of this provision is to ensure that the total capacity of the hydrological area is not exceeded, while allowing development projects the flexibility of where projects may occur within that hydrologic area. As community plans are political boundaries and not determined based on hydrological characteristics, there is no evidence that transfers confined to community plans would provide a greater benefit.

With regards to sensitive lands, the Code of Ordinance does not currently have an established standard or requirement to require transfers of coverage within community plans to come from sending sites that are classified as sensitive. The increased benefit associated with transferring coverage from sensitive lands is highly dependent upon the hydrological connectivity to the surrounding area. It is plausible that a transfer of coverage from a class 4-7 property that is hydrologically connected to the surrounding parcels provides as much "benefit" as a transfer from a sensitive land that is not connected hydrologically. In addition, the transfer program was established to provide flexibility to private property owners, while maintaining the environmental capacity. Creating greater requirements for this program would have the effect of reducing the intended flexibility, and the number of opportunities to transfer coverage to more appropriate locations within a hydrologic area.

- c. There was also a concern about the modification of the landscaping buffer language outlined in Section 2 above. The League was concerned about the removal of the size restrictions and the removal of the prohibition on fences, exterior lighting, vehicle parking or circulation, trash facilities or mechanical equipment being located within the buffer. They were concerned that the language modification would limit the ability to achieve open space that would otherwise benefit the thresholds and the community as a whole.

The language modifications to the original landscaping and open space buffer in PAS 028, Special Policy #7 does in fact remove the size restriction; however, the overall policy is more restrictive than the original policy.. The original policy only applied to a portion of APN: 090-222-050. The new policy would apply to the entire parcel and it was therefore determined that the size restrictions in the original buffer language should be modified to allow more flexibility in its application. The original language does not prohibit fences, exterior lighting, vehicle parking or circulation, trash facilities or mechanical equipment. In fact, these structures were exceptions and could be placed in the buffer. The new policy language prohibits these structures within the buffer with the exception of fences. In effect the new policy would provide more flexibility in achieving the desired results. The policy would provide the opportunity for the planner to work

Issues and Concerns Discussion

with the applicant to determine how the buffer will create a visual and physical barrier, and minimize noise and light shedding onto the neighboring single-family residential properties. TRPA staff feels the language changes would provide a better means to achieving an appropriate buffer for a future project, and therefore; that project would better assist in achieving threshold improvements.

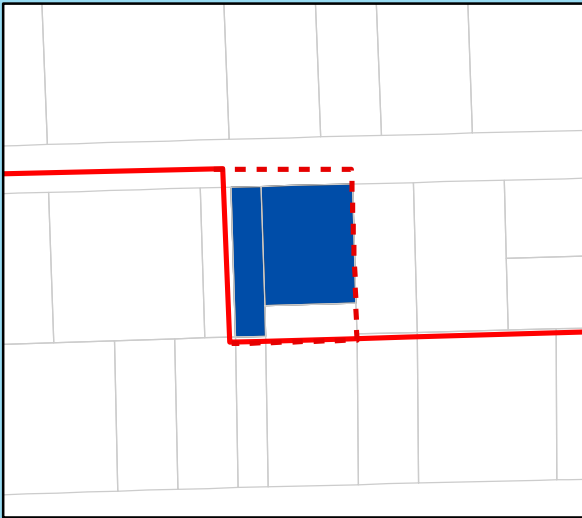
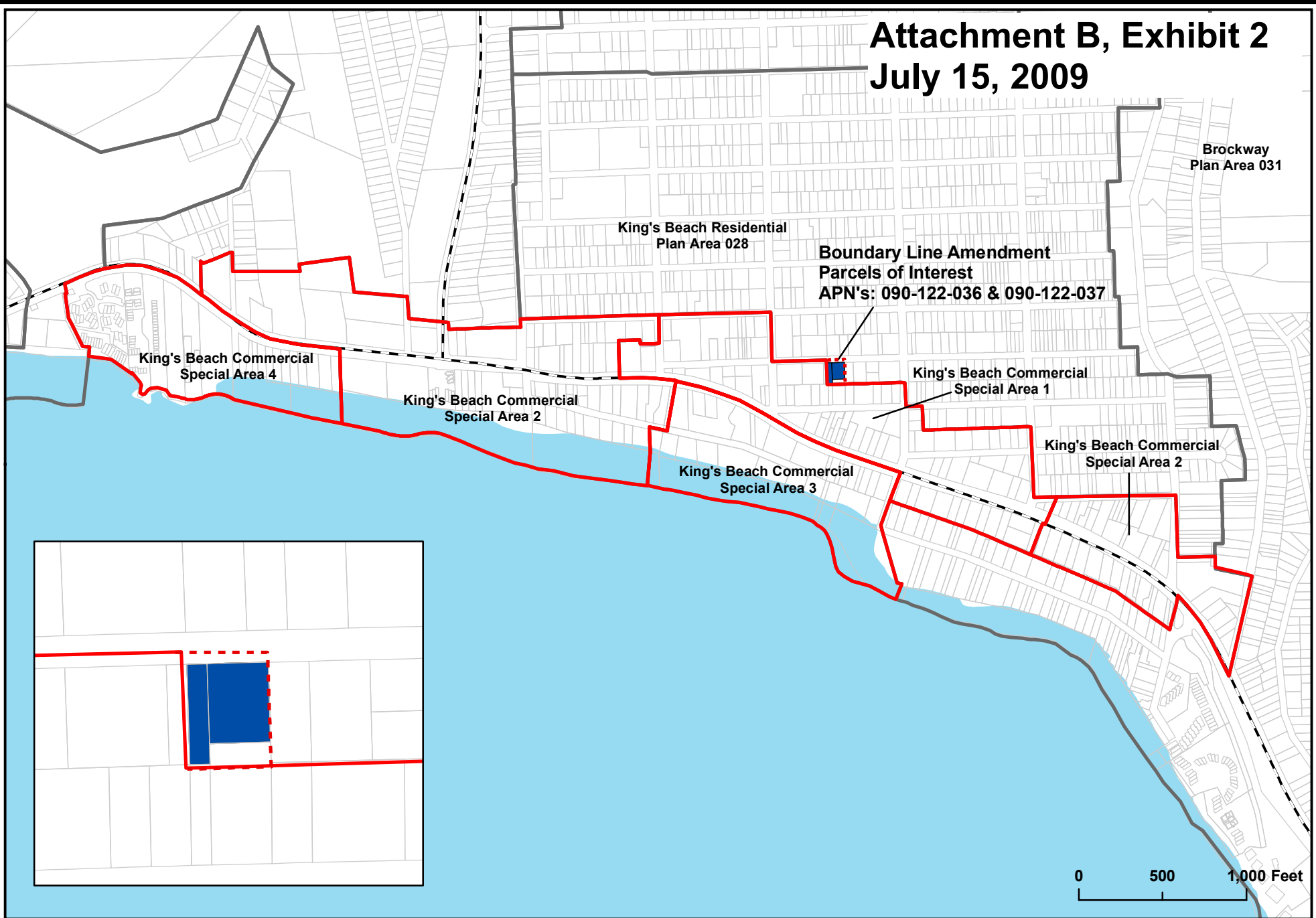
- d. The League suggested that TRPA needs to adequately review the requirements and findings associated with TRPA Code of Ordinances Chapter 14 in relation to the following questions:
- Has the TRPA recently reviewed the KBCP to determine conformance with the approved schedule for development, adequacy of programs, scheduling and monitoring?
 - Is the proposed amendment appropriate to achieve environmental thresholds?

As indicated in Attachment A, staff has provided a rationale for making the required findings associated with Chapter 14 in relation to these amendments. In response to the first bulleted question, TRPA staff acknowledges that the TRPA Code requires the review of Community Plans at five year intervals to determine conformance with approved schedules, and to check the adequacy of programs, schedules, standards, mitigations, and monitoring. TRPA will be updating all the Community Plans once the Regional Plan Update is completed and adopted. All projects brought forward since the adoption of the KBCP have been consistent with the goals and objectives. Additionally, the KBCP requires that all irrevocable commitments be made prior to the use of Commercial Floor Area (CFA) incentives. These commitments were met by Placer County prior to the release of the KBCP pool of CFA.

As noted in Attachment A, TRPA has determined that the subject amendments are consistent with the Regional Plan inclusive of the KBCP. Staff has reviewed implementation of projects (EIP as well as private) through the Threshold Evaluation process and improvements have been indicated for the KBCP. A number of these projects are noted in the 2006 Threshold Evaluation and have resulted in improvements, for example, to the Scenic threshold as viewed from the Lake and Highway 28.

In response to the second question, Attachment A outlines the required findings to ensure the amendment will not impact the achievement of environmental thresholds.

**Attachment B, Exhibit 2
July 15, 2009**

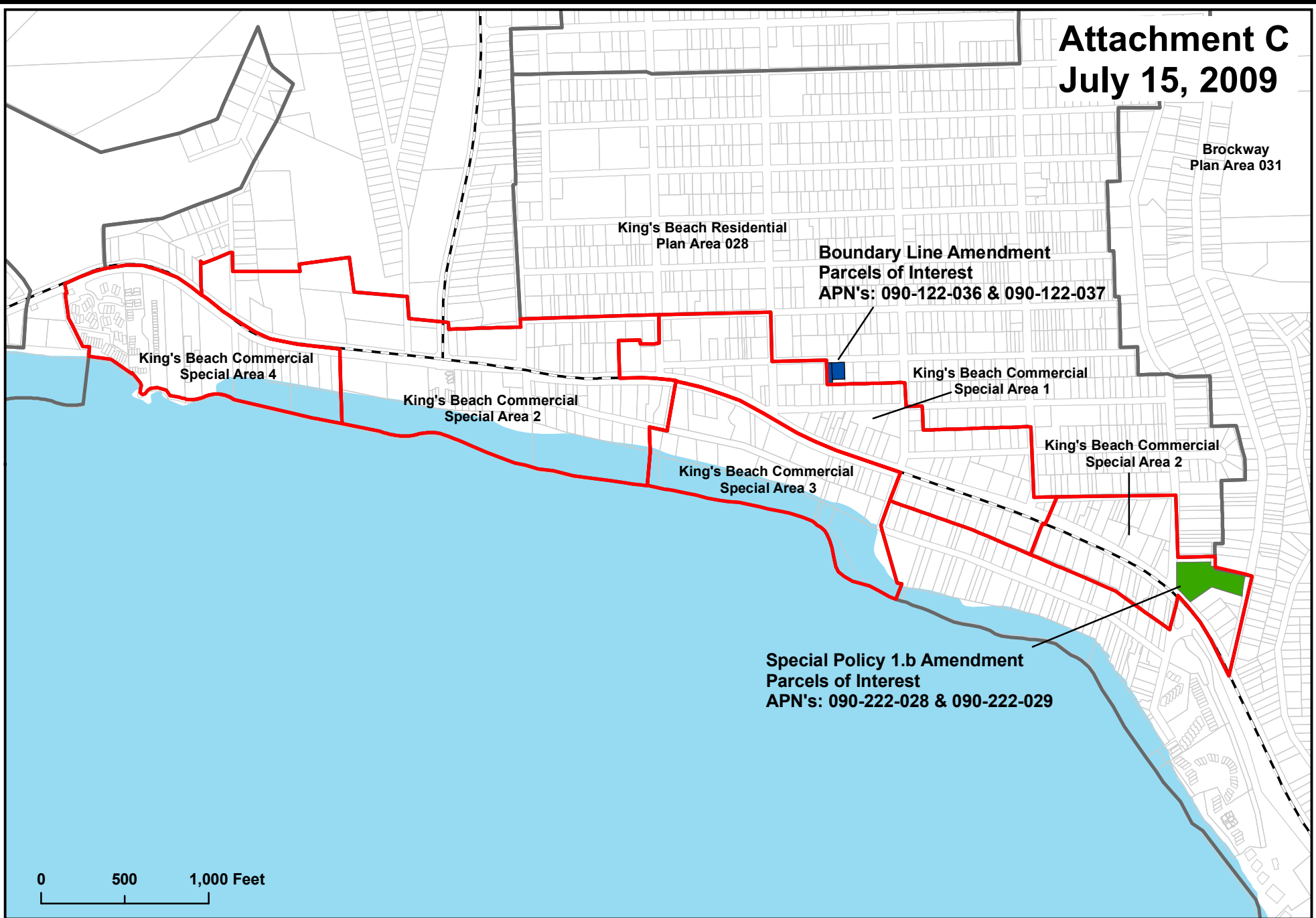


0 500 1,000 Feet



**King's Beach Commercial
Community Plan (Proposed Boundary)**





King's Beach Commercial Community Plan Location Map





Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

MEMORANDUM

Date: July 15, 2009
To: TRPA Governing Board
From: TRPA Staff
Subject: A. Discussion and Potential Direction to Staff on Aquatic Invasive Species Prevention Strategies Related to Watercraft

Requested Action: Staff is not requesting a formal action from the Governing Board on this item. Staff is proposing to brief the Board on the status of current efforts and proposed future strategies for the prevention of aquatic invasive species introduction into the Lake Tahoe Region by watercraft, and continue discussions on emerging policy issues relating to implementation of the Plan.

Staff Recommendation: Staff recommends that the Governing Board provide comments and if needed direction to the Executive Director related to prevention strategies.

If you have questions concerning this particular agenda item please contact Ted Thayer at (775) 589-5301 or tthayer@trpa.org

MEMORANDUM

Date: July 15, 2009
To: TRPA Governing Board
From: Joanne Marchetta, Executive Director
Subject: Executive Director Report and Agency Work Program Priorities for July 2009

By prior designation of the Operations Committee and endorsement of the Governing Board, the Agency Work Program Priorities are as follows:

- A. Forest Fuels Management
- B. Regional Plan Update
- C. Aquatic Invasive Species Eradication Program
- D. EIP Project Permit Processing and EIP Update
- E. Shorezone Implementation
- F. CEP Program

Highlights of these programs follow:

A. Forest Fuels Reduction Program

- The Tahoe Fire and Fuels Team (TFFT) currently has 32 projects in various stages of planning and implementation. TRPA staff has been reviewing and permitting 2009 fuel reduction projects.
- TRPA staff has been working with the US Forest Service LTBMU staff on 8 different forestry projects including the Southshore project and the Angora restoration project.
- The TFFT held its first summer meeting on June 1st. The Team is functioning well and has been working on 2009 planning efforts as well as refining the TFFT processes for increased efficiency.
- I met with the Multi-Agency Coordinating Group (MAC) on June 4th. This oversight committee provides direction to the TFFT.
- The TRPA-Lahontan MOU is being litigated by The Sierra Club and The Sierra Forest Legacy.

B. Pathway Regional Plan Update

The EIS Alternatives matrix was published to our website (www.trpa.org) on June 19th. Staff is working on the EIS alternatives descriptions and anticipate providing these drafts to the EIS consultant in August.

I have recently hired Harmon Zuckerman to assist us with our Regional Plan Update. Some of you already know Harmon. He has served as Douglas County's representative on TRPA's APC and his most recent past employment was with Douglas County's Planning Division. He brings a wealth of innovation and plan development experience with him to this position. I will be asking Harmon to be my "right-hand-man" with respect to strategic direction to staff for our Regional Plan Update process. He will work closely with me, Governing Board members, and staff to provide executive-level direction on all matters related to the development and delivery of our Regional Plan Update.

C. Aquatic Invasive Species (AIS) Eradication Program

The following work has been performed by TRPA staff and agency partners since the last update related to aquatic invasive species:

- Tahoe Resource Conservation District (Tahoe RCD) staff continues to provide inspections at Cave Rock, Lake Forest, Sand Harbor, and Ski Beach for the summer season. In addition, TRCD staff is working with private marina operators to provide technical and logistical support to inspectors at those facilities. Inspections on the July 4th weekend went smoothly.
- Tahoe RCD continues to provide decontamination services for high risk vessels. Partial decontaminations consisting of bilge and engine flush only are being performed at Lake Forest, Sand Harbor, and Meeks Bay. Full decontaminations, which include bilge and engine flush as well as hull and ballast tank cleaning, are being performed at TRPA offices.
- TRPA, Tahoe RCD, Tahoe Divers Conservancy, Ace Diving, University of Nevada Reno, US Fish and Wildlife Service, UC Davis, Nevada Division of State Lands and the Lahontan Regional Water Quality Control Board continue to work collaboratively on the pilot project to address Asian clam infestation and removal. Currently the project is testing several alternative types of bottom barriers to address issues with sealing the barriers and wave action.
- TRPA staff worked with Placer County to address launching issues at several locations along the west shore of Lake Tahoe. The Grand Ave. launch location was closed to trailered watercraft on July 10th.
- TRPA staff is also working with the North Tahoe Public Utility District to improve the measures that have already been taken at Tahoe Vista and Coon St. to prevent unauthorized launching of trailered watercraft.
- TRPA staff is rolling out the 10-inspection discount program that was approved by the Governing Board at the May meeting.
- TRPA and Tahoe RCD staff continue outreach efforts for the inspection program by speaking at public meetings, working with the media and revising outreach materials for use at launch facilities.

- Staffs from TRPA and Nevada Division of State Parks have agreed to an MOU which increases the security of inspection fees collected at Lake Tahoe Nevada State Parks following the theft of fees from Cave Rock and Sand Harbor.

AIS Fee Generation:

In June we received \$23,828 in fees from AIS inspections. This is lower than forecast and is likely due to poor weather conditions at the start of the season. At the Nevada State Parks' ramps we have collected an additional \$8,700 so far in July. This does not include any insurance claims that may be paid on the fees lost due to theft. We are a bit behind projected fee levels, but making up ground now that the weather is better.

D. EIP Project Permit Processing and EIP Update

Environmental Improvement Branch staff is working on draft environmental impact statements for a number of major EIP projects. The Greenway Bike Trail project and the Upper Truckee River Golf Course project Draft EIS documents are expected to be brought forward to the public and the Governing Board for comment at the end of 2009.

The EIP Update is nearly complete and ready for presentation at this year's August Summit event. A proposed TRPA Governing Board resolution in support of the EIP Update will be presented at this month's Governing Board Meeting.

Transportation Update:

Transportation staff is working with three Tahoe-Baikal Institute students enrolled in the Summer Environmental Exchange Program on a Lake Tahoe Bicycle Transportation Project. The project has four components: rider experience, bicycle user counts, ground-truthing our bike trail map, and stenciling. The data collected will be used in updating the Bicycle and Pedestrian Master Plan.

E. Shorezone Program Implementation

Permitting Status:

The five selected pier applications for 2009 are under review. There is no estimate as to when the first pier under this new program could be approved. On July 2, 2009, the League to Save Lake Tahoe and Sierra Club requested the federal District Court where the Shorezone litigation was initially filed to issue a preliminary injunction against permitting, construction and/or placement of new boat facilities within Lake Tahoe pending a resolution of the case on the merits.

The proposal to consider a streamlined buoy permitting process slowed down application submittals as applicants waited for the new process to become effective. As of this date, TRPA has 65 applications for 188 buoys and moorings submitted since January 2009. TRPA has approved 42 of the applications.

Around the July 4th weekend, TRPA sent out mailings to 732 State Lands' lessees/permittees to notify them of the new TRPA permitting and registration requirements. Staff is requesting buoy owner's help to get an estimated 3,200+ buoys tagged (through registration or permit) so that we can then focus on identification of illegal buoys.

Buoy applications are now picking up, and we are expecting an increase due to recent noticing and streamlining actions. The Governing Board approved the time extension deadline for BMP certifications in June. TRPA staff developed an over-the-counter permit for simple buoy applications of three or fewer buoys. We began using this process on July 10. We have developed a new electronic over-the-counter permit to facilitate the process. The streamlined permit process seems to be working, and front counter staff report that applicants can come in to the TRPA office and walk out the door with buoy registration stickers in hand in about 30 minutes based on the submittal of specific limited information that is generally readily accessible to the applicant.

Program Implementation:

TRPA staff is still working with the other permitting agencies to streamline the buoy permitting process for buoys. Staff also plans to attach notices to all existing buoys to notify owners of the new program.

The Adaptive Management Program and Blue Boating Program that were approved by the Governing Board in March are in the process of being implemented. Currently, surveys are being conducted at all launch ramps during AIS inspections to gather critical boating data.

TRPA staff presented the buoy line amendment and the buoy enforcement program to APC in May and APC recommended approval. Staff is currently working with the two State Lands Agencies to resolve informational issues on the Buoy Line Amendment. The Buoy Line Amendment is now tentatively planned for presentation to the Governing Board in August. Presentation of the "Go Slow" Code of Ordinance amendment is scheduled for the winter.

The Watercraft Team Boat Crew indicated that the 4th of July weekend was busy, but boaters tapered off very quickly the week after, which was somewhat unusual. The crew engaged 12 boaters over the holiday weekend for violations of the 600' No Wake Zone. All were given warnings and all the encounters were positive.

The crew is currently pursuing 4 illegal moorings off of Regan Beach in the South Shore, and several illegal buoys near Edgewood, Grand Avenue and Tahoe Swiss Village.

We are looking to hire additional crew members to assist with Blue Boating and other tasks while the existing crew focuses on the buoy enforcement program.

F. Community Enhancement Program

Projects Submitted	Date Submitted	Type of Project	Status/Deadline	Lead Planner	Lead Consultant	Environmental Net Gains
<i>Boulder Bay, LLC</i>	March 18, 2008	Mixed Use Tourist Accommodation/Residential/ Commercial Proposed project requires amendment to Chapter 22 Height	Project Applications deemed Incomplete. Project incomplete until certification of EIS. TRPA and the applicants are continuing to discuss the additional information requested /received for Code amendments. Sub-consultant is validating findings of the revised Traffic Study. Consultant is working to address staff's height concerns and continue to refine other alternatives. Cultural issues being discussed. Consultant is circulating individual chapters of Draft EIS for internal review and comment.	David Landry	Hauge Brueck Three party contract executed.	Areawide stormwater quality improvements (EIP project), completion of mini-park (EIP project), undergrounding of powerlines along St Rte 28. Submitted Energy Consumption Analysis for Staff review. Provided methodology for Traffic Analysis for Timeshare units. Provide more definitive analysis of Alternatives focusing on non-living space.
<i>Domus Group, LLC</i>	April 1, 2008	Mixed Use/Affordable Housing/Commercial	Project Applications deemed complete.	Wendy Jepson	Unknown at this time	Substantial participation in

		Requires Code Amendments for Height and Density. Project will require Community Plan amendments.	<p>Review status of Fox and Chipmunk sites still pending.</p> <p>Community Plan Boundary Line and Special Policy amendments to go before the APC and Governing Board in July.</p> <p>TRPA and Placer County staff are working on a review and processing strategy for the Trout, Brook and Deer Street components (no longer part of CEP) in anticipation of late July project approvals.</p>		See below**	areawide water quality improvements (creation of catch basin), enhance pedestrian circulation patterns, proposes to remove substandard housing and blighted conditions. Replacement of these conditions with purely affordable deed restricted rental housing.
Homewood Mountain Resorts	April 16, 2008	<p>Mixed Use Tourist Accommodation, Residential and Commercial, and Ski Area Master Plan (Previously submitted).</p> <p>Project requires Code amendments for Height and, perhaps Density. Project also requires Plan Area Statement amendments in relation to permissible uses and boundaries. Some will correct inconsistencies between Placer Counties West Shore Plan and TRPA Plan Area Statements.</p>	<p>Project incomplete items relate to Environmental Document certification. Joint EIS/EIR with Placer County.</p> <p>TRPA Ski Area Master Plan EIS required which will be inclusive of the CEP project.</p> <p>Additional information requested on floodplain issue and further review of scope of work. Land Capability Challenge is tentatively rescheduled to go to Hearings Officer in July.</p> <p>TRPA and the applicants</p>	David Landry	<p>Hauge Brueck</p> <p>Four Party Contract and Scope of Work executed for joint EIS/EIR. TRPA, Placer County, Homewood Mountain Resort, and Hauge Brueck.</p>	<p>Substantial participation in areawide water quality improvements, enhance pedestrian circulation patterns including linking of bicycle trail, LEED certification above what is required per the CEP.</p> <p>Proposing meeting to discuss alternative to Cumulative Water Effects (CWE)</p>

			<p>continue to discuss the additional information requested and received for the Code (Height and Density) and PAS amendments.</p> <p>EIS and alternatives are being revised based on scoping comments and continued staff input. Administrative Draft tentatively scheduled to be completed in the next few months.</p> <p>Major outstanding issues continuing to be discussed include Master Plan, EIS alternatives and cumulative watershed effects process.</p> <p>Draft Master Plan submitted, TRPA comments provided Draft Master Plan being revised.</p>			<p>analysis.</p> <p>On going discussions related to alternative Master Plan process.</p>
BB, LLC	December 4, 2008	<p>Mixed Use, Tourist/Residential/Commercial</p> <p>Proposed project requires amendments to the TRPA Code for Height and Density. Project also requires Kings Beach Community Plan amendments for Height, Density, and permissible uses.</p>	<p>Formal 30 day review completed December 30, 2008. All applications incomplete pending certification of the EIS.</p> <p>RFP issued March 2 closing date is March 23, 2009. Consultant interviews completed on April 16, 2009.</p>	Theresa Avance, AICP	To be determined	<p>Areawide Water Quality benefits, Scenic improvements, public plaza, enhanced pedestrian circulation, LEED certification.</p>

			<p>Proposed amendments to the Regional Plan for Height and Density. Additional amendments to Kings Beach Commercial Community Plan for permissible uses.</p> <p>TRPA has selected a consultant to prepare the EIS, if the consultant is accepted by Placer County they will also prepare the EIR.</p>			
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*30 Day Review- Determines the completeness of the application and the level of environmental review required i.e.: EIS, EA, Environmental Checklist

**TRPA issued a Request for Qualifications in November 2007. Three consultants have met the selection criteria to engage in review of CEP projects that have been determined to require an environmental document. These consultants are Hauge Brueck, EDAW, and Pacific Management Corporation (PMC). TRPA and our local jurisdiction partners are coordinating to determine appropriate consultants, based on experience, for specific CEP projects.

Other projects: *Ferrari Family Resort, Pastore Ryan, KB Resorts, Former Mikasa Gateway, and South Y Center* were granted one year extensions of the reservation of commodities at the February 2009 Governing Board Meeting. TRPA is continuing to work with our local jurisdiction partners to ensure that the proposals with reserved commodities are diligently working toward application submittal. Conversations continue in relation to the checklist and application submittal requirements for each project.

G. ERS Project Review Quarterly Report

CY 2009 Second Quarter

Project Review Permit Process

Projects by Work Element	IN	OUT
Residential	26	28
Tourist Accommodation Units	0	1
Commercial	2	4
Public Service	10	14
Recreation	1	4
Resource Management	0	1
Shore/Lake zone	47	16
Administrative Projects	15	29
Scenic Site Assessments	1	6
Site Assessments	10	15
RGN Plan Amendments	0	0
LCV-LCC-IPES-Soils Hydro	65	68
Grading	10	7
Environment	0	0
SUBD and Modification	8	7
Appeals	3	1
CEP	0	0
Total	198	201

Other Application Types	IN	OUT
BMP Retrofit	18	13
Redevelopment & EIP	8	3
Qualified Exempt	50	50
Trees	82	47

Workload and Acknowledgments

Status of all projects currently in the workload:

Complete Applications Under Active Review	83
Incomplete Applications	50
On Hold Per Applicant	17
Additional Information Needed	38

PROJECT REVIEW APPLICATIONS

The following projects exceeded 120 days in review on July 1, 2009 and remain unresolved on the date of this report. Staff is working to complete the review of these applications as expeditiously as possible.

APN	Applicant	Projects By Work Element	Days Complete
094-160-014	Sagan Design Group	Residential	154

QUARTERLY HIGHLIGHTS

7 CEP projects currently in workload.

7 projects involving EA/EIS are currently in the workload.

10 projects were presented to the Hearings Officer during the second quarter of 2009

14 projects were presented to the Governing Board during the first quarter of 2009

