

Chapter 20

LAND COVERAGE STANDARDS

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20.0 Purpose: This chapter sets forth regulations for the permissible amount of land coverage in the Region. It implements provisions of the Goals and Policies concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage.

20.1 Applicability: All land coverage shall be regulated pursuant to the provisions of this chapter.

20.2 Land Capability System: The land coverage limitations set forth in this chapter are based on the land capability system established in the report entitled, Land Capability Classifications of the Lake Tahoe Basin, Bailey, R. G., 1974.

20.2.A Implementation Of Land Capability System: The land capability system is implemented through land capability districts depicted on land capability overlay maps referred to in Subsection 20.2.B. The accuracy of the land capability districts is subject to field verification pursuant to Subsection 20.2.C. A land capability challenge pursuant to Subsection 20.2.D may be initiated to reclassify lands inaccurately mapped. The land capability overlay maps may also be amended by an amendment of the Regional Plan pursuant to Subsection 20.2.E or by demonstration pursuant to Subsection 20.2.F that the land has been man-modified.

20.2.B Establishment Of Districts: The land capability districts and the geomorphic groups established by the report referred to in Section 20.2 are made part of this ordinance. For purposes of this land capability system, stream environment zones, as defined in Chapter 2, are treated as Land Capability District 1b. The boundaries of each land capability district are established as depicted on the TRPA Land Capability Overlays, (January, 1987), as amended, at 1" equals 400' and 1" equals 2000' scale. Subject to the provisions of Subsections 20.2.C, 20.2.D,

[§] Amended 08/27/2008

20.2.E and 20.2.F, all land is classified as to land capability in accordance with the land capability districts depicted on the overlays.

20.2.C Field Verification: Field verifications shall be conducted and regulated as follows:

- (1) Classifications Subject To Field Verification: Land capability classifications established pursuant to Subsection 20.2.B are subject to field verification by TRPA.
- (2) Procedure For Site Visit: At the request, or with the permission, of the owner, TRPA shall inspect the pertinent parcel.
- (3) Report: Upon completion of the inspection, TRPA shall prepare a report setting forth the observed slopes of the parcel, the field-located boundary of any stream environment zone thereon and any other information pertinent to the proper land capability classification of the parcel.
- (4) Results Of Field Verification: As a result of the report prescribed by Subparagraph 20.2.C(3), TRPA may take one or more of the following actions:
 - (a) Verify that the parcel is accurately classified pursuant to Subsection 20.2.B.
 - (b) Make a minor boundary line adjustment of land capability districts within the parcel.
 - (c) Determine the boundary of a stream environment zone within the parcel, whether previously mapped or not.
 - (d) Reclassify all or part of the parcel to a different land capability district, if the reclassification can be based solely upon percentage of slope.
 - (e) Determine that the land capability district cannot be verified, in which event TRPA shall complete a land capability challenge pursuant to Subsection 20.2.D prior to the approval of any project on the parcel.
- (5) Supersession Of Actions Under Subparagraph 20.2.C(4): Any of the actions authorized by Subparagraph 20.2.C(4) may be superseded by an action pursuant to Subsections 20.2.D, 20.2.E, or 20.2.F. Any action by TRPA pursuant to Subparagraph 20.2.C(4) shall not commit, or be construed as committing, TRPA to approve any project on the pertinent parcel.

- (6) Procedure After Verification: Once TRPA has completed its action under Subparagraph 20.2.C(4), it shall:
 - (a) Give written notification to the owner of the parcel of the action taken;
 - (b) Include the information set forth in the report prepared pursuant to Subparagraph 20.2.C(3) and the action pursuant to Subparagraph 20.2.C(4) in TRPA's data base for purposes of Chapter 38;
 - (c) Recognize the action pursuant to Subparagraph 20.2.C(4) as superseding the TRPA Land Capability Overlays with respect to the pertinent parcel; and
 - (d) Affix a symbol to the land capability overlays denoting the action pursuant to Subparagraph 20.2.C(4) as applicable to the pertinent parcel.
- (7) Special Procedure for TRPA Designated Land Banks: TRPA-designated land banks may perform field verifications on parcels owned by the land bank. Field verifications shall be performed by qualified personnel pursuant to the requirements of this Subsection. A report pursuant to Subparagraph (3) above shall be submitted to TRPA with a recommendation for action pursuant to Subparagraph (4). TRPA shall take the proper action and complete the verification process as set forth in Subparagraph (6).

20.2.D Land Capability Challenge: In the event TRPA or the owner of a parcel is of the opinion it is not properly classified pursuant to Subsection 20.2.B, either may initiate a land capability challenge with respect to such parcel. The person or entity initiating the challenge shall bear the cost thereof. For parcels one acre or less in size, the cost to be charged an owner initiating the challenge shall not exceed an amount prescribed by resolution of the Governing Board.

- (1) Team Of Experts: A team of experts retained by TRPA shall evaluate the land capability challenge. Depending on the nature of the challenge, the team may include, but need not be limited to, a geomorphologist, soil scientist, geologist and hydrologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, land forms, hydrology and other characteristics of land in the Tahoe Region. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

- (2) Land Capability Report: TRPA's team of experts shall prepare a land capability report analyzing the land capability challenge. The report shall include:
 - (a) A description of the parcel;
 - (b) Identification of the soil series, geomorphic unit, slopes and any SEZ found on the parcel;
 - (c) A soil profile description of the site, based on a test pit, auger hole or cut bank;
 - (d) A contour map prepared by a registered surveyor or engineer on sites with complex topography if necessary to determine land capability; and
 - (e) A recommendation and map of the proper land capability for the parcel.
- (3) Review And Approval Of Report: The Executive Director shall review the land capability report and, if it recommends no change in land capability, may deny the land capability challenge, subject to an appeal to the Governing Board. If the report recommends a change in land capability, the change shall be approved or denied by the Governing Board. The challenge may be approved if the Governing Board finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.
- (4) Notification Procedure: An appeal of the Executive Director's denial of a land capability challenge and the action by the Governing Board upon a report recommending a change in land capability shall be pursuant to notification to affected property owners in accordance with TRPA's Rules of Procedure.
- (5) Procedure After Action On Land Capability Challenge: Once TRPA has completed its action on the land capability challenge, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to a land capability challenge pursuant to Subsection 20.2.D, including, but not limited to, the report prepared for and action on the challenge.
- (6) Special Procedure for TRPA Designated Land Banks: TRPA-designated land banks may initiate a land capability challenge on any parcel owned by the land bank. A team of experts pursuant to Subparagraph (1) above, accepted by TRPA and the land bank, may be retained by the land bank. The team shall prepare a report pursuant to subparagraph (2) above. The TRPA Executive Director shall review the land capability report and approve or deny the proposed change in land capability. Upon completion of its action, TRPA shall follow the procedure set forth in Subparagraph (5).

20.2.E Amendment Of Land Capability Overlays By Amendment Of The Regional Plan: The TRPA Land Capability Overlays may be amended through an amendment of the Regional Plan in the manner set forth in Subsection 20.2.E. The amendment may be initiated by TRPA.

- (1) Minimum Area Of Land: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be limited to an area of land five or more acres in size.
- (2) Team Of Experts: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be evaluated by the team of experts referred to in Subparagraph 20.2.D(1) under the conditions set forth in that Subparagraph.
- (3) Land Capability Report: The team of experts shall prepare a land capability report analyzing the proposed plan amendment. The report shall contain information concerning the environmental and use capacity of the pertinent land, as well as detailed information concerning topography, soils capabilities and limitations, surface and ground water conditions, geomorphology, vegetation characteristics and related environmental factors pertinent to the land.
- (4) Amendment: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be processed, both procedurally and substantively, in the manner of amendment to the Regional Plan generally. The amendment may be approved if TRPA finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.
- (5) Other Matters Considered Plan Amendments: The following actions are considered amendments to the Regional Plan pursuant to Subsection 20.2.E, and applications therefor shall be processed accordingly:
 - (a) Line Adjustments: Area wide adjustments of land capability district boundaries, other than minor adjustments pursuant to Subsections 20.2.C or 20.2.D, which line adjustments, while not creating new land capability districts, may substantially affect permitted land coverages and apply to more than one parcel; and
 - (b) Creation Of New Land Capability Districts Or Geomorphic Units: Creation of a new land capability district on the Land Capability Overlays, which new district shall be five contiguous acres or more in area, or creation of a new geomorphic unit, which new unit shall be one square mile or more in area, unless smaller, more precise mapping units are adopted by TRPA, in which event the smaller units may be used.

- (6) Procedure After Amendment: Once TRPA has completed its action on an amendment to the Regional Plan pursuant to Subsection 20.2.E, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to an amendment to the Regional Plan pursuant to Subsection 20.2.E, including, but not limited to, the report prepared for and action on the amendment.

20.2.F Amendment Of Land Capability Overlays For Man-Modified Areas: The TRPA Land Capability Overlays may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this Subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is sufficient information demonstrating a reasonable possibility the requirements of this Subsection can be met.

- (1) Team Of Experts: An amendment of the Regional Plan pursuant to this Subparagraph shall be evaluated by the team of experts referred to in Subparagraph 20.2.D(1) under the conditions set forth in that Subparagraph.
- (2) Man-Modified Report: The team of experts shall prepare a man-modified report analyzing the proposed plan amendment. The report shall contain information showing that the land in question was modified by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a land capability district other than the one depicted for said land on the TRPA Land Capability Overlays. In addition to the foregoing information, the man modified report shall contain the following concerning the pertinent land:
 - (a) A statement of geomorphic characteristics;
 - (b) An analysis of surface and subsurface hydrology;
 - (c) A statement of physical and chemical soil characteristics;
 - (d) An analysis of erosion hazard;
 - (e) An analysis of vegetation;
 - (f) A statement identifying the land capability characteristics resulting from the modification and an opinion by the team identifying the land capability district generally exhibiting those characteristics; and
 - (g) Additional information reasonably required by TRPA to properly assess the merits of the application.
- (3) Action on Amendment: An amendment of the Regional Plan pursuant to Subsection 20.2.F shall be processed, both procedurally and substantively, in the manner of amendments to the Regional Plan generally. The amendment may be approved if TRPA finds that:

- (a) The land was modified prior to February 10, 1972;
 - (b) Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area;
 - (c) The land no longer exhibits the characteristics of land bearing the same, original land capability classification;
 - (d) Restoration of the land is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the land is not identified for restoration by any TRPA program;
 - (e) Further development can be mitigated offsite; and
 - (f) Mitigation to offset the losses caused by modification of the land and pertinent land capability district, shall be as follows:
 - (i) Onsite and offsite mitigation;
 - (ii) Pursuant to a maintenance program, including schedule of maintenance, proposed by the owner and approved by TRPA; and
 - (iii) Collection of a security, if deemed necessary by TRPA, to guarantee mitigation.
- (4) Effect Of Approval: If the amendment is approved, the land coverage limitations of the land capability district, whose characteristics are exhibited by the pertinent land, shall apply to the land.
- (5) Conditions Upon Amendment: Approval of an amendment of the Regional Plan pursuant to Subsection 20.2.F may be granted subject to reasonable conditions in addition to those otherwise referred to in such Subsection.
- (6) Procedure After Amendment: Once TRPA has completed its action on an amendment to the Regional Plan pursuant to Subsection 20.2.F, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to an amendment to the Regional Plan pursuant to Subsection 20.2.F, including, but not limited to, the report prepared for and action on the amendment.

20.3 Land Coverage Limitations: No person shall create land coverage in excess of the limitations set forth in this chapter. The means to determine base land coverage, the manner to transfer land coverage and prohibitions of certain land coverage are set forth in this Section.

20.3.A Base Land Coverage Requirements: The allowable base land coverage ("base coverage") shall be determined by using the coefficients set forth in the report entitled, Land Capability Classifications of the Lake Tahoe Basin, Bailey, R. G. 1974. These coefficients are:

Lands Located in Land Capability District*	Base Coverage
1a, 1b, 1c	1%
2	1%
3	5%
4	20%
5	25%
6, 7	30%

* Lands located in Geomorphic Group I are classified land capability district 1 and are permitted one percent coverage.

- (1) General Rule: Except as provided in subparagraphs 20.3.A (2), (3) and (4), the coefficients shall be applied to the project area in accordance with Subsection 20.3.D.
- (2) Parcels In TRPA-Approved Subdivisions In Conformance With The Bailey Coefficients: In TRPA approved subdivisions where TRPA applied the coefficients on a subdivision-wide basis, and allowable coverages then were assigned to individual parcels, the assigned coverages shall be the base coverages for those parcels. The list of TRPA-approved subdivision in conformance with Bailey coefficients is Attachment D to the Goals and Policies.
- (3) Parcels In Existing Planned Unit Developments (PUDs) Not In Conformance With The Bailey Coefficients: To determine the allowable base coverage for parcels within an existing PUD, the coefficients shall be applied to the entire PUD. This total allowable coverage, minus existing the common area facilities coverage, shall be divided among the individual parcels in proportion to their respective sizes whether developed or not. Public rights-of-way shall not be included in the calculation. Accordingly, the method of calculation is as follows: first, the area of public rights of-way is not to be counted; second, allowable base coverage for the remaining area in the PUD is calculated; third, the amount of existing coverage of common areas is subtracted; fourth, the remaining coverage is divided among the individual parcels, in proportion to size. In no case shall parcels of individual ownership be assigned an allowable base coverage of less than zero.

Example of calculation:

PUD Example: Five acre PUD (not including public rights-of-way) with 10 individual 50 x 50 parcels located in Land Capability District 4. Existing common area improvements such as parking, tennis court, and recreation center = 30,000 square feet of land coverage

PUD size (217,800) x Coverage Coefficient (20%) = Allowable Base Coverage (43,560)

Allowable Base Coverage (43,560) - Existing Improvements (30,000) = Remaining Allowable Base Coverage (13,560)

Remaining Allowable Base Coverage (13,560) Number of Parcels (10) = Allowable Base Coverage Per Parcel (1,350)

- (4) Relationship To IPES: Except as set forth in (2) and (3) above, the Individual Parcel Evaluation System ("IPES") ratings shall be used to determine allowable coverage for single family houses subject to IPES pursuant to Chapter 37.

20.3.B Transferred Land Coverage Requirements: In addition to the base coverage prescribed by Subsection 20.3.A, land coverage may be transferred to a parcel pursuant to Subsection 20.3.C. Parcels and uses eligible for transfer of land coverage are set forth in this Subsection. The aggregate of base coverage and coverage transferred shall not exceed the limits set forth below:

- (1) Residential Facilities (1 to 4 Units): The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for residential facilities of four units or less is the coverage allowed pursuant to the coefficients in Subsection 20.3.A, or as follows, whichever is greater:

- (a) Maximum Parcel Coverages:

Project Area (Sq. Ft.)	Maximum Land Coverage
0 - 4,000	Base Land Coverage Only
4,001 - 9,000	1,800 sq. ft.
9,001 - 14,000	20% of Project Area
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,000 sq. ft.
20,001 - 25,000	3,100 sq. ft.
25,001 - 30,000	3,200 sq. ft.
30,001 - 40,000	3,300 sq. ft.
40,001 - 5,000	3,400 sq. ft.
50,001 - 70,000	3,500 sq. ft.
70,001 - 90,000	3,600 sq. ft.
90,001 - 120,000	3,700 sq. ft.
120,001 - 150,000	3,800 sq. ft.
150,001 - 200,000	3,900 sq. ft.
200,001 - 400,000	4,000 sq. ft.

- (b) Planned Unit Developments: For parcels in planned unit developments, the maximum coverage allowed shall be 100 percent of the proposed building envelope or 2,500 square feet, whichever is less. Parcels in PUDs with five or more units per parcel are considered multi-residential and regulated pursuant to Subparagraph 20.3.B(3).
- (c) Special Transfer Programs: Parcels in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval. The only subdivision with such a program, as of the effective date of the Regional Plan, is Cave Rock Estates, Unit No. 3. The Cave Rock Estates, Unit No. 3 transfer program is set forth in the TRPA March 23, 1978 approval of that subdivision.
- (d) Driveways: The maximum limits in Subparagraph 20.3.B(1)(a) may be increased by a transfer of land coverage for a driveway built in accordance with the standards in Chapter 24, which is to be created in connection with the construction of a single family house on an existing parcel, provided TRPA finds that:
 - (i) The construction will not result in a residential structure with land coverage greater than that permitted in Subparagraph 20.3.B(1) minus 400 square feet; and
 - (ii) The single family house, as a direct result of the increased land coverage, will be located on the parcel at the site found by TRPA to cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation and preservation of trees and other flora.
- (2) Commercial Facilities Within Community Plans: The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for commercial facilities located within community plans approved pursuant to Chapter 14 is as follows:
 - (a) For parcels upon which there is no development legally existing as of the effective date of the Regional Plan, maximum land coverage is 70 percent of the project area, which area is located within land capability districts 4 through 7, inclusive; and
 - (b) For parcels upon which there legally exists development as of the effective date of the Regional Plan, maximum land coverage is 50 percent of the project area, which area is located within land capability districts 4 through 7, inclusive.

- (3) Tourist Accommodation Facilities Multi-Residential Facilities (Five Or More Units), Public Service Facilities, And Recreation Facilities Within Community Plans: The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities and recreation facilities is limited to 50 percent of the project area, provided the parcel is located within a community plan approved pursuant to Chapter 14. Such land coverage may be used only on the project area located within land capability districts 4 through 7, inclusive, referred to in Subsection 20.3.A. Subdivisions into parcels of 4 or less residential units shall not be eligible for the maximum permitted under this subparagraph[§] unless a deed restriction requiring maintenance of the units as affordable or moderate income housing, as defined by TRPA, is approved by TRPA and recorded against the property.^{§§}
- (4) Linear Public Facilities And Public Health And Safety Facilities: The maximum land coverage (base coverage plus transferred coverage) for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose. Such transfer may be permitted, provided TRPA makes the following findings:
- (a) The project is on the list of additional public service facilities if required pursuant to Section 33.5;
 - (b) There is no feasible alternative that would reduce land coverage;
 - (c) The project, because of its unusual configuration or service requirement, requires special consideration; and
 - (d) The facility primarily serves the needs of persons other than those who are, or will be, residents of the lands in question, or the owners of the land in question.
- (5) Highways, Streets and Roads: Transfer of land coverage for highways, streets and roads may be permitted, provided TRPA, in addition to the findings in paragraph (4) above, makes the following findings:
- (a) The highway, street, or road is required to provide access to property other than that owned by the applicant; and

[§] Amended 06/27/99

^{§§} Amended 7/23/2008

- (b) The highway, street, or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective date of the Regional Plan.
- (6) Other Public Service Facilities Outside Community Plans: The maximum land coverage (base coverage plus transferred coverage) for other public service facilities located outside of an approved community plan is 50 percent of the project area. Transfer of land coverage for public service facilities located outside a community plan is limited to projects for which TRPA has made the following findings:
 - (a) The project is on the list of additional public service facilities if required pursuant to Section 33.5;
 - (b) There is no feasible alternative that would reduce land coverage; and
 - (c) There is a demonstrated need and requirement to locate the facility outside a community plan.
- (7) Facilities For Public Safety And Access Of The Handicapped: Transfer of land coverage may be permitted for the addition of facilities for access of handicapped persons and for compliance with public safety laws, to facilities legally existing on the effective date of the Regional Plan. The maximum land coverage (base coverage plus transferred coverage) shall be the minimum amount required to provide access to handicapped persons occupying a residence or as required by local, state or federal law.
- (8) Water Quality Control Facilities: Transfer of land coverage for water quality control facilities, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities, may be permitted the minimum amount of land coverage needed to achieve their purpose provided there is not reasonable alternative, including relocation, which avoids or reduces the land coverage.

20.3.C Manner Of Transferring Land Coverage: Land coverage may be transferred to eligible parcels for eligible uses, in accordance with the percentage limitations, as set forth in Subsection 20.3.B, and the requirements of this subsection. A transfer of land coverage shall be from one parcel or project area to another and shall only be transferred in conjunction with a project approved by TRPA. Land coverage banks may be designated by TRPA pursuant to Section 38.8, to provide land coverage for transfer purposes.

- (1) Land Coverage Transfer Ratios: Land coverage transferred from one parcel ("sending parcel") to another parcel ("receiving parcel") shall be in accordance with the following ratios:
 - (a) General: Except for transfers relating to commercial uses within approved community plans, the transfer of one square foot of land coverage to a receiving parcel requires the retirement of one square foot of land coverage on the sending parcel (1:1 transfer ratio).
 - (b) Commercial Uses Within Approved Community Plans: Receiving parcels within approved community plans, upon which there exist commercial facilities, shall be eligible to receive transferred land coverage at the ratio prescribed by Subparagraph 20.3.C(1)(a), up to the maximum 50 percent land coverage prescribed by Subparagraph 20.3.B(2)(b). Undeveloped receiving parcels within approved community plans, eligible for the maximum 70 percent land coverage prescribed by Subparagraph 20.3.B.2(a), shall be eligible to receive transferred land coverage at the ratio prescribed by Subparagraph 20.3.C(1)(a), until the total land coverage reaches 50 percent of the project area. Undeveloped parcels shall be eligible to receive additional transferred land coverage in excess of the 50 percent limit, until the total land coverage reaches the maximum 70 percent, provided the additional coverage over 50 percent shall be transferred at the ratio set forth in the following chart:

Percent of Final Coverage	Transfer Ratio
51	1.05:1
52	1.1:1
53	1.15:1
54	1.2:1
55	1.25:1
56	1.3:1
57	1.35:1
58	1.4:1
59	1.45:1
60	1.5:1
61	1.55:1
62	1.6:1
63	1.65:1
64	1.7:1
65	1.75:1
66	1.8:1
67	1.9:1
68	1.95:1
70	2:1

Transfer Example:

Five Acre Parcel = 217,800 sq. ft.

Allowable Base Coverage = 30% = 65,340 sq. ft.

Proposed Project Coverage = 60% = 130,680 sq. ft.

Transfer Requirement

0 to 30% - None	=	0
30 to 50% - 1:1	=	43,560 sq. ft.
50 to 60% - 1.5:1	=	32,670 sq. ft.

Total Coverage to be Transferred 76,230 sq. ft.

(2) Types Of Land Coverage Eligible For Transfer: The following types or classes of legally established land coverage are eligible for transfer to receiving parcels in accordance with the provisions of this Chapter:

(a) Hard Coverage: Hard land coverage may be transferred in all cases.

- (b) Soft Coverage:[§] Soft land coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities. Exceptions listed below are pursuant to making the findings specified in Subparagraph 20.3.C (6)
 - (i) Soft coverage may be used for transfers for services, light industrial and wholesale/storage uses to commercial parcels within the South Y Industrial Tract Community Plan within the Upper Truckee River Hydrologic Transfer Area, in accordance with Subsection 20.3.C.
 - (c) Base Coverage: Unused allowable base land coverage referred to in Subsection 20.3.A may be transferred in all cases, except for transfers relating to commercial uses or facilities. Land coverage transferred as mitigation for excess coverage associated with commercial and tourist accommodation projects shall be existing hard coverage except as provided in Subparagraph 20.3.C(6)
 - (d) Coverage For Single Family House: Coverage transferred for a single family house, including, but not limited to, a house to be constructed pursuant to IPES, shall be from a sending parcel as environmentally sensitive as, or more environmentally sensitive than, the receiving parcel. If both sending and receiving parcels have not received IPES rating scores, relative environmental sensitivity shall be determined by comparing the land capability classification of each parcel. If both parcels have IPES rating scores, sensitivity shall be determined by comparing the scores of each. If one parcel has an IPES rating score and the other does not, TRPA shall determine sensitivity.
 - (e) Coverage for Water Quality Control Facilities: Land coverage transferred for water quality control facilities pursuant to Subsection 20.3.B(8) shall be in accordance with (a) through (c) above, or shall be mitigated through restoration in accordance with Subsection 20.4.C, in the amount of 1.5 times the area of land covered or disturbed for the project beyond that permitted by the coefficients in Subsection 20.3.A.
- (3) Sending Parcels Classified As Sensitive Lands: If land coverage is transferred from a sending parcel, or a portion thereof, that is located in Land Capability Districts 1 through 3, inclusive, or is at or below the initial level defining the top rank under IPES (i.e., 725), the coverage transferred shall be permanently retired as set forth in Subparagraph 20.3.C(7) below, and may not be returned to the sending parcel.

[§] Amended 4/23/03

- (4) Sending Parcels Classified As Non-Sensitive Lands: If land coverage is transferred from a sending parcel, or a portion thereof, that is located in Land Capability Districts 4 through 7, inclusive, or is above the initial level defining the top rank under IPES (i.e., 725), the coverage transferred shall be retired as set forth in Sub paragraph 20.3.C(7) below, but the land coverage may be returned to the sending parcel subject to the limitations of Subsections 20.3.A and 20.3.B.
- (5) Hydrologically Related Area Transfer Limitation: For all land coverage transfers, the receiving parcel and the sending parcel shall be in the same hydrologically related area. The hydrologically related area boundaries are depicted upon the TRPA Plan Area Overlays and are incorporated herein. Transfer across said boundaries is prohibited.
- (6) Inadequate Supply Of Land Coverage: If TRPA, after conducting a review of the cost of land coverage available at the land bank, finds there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within a given hydrologically related area, TRPA may authorize an increase in the supply of land coverage for transfer in the order of priority set forth below. In determining "reasonable cost," TRPA shall consider: whether there is no market for the coverage due to its cost, limited supply or simple absence of transactions actions; and other pertinent factors. Prior to authorizing an increase in supply of land coverage, TRPA also shall consider the effect of the increase on the inventory in the land bank and the value of investments made by the bank in hard or soft land coverage. If TRPA authorizes an increase in the supply of land coverage, it shall do so in the following order of priority:
- (a) Existing soft coverage as described in the definition of "land coverage."
 - (b) Unused base coverage, referred to in the Goals and Policies as "potential coverage."
 - (c) Through redefinition of the boundaries of the hydrologically related area to increase the supply of coverage.
- (7) Restoration And Retirement Of Land Coverage: Land coverage shall be restored and retired pursuant to Section 34.5 and the following:
- (a) Transfers: TRPA shall ensure that land coverage transferred pursuant to Subsection 20.3.C shall be retired permanently pursuant to the following requirements:
 - (i) In the event land coverage is removed from the sending parcel, the applicant or a public agency shall restore the sending parcel to a natural or near natural state;

- (ii) Provisions for future maintenance and protection of the parcel from further soil disturbance shall be made, whether or not the parcel is undisturbed or subject to restoration; and
 - (iii) For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently assuring the accomplishment of the requirements of Subparagraphs 20.3.C(7)(a)(i) and (ii) shall be recorded by the owner. TRPA shall obtain binding assurance from a public agency that the requirements of Subparagraphs 20.3.C(7)(a)(i) and (ii) are permanently met.
- (b) Removal Of Land Coverage For Credit: In the event land coverage is removed on one parcel, but is not proposed for immediate transfer to another parcel, the applicant shall comply with Subparagraphs 20.3.C(7)(a)(i) and (ii), to assure credit for the removed coverage in accordance with Chapter 38.
- (8) Land Bank: Land coverage transfers and land coverage retirement programs may use a land bank pursuant to Chapter 38.

20.3.D Method Of Calculation Of Land Coverage: Land coverage requirements shall be implemented by application of the percentage coverage figures set forth in Subsections 20.3.A and 20.3.B to the area of the project. Determination of the project area and the method of applying the percentage coverage figures to the project area are set forth in this Subsection.

- (1) Determination Of The Project Area: The project area shall be calculated as follows:
- (a) Boundaries Or Area Of Land Involved:
 - (i) For a project on a single parcel, the area of the project is the area of the parcel.
 - (ii) For a project on or comprising two or more contiguous parcels, the project area is the total combined square footage of the parcels, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the land coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.

- (iii) Where the proposed activity or project, for which land coverage is to be calculated, is a use accessory to an existing primary use located on or comprising one or more adjacent parcels, the project area for the accessory use is the total combined square footage of all of said parcels, owned or controlled by the same person, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.
 - (iv) For a project on a single parcel in excess of 20 acres, or on an area of land not consisting of a parcel, TRPA shall determine the project area based upon the following factors, among others, appropriate for this purpose: the area impacted by or the sphere of influence of the project; the area to be actually used for the project; whether the project is located in one or more hydrologically related areas; and the extent of land coverage and land disturbance for the project.
 - (v) For a project on noncontiguous parcels pursuant to Chapter 15 or 31, the project area of two or more noncontiguous parcels shall consist of the total combined square footage of the parcels, provided the owner(s) of the parcels record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the coverage and density calculations for the parcels shall always be determined as if the parcels had been legally consolidated.[§]
- (b) Land Not Included In The Project Area: The project area shall not include lands lake ward of the high-water lines of bodies of water, such as lakes and ponds, lands under lying covered surfaces associated with existing linear public facilities, highway, streets, and roads, referred to in Subsection 20.3.B, and easements or rights-of-way allowing potential land coverage for linear public facilities, high ways, streets, and roads. Land coverage associated with existing linear public facilities, highway, streets and roads shall not be considered in the calculation of land coverage, except as pertinent to the review by TRPA of the facilities, highway, streets or roads, or as required pursuant to Subsection 20.3.D(2)(c).

[§] Amended 3/26/03

- (c) Separate Calculation For The Area Within Each Land Capability District: With the exception of land coverage for IPES pursuant to Chapter 37, land coverage shall be calculated by reference to the square footage area of each, separate land capability district located within the project area, applying the applicable percentage coverage figures set forth in Subsections 20.3.A and 20.3.B to the square footage within each respective land capability district.
- (2) Application of Percentage Coverage Figures To The Project Area: The percentage coverage figures shall be applied to the project area as follows:
 - (a) Base Coverage: The amount of base land coverage shall be calculated by applying the percentage coverage figures set forth in Subsection 20.3.A to the project area determined pursuant to Subsection 20.3.D(1). Base land coverage placed upon the portions of the project area within Land Capability Districts 1 through 3, inclusive, shall not exceed, as to each such portion, the maximum amount of land coverage determined by applying the corresponding percentage coverage figure to the area of each such portion. With respect to an area of the project containing land within Land Capability Districts 4 through 7, inclusive, the following rules apply:
 - (i) For a parcel or other project area up to and including one-third (1/3) of an acre, base coverages attributable to all land capability districts on the parcel may be aggregated and the resulting total coverage placed at any location on the parcel lying within Land Capability Districts 4 through 7, inclusive, but not within Land Capability Districts 1 through 3, inclusive.
 - (ii) For a parcel or other area of the project over one-third (1/3) of an acre, base coverages attributable to land within Land Capability Districts 4 through 7, inclusive, may be placed upon the pertinent land, up to the maximum amount of land coverage determined by applying the corresponding percentage coverage figure. Aggregate base coverages attributable to portions of the parcel or other project area within Land Capability Districts 1 through 3, inclusive, also may be placed at any location on the parcel or such other area lying within Land Capability Districts 4 through 7, inclusive. No coverage shall be placed on any land within Land Capability Districts 1 through 3, inclusive, except as provided in Subsection 20.3.A.

(iii) As an alternative to Subparagraph 20.3.D(2)(a)(ii), the percentage coverage figure corresponding to the lowest land capability district number of Land Capability Districts 4 through 7, inclusive, that exists on the parcel or other project area, may be applied to the total area encompassed by Land Capability Districts 4 through 7, inclusive, to determine the amount of coverage, to which amount may be added the aggregate of base coverages attributable to portions of the parcel or other project area within Land Capability Districts 1 through 3, inclusive. No coverage shall be placed on any land within Land Capability Districts 1 through 3, inclusive, except as provided in Subsection 20.3.A.

(b) Transferred Coverage: In the event additional coverage is permitted by transfer of land coverage pursuant to Subsection 20.3.B, the amount of total coverage shall be calculated by applying the percentage coverage figures set forth in Subsection 20.3.B to the project area determined pursuant to Subparagraph 20.3.D(1).

(c) Land Coverage In Right-Of-Way: Existing or proposed land coverage in a public street or highway right-of-way shall be attributable to the owner of the right-of-way. Proposed coverage in such right-of-way shall be pursuant to a transfer of land coverage based upon a ratio of one square foot of land coverage retired for each square foot of new coverage proposed. Transfer of such coverage shall be pursuant to the requirements of Subsection 20.3.C. The owner of the right-of-way may arrange the transfer of land coverage with the person, if any, benefiting from the proposed land coverage in the right-of-way.

(3) Calculation Of Permissible Land Coverage Under IPES: Calculation of permissible land coverage for parcels subject to IPES shall be in accordance with Chapter 37.

(4) Overhang Allowance: For every three feet off of the ground surface, one foot of the horizontal overhang dimension shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

20.4 Prohibition Of Additional Land Coverage In Land Capability Districts 1a, 1c, 2 And 3 And 1b (Stream Environment Zones): No additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2, and 3 and Land Capability District 1b (stream environment zones) except as follows:

20.4.A Exceptions For Land Capability Districts 1a, 1c, 2 And 3 Prohibition: The following exceptions apply to the prohibition of land coverage and disturbance in Land Capability Districts 1a, 1c, 2 and 3:

- (1) IPES: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved pursuant to IPES in accordance with Chapter 37.
- (2) Public Outdoor Recreation Facilities: Land coverage and disturbance for public outdoor recreation facilities, which includes public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2 and 3 if TRPA finds that:
 - (a) The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
 - (b) The project is consistent with the Recreation Element of the Regional Plan;
 - (c) The project, by its very nature, must be sited in Land Capability Districts 1a, 1c, 2 or 3, such as a ski run or hiking trail; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3, or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988.
 - (d) There is no feasible alternative which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and
 - (e) The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:
 - (i) Application of best management practices; and
 - (ii) Restoration, in accordance with Section 20.4.C, of land in Land Capability Districts 1a, 1c, 2 and 3 in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Subsection 20.3.A.
- (3) Public Service Facilities: Land coverage and disturbance for public service facilities may be permitted in Land Capability Districts 1a, 2c, 2 and 3 if TRPA finds that:
 - (a) The project is necessary for public health, safety or environmental protection;

- (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and
 - (c) The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by Subparagraph 20.4.A(2)(e).
- (4) Water Quality Control Facilities: Land coverage and disturbance may be permitted in Land Capability Districts 1a, 1c, 2 and 3 for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs and facilities if TRPA finds that:
- (a) The project, program or facility is necessary for environmental protection; and
 - (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3.
 - (c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.
- (5) Tyrolian Village: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved in accordance with Chapter 36, on parcels in Tyrolian Village, Units #1 through 5, inclusive, for which complete applications were filed and accepted by TRPA pursuant to the "Agreement Between The Tyrolian Village, Inc. And The Tahoe Regional Planning Agency Regarding Erosion Control Improvements And Reclassification Of Upper Tyrolian Village" dated May 26, 1983."

20.4.B Exceptions For Land Capability District 1b (Stream Environment Zone):
The following exceptions apply to the prohibition of land coverage and disturbance in land capability district 1b (stream environment zone):

- (1) Stream Crossings: Land coverage and disturbance for projects to effect access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 27, may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment is necessary to reach the building site recommended by IPES; and

- (b) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.
- (2) Public Outdoor Recreation: Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) The project is a necessary part of a public agency's long range plans for public outdoor recreation;
 - (b) The project is consistent with the Recreation Element of the Regional Plan;
 - (c) The project, by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988.
 - (c) There is no feasible alternative which would avoid or reduce the extent of encroachment in the stream environment zone; and
 - (e) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.
- (3) Public Service: Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) The project is necessary for public health, safety or environmental protection;
 - (b) There is no reasonable alternative, including a bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and

- (c) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.
 - (4) Water Quality Control Facilities: Land coverage and disturbance may be permitted in Land Capability District 1b (stream environment zones) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities if TRPA finds that:
 - (a) The project, program, or facility is necessary for environmental protection;
 - (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and
 - (c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.
 - (5) Vegetation: Indigenous vegetation shall not be removed or damaged in Land Capability District 1b (SEZ) unless otherwise authorized under TRPA permit pursuant to Subsections 20.4.B, 20.5.C, 55.6, 71.4, 74.2, or 79.2, or Chapters 72 or 73. Species used for revegetation or landscaping shall be species appropriate for the stream environment zone type (e.g. meadow, marsh).
- 20.4.C Restoration Requirements: The following requirements apply to restoration:
- (1) The restoration requirements of Subparagraphs 20.3.C(2)(e) and 20.4.A(2)(e), may be accomplished onsite or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 82.
 - (2) Only land which has been disturbed or consists of hard coverage or soft coverage shall be eligible for credit for restoration. Restoration plans shall require restoration to cause the area to function in a natural state with provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored are not eligible for credit. Permanent protection from further disturbance shall include, but not be limited to, recordation by the owner of deed restrictions, or other covenants running with the land, on a form approved by TRPA, against parcels in private ownership, permanently assuring the restoration requirements of

Subparagraphs 20.3.C(2)(e) or 20.4.A(2)(e), as applicable. TRPA shall obtain appropriate assurance from a public agency that the requirements of Subparagraph 20.3.C (2)(e) or 20.4.A(2)(e), as applicable are met.

20.5 Excess Land Coverage Mitigation Program: This Section applies to projects where the amount of land coverage existing prior to the project in the project area exceeds the base land coverage for the project area prescribed by Subsection 20.3.A. Land coverage in excess of the base land coverage shall be mitigated by the transfer of land coverage pursuant to Subsection 20.3.C or the land coverage mitigation program set forth in this Section.

20.5.A Implementation Of Program: Except as otherwise provided by Subsection 20.5.B, all projects on parcels, or other applicable project areas, with unmitigated excess land coverage, shall be subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in Subparagraph 20.5.A(1) and (2).

(1) Excess Coverage Calculation: Excess land coverage equals the existing amount of land coverage, less the total of the following: the maximum allowable amount of base coverage; the amount of coverage approved by transfer; and the amount of coverage previously mitigated under this Section.

Excess Coverage (% sq. ft.) = Existing Coverage (% sq. ft.) - (Maximum coverage (% sq. ft.) + Transferred Coverage (% sq. ft.) + Previously Mitigated Coverage (% sq. ft.))

(2) Excess Land Coverage Mitigation Program Options: In the event land coverage reduction is required, the applicant may chose any of the following options, or combinations thereof, to comply with the requirements of this Section:

(a) Reduce Coverage Onsite: Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(b) Reduce Coverage Offsite: Coverage may be reduced offsite as part of the project approval. The land upon which the coverage is reduced shall be in the same hydrologically related area as the project. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(c) Coverage Mitigation Fee: A land coverage mitigation fee may be paid to TRPA in lieu of reduction of land coverage pursuant to Subparagraphs 20.5.A(2)(a) or (b). The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The fee shall be calculated pursuant to Subparagraph 20.5.A(3) and shall be non-refundable once paid.

- (d) Parcel Consolidation Or Parcel Line Adjustment: The percentage of excess coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.
- (e) Projects Within Community Plans: Projects which are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings (i) and (ii), below. In lieu of findings (i) and (ii) being made, the TRPA may determine that a project complies with the requirements of this subparagraph by making finding (iii), below:
 - (i) The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in Section 20.5 (A) (1), (2), and (3). The options available for mitigating excess land coverage under any such program shall be any combination of those options set forth in subparagraphs (a), (b), (c) and (d) of this subsection.
 - (ii) There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, irrevocable commitment shall mean the following:
 - (A) The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;
 - (B) The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;

- (C) Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;
 - (D) The public entity funding the program has received a funded commitment from another public entity as described in (i) or (iii) above; or
 - (E) Any combination of (i) through (iv) above.
- (iii) As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 8.8, in an amount equal to the excess coverage mitigation fee otherwise required under Section 20.5. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or 3 years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.
- (3) Determination Of Excess Coverage Mitigation: The required excess land coverage reduction mitigation shall be calculated as follows:[§]
- (a) Coverage Reduction Mitigation: For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 38, the land coverage reduction is calculated by determining the reduction percentage from Table A above based on the amount of excess land coverage. The reduction percentage is then multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight (8).
- Coverage Reduction (Sq. Ft.) = Fee Percentage x CM Construction Cost (\$)/ Mitigation Factor of 8.
- (b) Excess Coverage Mitigation Fee: The excess coverage mitigation fee shall be calculated by determining the amount of excess coverage (sq. ft.), in accordance with subparagraph (a), above. The coverage reduction square footage is then multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Coverage Mitigation Fee. The Mitigation Fee Coverage Cost Factor(s) shall be established by TRPA staff by January 1 of each year based on a certified real estate appraiser's estimate of the land bank's cost to

[§] Amended 5/23/01

acquire and restore land coverage under this program. The appraiser shall use the methodology established in the Uniform Standards of Appraisal Practice. In no case shall the total excess coverage mitigation fee be less than \$200. [§]The Excess Land Coverage Fee shall be as follows:

Hydrologic Transfer Area	Fee Per Sq. Ft.
Area 1 – Incline	\$20.00
Area 2 – Marlette	\$12.00
Area 3 – Cave Rock	\$25.00
Area 4 – South Stateline (Nevada side)	\$15.00
Area 4 – South Stateline (California side)	\$8.50 ^{§§}
Area 5 – Upper Truckee	\$8.50 ^{§§}
Area 6 – Emerald Bay	\$8.50
Area 7 – McKinney Bay	\$8.50
Area 8 – Tahoe City	\$8.50
Area 9 – Agate Bay (California side)	\$8.50
Area 9 – Agate Bay (Nevada side)	\$18.00

(c) Mitigation Fee (\$) = Coverage Reduction Sq. Ft. x Mitigation Fee Sq. Ft. Coverage Cost Factor.

(d) Coverage Mitigation Construction Cost: Coverage Mitigation Construction Cost is defined a cost estimate prepared by a registered engineer, licensed architect (or other qualified professional acceptable to TRPA) of the cost to construct the bearing elements of a structure. This includes without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations and base materials under asphalt or concrete. Structural cost does not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture and similar decorations and fixtures.

[§] Amended 3/22/06

^{§§} Amended 01/24/07

TABLE A. EXCESS COVERAGE REDUCTION SQ. FT. FACTOR

Square Feet of Excess Coverage	Reduction % Factor
>400 or less	.06
>400 – 600	. 12
>600 - 1,000	. 25
>1,000 - 1,500	. 50
>1,500 - 2,000	. 75
>2,000 - 2,800	1.00
>2,800 - 3,800	1.25
>3,800 - 5,000	1.50
>5,000 - 6,400	1.75
>6,400 - 8,000	2.00
>8,000 - 11,000	2.25
>11,000 - 15,000	2.50
>15,000 - 18,000	2.75
>18,000 - 21,780	3.00
>21,780 - 43,560	3.25
>43,560 - 65,340	3.50
>65,340 - 87,120	3.75
>87,120 - 108,900	4.00
>108,900 - 130,680	4.25
>130,680 - 152,460	4.50
>152,460 - 174,240	4.75
>174,240	5.00

20.5.B Exemptions From The Land Coverage Mitigation Program: The following are exempt from the land coverage mitigation program:

- (1) Parcels With Mitigated Land Coverage: Parcels or project areas, which contain land coverage in excess of base land coverage prescribed by Sub section 20.3.A, which excess coverage has been fully mitigated pursuant to Subsection 20.5.A through transfer of land coverage pursuant to Subsection 20.3.C or by consolidation of adjoining parcels, shall not be subject to the land coverage mitigation program.
- (2) Repair And Reconstruction Of Buildings Damaged Or Destroyed By Fire Or Other Calamity: Repair and reconstruction of buildings damaged or destroyed by fire or other calamity pursuant to Chapter 4 shall not be subject to the land coverage mitigation program.

- (3) Work Not Requiring A Permit: An activity not requiring a permit pursuant to Chapter 4 shall not be subject to the land coverage mitigation program.
- (4) TRPA Requirements: Projects and modifications, required by TRPA, or portions thereof, directly related to attainment of the environmental thresholds, such as best management practices and stream environment zone restoration, shall not be subject to the land coverage mitigation program. The following categories of projects, if not carried out in conjunction with another type of project, may be exempt from the land coverage mitigation program:
 - (a) Installation of erosion control facilities.
 - (b) Restoration of disturbed areas.
 - (c) SEZ restoration.
 - (d) Underground storage tank removal, replacement or maintenance.
 - (e) Hazardous waste spill control or prevention facilities.
 - (f) Sewage pump-out facilities for RVs or boats.
- (5) Repair Of Linear Public Facilities: Repair of linear public facilities shall not be subject to the land coverage mitigation program.
- (6) Minor Utility Projects: Those activities which replace, repair, underground or interconnect existing utilities or extend local distribution, and which are located within a right-of-way where the applicant is not the primary right-of-way user are considered minor utility projects and shall not be subject to the excess land coverage mitigation program. The construction of roads is not a minor utility project. The primary right-of-way user shall be the owner or controlling party of the right-of-way.

20.5.C Relocation Of Existing Land Coverage: Existing land coverage may be relocated on the same parcel or project area if TRPA finds that:

- (1) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:
 - (a) Whether the area of relocation already has been disturbed;
 - (b) The slope of and natural vegetation on the area of relocation;
 - (c) The fragility of the soil on the area of relocation;
 - (d) Whether the area of relocation appropriately fits the scheme of use of the property;

- (e) The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;
 - (f) The project otherwise complies with the land coverage mitigation program set forth in Section 20.5; and
- (2) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.
 - (3) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3, from any higher numbered land capability district.
 - (4) If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone. Net environmental benefit to a stream environment zone is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:
 - (a) Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel;
 - (b) Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or
 - (c) For projects involving the relocation of more than 1000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats.

20.6 Land Coverage Requirements For Redevelopment Projects: Land coverage requirements for redevelopment projects shall be in accordance with Chapter 15.

20.7[§] Conversion of Turf Grass Coverage to Synthetic Turf Coverage for Public Athletic Fields: Turf grass public athletic fields may be converted to synthetic turf fields as follows:

20.7.A. Eligibility: TRPA shall find that the turf grass field meets all of the following criteria:

- (1) The turf grass field shall be composed of non-native turf grasses and receive regular fertilization and periodic irrigation.
- (2) At least 50 percent of the condition of the turf grass field shall be substantially compacted by repeated pedestrian traffic so as to reduce saturated hydraulic conductivity by 50 percent or more when compared to natural conditions for the same soil type.

[§] Amended 08/27/2008

20.7.B. Construction Standards: The synthetic turf field shall be constructed and maintained to meet all of the following standards:

- (1) The synthetic turf design shall include a subsurface drainage system that discharges to a water quality treatment area. The subsurface drainage system shall comply with groundwater interception regulations pursuant to Code Section 64.7 and shall not adversely affect water levels within a Stream Environment Zone.
- (2) The synthetic turf shall be limited to team playing fields and player staging areas only,
- (3) Synthetic turf components and fields shall not contain or utilize materials for construction or maintenance that could leach into the ground water, present a health hazard to people, or adversely affect flora or fauna.
- (4) The synthetic turf shall not receive runoff or overflow from adjacent lands, except under extraordinary circumstances, such as 20 year or greater storm events).

20.7.C. In-Lieu of Excess Coverage Mitigation and Water Quality Mitigation: In order to approve synthetic turf for public athletic turf fields, the coverage shall be mitigated either by:

- (1) Restoration of an equal area of highly compacted turf grass to native vegetation so as to achieve a saturated hydraulic conductivity of greater than 50 percent of natural conditions for the same soil type, or
- (2) Payment of a fee equal to five (5) percent of the structural cost of the synthetic turf construction as specified in Code subsection 20.5 (A)(3)(d). Except for the synthetic turf carpet, all other construction costs, including materials and labor, shall be included in the structural cost.

20.7.D. Synthetic Turf Coverage Transfer or Conversion Limitations: Synthetic turf coverage is intended only for public athletic fields and shall not be transferred to a different parcel and cannot be converted to hard coverage.

Chapter 33

ALLOCATION OF DEVELOPMENT

Chapter Contents

- 33.0 Purpose
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- 33.2 Allocation Of Additional Residential Units
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- 33.7 Election Of Conversion Of Use
- 33.8 Other Permits

33.0 Purpose: This chapter sets forth the requirements for regulating the rate and timing of growth within the region. In conjunction with other provisions of this Code and the Goals and Policies, this chapter, through issuance of allocations, distributes, in an orderly fashion, growth and development within the confines of attainment and maintenance of the environmental thresholds. An allocation issued pursuant to this chapter does not give the recipient thereof a right to develop a project.

33.1 Applicability: No person shall construct a project or commence a use or activity, which requires an allocation unless an allocation is obtained in accordance with this chapter; the parcel is eligible to use an allocation; and the project is approved by TRPA. For purposes of this chapter, where the term "existing" is used it shall not include structures or facilities that have become derelict. (See Chapter 2.)

33.2 Allocation Of Additional Residential Units: TRPA shall allocate the development of additional residential units as follows:

33.2.A Requirement Of Allocation[§]: No person shall construct a project or commence a use, which creates one or more additional residential units, without first receiving an allocation approved by TRPA. This requirement does not apply to affordable housing units approved after January 1, 1986, but shall apply to conversions of such affordable housing to nonaffordable status. In order to construct the project or commence the use, to which the allocation or the exemption therefrom pertains, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

[§] Amended 12/18/02

- (1) Applicable Residential Uses: The following residential uses referred to in Chapter 18 contain residential units: secondary residences; employee housing; mobile home dwellings; multiple family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single family dwellings; and summer homes.
- (2) Definition Of "Additional Residential Unit": Residential unit is defined in Chapter 2. A residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter. The following are not "additional" residential units:
- (a) The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;
 - (b) The reconstruction or replacement, on the same parcel, of a residential unit which was allocated and approved pursuant to this Code;
 - (c) Legally established additions and accessory uses to an existing residential structure, that do not create additional residential dwelling units;
 - (d) A residential unit constructed on a foundation, the use of which is authorized by Chapter 11.
 - (e) The relocation of residential units legally existing on January 1, 1986, other than mobile home dwellings, through a transfer approved by TRPA;
 - (f) The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA;¹
 - (g) An existing, legally established mobile home pad with water, sewer and electrical services, whether or not a mobile home is located thereon; or²
 - (h) One or more new residential units permitted by TRPA prior to February 24, 2010, provided that;³
 - i. Applications is made to TRPA prior to the expiration of the permit, as determined in Section 4.9, to re-issue a permit for a project for which an allocation(s) was assigned;
 - ii. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit, are updated to meet

¹ Amended 2/24/2010

² Amended 2/24/2010

³ Added 2/24/2010

the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and

- iii. Subparagraph 33.2.A(2)(h) has not previously been used in relation to the same project.

- (3) Maximum Number Of Units And Distribution Of Allocations Among Jurisdictions: [§]From January 1, 2002 to December 31, 2006 a maximum of 1,475 additional residential units may be authorized to receive permits for construction. ^{§§}Commencing on January 1, 2007, the maximum number of allocations that may be authorized to receive permits for construction from the allocation Pool will be determined in accordance with Goal and Policies Implementation Policy II. The allocation and distribution of allocations each year shall not exceed the following yearly maximums:

MAXIMUM YEARLY ALLOCATIONS [§]		
YEAR	2002	Post 2002 ^{§§}
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

- (a) A total of 1400 additional multi-residential development rights shall be available^{§§} as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of this Plan. Multi residential units shall be subject to the foregoing allocation limitations.
- (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 31^{§§§}
- (c) Allocations assigned to the City of South Lake Tahoe and the STPUD service area within El Dorado County may be assigned to parcels within either jurisdiction provided the

[§] Amended 12/18/02
^{§§} Amended 10/25/06
[§] Amended 12/18/02
^{§§} Amended 10/25/06
^{§§§} Amended 7/22/09

sending jurisdiction approves the reassignment. Such reassignment shall not be considered an allocation transfer.

- (d) Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.
 - (e) In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.
- (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.~~§§§§§~~
- (a) TRPA may assign allocations to parcels throughout the Region providing the recipient retires a sensitive parcel within the Region.
 - (b) TRPA may assign up to, but not exceed 200 allocations to parcels throughout the Region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in 35.2.G. [§]
 - (c) ~~§§§§~~ Repealed.
 - (d) ~~§§§§~~ TRPA may assign allocations to local jurisdictions earned under Subsection 33.2.B(5).

33.2.B Distribution And Administration Of Residential Allocations: Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

- (1) Distribution of Annual Allocations: Distribution of allocations for 1993 and beyond shall be by a method or system which permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.
 - (a) TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the IPES line. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to

[§] Amended 4/28/04
~~§§§§~~ Amended 10/25/06

distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as the case may be, provides an equal or superior opportunity for participation of parcels below the IPES line.

- (b) Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1, shall be given to the appropriate jurisdiction for issuance.^{§§}
 - (c) (Deleted)^{§§§}
 - (d) Upon transfer of a reserved allocation, a complete application for an additional residential unit shall be filed no later than December 31, of the year in which it was distributed. Failure to submit a complete application for a transfer by June 1, of the year in which it was distributed, or to file a complete application for a new residential unit by December 31, of the year in which it was distributed, shall result in the forfeiture of the allocation to the jurisdiction of origin.
- (2) Distribution of the Allocation Pool: TRPA shall distribute allocations from the allocation pool as follows:
- (a) Owners of eligible parcels may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.
 - (b) Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in 35.2.G, may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.[§]
 - (c) Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.[§]
 - (d) ^{§§} After 2006, Annual Allocations distributed pursuant to Subsection 33.2(1) shall be assigned from the Allocation Pool.
 - (e) ^{§§} Annual Allocations, sensitive lots retirements and moderate-income housing allocations shall be made available on a first-come, first-served basis. Should the number of allocations in the Allocation Pool be reduced such

^{§§} Amended 12/18/02
^{§§§} Amended 4/27/05
^{§§§§§} Amended 7/22/2009
[§] Amended 4/28/04
^{§§} Amended 10/25/06

that the minimum number of Annual Allocations pursuant to the Performance Review System is not available, the number of allocations issued to each jurisdiction shall be prorated. If the Allocation Pool is exhausted, no further allocations will be distributed from the pool.

- (3) Distribution Requirements: Distribution of allocations, within the limits set in Subsection 33.2.A and consistent with subparagraph (1) above, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.
- (a) Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification must be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.
 - (b) TRPA shall deliver allocations to the counties and city no later than January 15, of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for residential allocations for that year, whichever is later.
 - (c) Delivery of allocations shall be accomplished by providing each county and city with the number of allocation forms which corresponds to the allocations available to each county and city in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the assessor's parcel number (APN) of the receiving parcel on the allocation form. The counties and city shall provide TRPA with a list of assessor parcel numbers which received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.
 - (d) TRPA shall number each allocation as follows:
 - (i) The first set of letters shall signify the county or city of origin (e.g., WA, DG, PL, EL, SLT);
 - (ii) The first set of numbers shall signify the year of issuance (e.g., 87, 88, 89, 90, 91);
 - (iii) The second set of letters shall signify the type of allocation (e.g., O for original, R for reissued, LS for litigation settlement, AP, allocation pool);
 - (iv) The second set of numbers shall signify the sequence of the allocation (e.g., for Douglas County the sequence will be 1 through 23).(Example PL - 87 - R - 56;County-Year-Type-Number)

- (e) The counties and city shall notify each owner of a parcel receiving an allocation.
 - (f) In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation form and requesting a reissued allocation for assignment to another parcel. If the original allocation form cannot be returned to TRPA, the county or city shall notify TRPA of the reason therefor, and the allocation shall be cancelled by depositing in the U. S. Mail, first class, postage prepaid, a notice of cancellation addressed to the last known address of the owner of the receiving parcel.
 - (g) TRPA shall adopt a Revised Fertilization Management Program in accordance with section 81.7 and the recommendations of the 2001 Threshold Evaluation, prior to the release of 2003 residential allocations. [§]
- (4) Administration: An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 34. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for and otherwise treated in accordance with Chapter 38.
- (a) Upon receipt of the allocation form from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Failure to either file a complete application or complete a transfer by the deadlines set in subparagraphs (b) and (c) below, shall result in the forfeiture of the allocation to the county, TRPA, or city of origin.
 - (b) Except as set forth in Section 33.2.C, Multi-Residential Allocations, and sub paragraph (d), below, complete applications for construction of additional residential units shall be filed with TRPA no later than December 31 of the year in which the allocation was distributed.
 - (c) Transfer of allocations shall be complete no later than December 31, of the year in which the allocation was distributed. Transfers of allocations shall be deemed complete when the applicant has received a TRPA notice of eligibility for the transfer, the conditions of transfer have been fulfilled, and the original allocation form has been signed by the owners of the transferor and transferee parcels, the county or city which issued the allocation, and TRPA. The signatures of the receiving and sending county or city shall be required for intercounty transfers.
 - (d) Upon transfer of an allocation, a complete application for an

[§] Amended 12/18/02
^{§§} Amended 7/22/09

additional residential unit shall be filed no later than June 1 of the year after the issuance of the allocation. Failure to file a complete application by June 1 shall result in the forfeiture of the allocation to the city or county of origin.

(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.

(f)

(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.

(a) Permit Monitoring and Compliance: Starting October 1,

§ Amended 12/18/02

§§ Amended 07/22/09

2002, TRPA shall conduct a representative sample audit of residential permits issued, and compliance inspections performed the prior year, by the counties, City, and TRPA. A passing score of 70% for both permit monitoring and tracking is expected. The base allocation shall be enhanced or reduced as follows:

- (i) A jurisdiction shall receive one increment of enhancement for a 75% to less than 90% score for both the project review portion and the compliance portion of the audit, or
 - (ii) A jurisdiction shall receive two increments of enhancement for scores 90% or greater for both the project review portion and the compliance portion of the audit, or
 - (iii) A jurisdiction shall be penalized one increment of deduction for audit scores below 65%.
- (b) EIP Implementation 2003: TRPA must receive from each jurisdiction, a Water Quality and Air Quality EIP Project list (EIP Component List) that includes project components and their schedule of completion for years 2003-07, in addition to a Maintenance Efficiency Plan (MEP) for water quality project maintenance by October 2002. The base allocation shall be enhanced or reduced as follows:
- (i) A jurisdiction shall receive one increment of enhancement for TRPA approval of the EIP Component List and MEP, and
 - (ii) A jurisdiction shall receive one increment of enhancement for achievement of 71–100% of permitted projects for the yearly CIP performance target in implementation of the local jurisdictions Water Quality CIP/EIP 2000-05 list previously submitted in 2000, or
 - (iii) A jurisdiction shall be penalized one increment of deduction for not submitting and gaining TRPA approval of the EIP Component List and MEP.
- (c) §EIP Implementation 2004 and beyond: TRPA must receive and approve an updated 5 year EIP Component List for years 2006-2011, in addition to a Maintenance Efficiency Plan (MEP) by the October prior to the allocation year. The base allocation for years 2004 and beyond shall be enhanced or reduced as follows:
- (i) A jurisdiction shall receive one increment of enhancement for a 71-100% completion of project component scores for the EIP Component List, or
 - (ii) A jurisdiction shall receive two increments of enhancement for performance greater than 100% completion of project component scores for the EIP

§ Amended 10/25/06

Component List, or

- (iii) A jurisdiction shall be penalized one increment of deduction for performance 50% below completion of project component scores for the EIP Component List, or not having an approved EIP Component List and MEP.
- (d) BMP Retrofit Implementation 2003: TRPA shall establish BMP Retrofit Targets for 2003-06 for all parcels in need of retrofit by jurisdiction. The minimum targets for parcels retrofitted/parcels in need of retrofit shall be 5 percent for FY 02-03, 25% for FY 03-04, 65% for FY 04-05, and 85% for FY 05-06. The base allocation shall be enhanced or reduced as follows:
- (i) A jurisdiction shall receive one increment of enhancement for developing a TRPA approved program to assist the implementation of the BMP retrofit targets, and
 - (ii) A jurisdiction shall receive a second increment of enhancement for adopting a TRPA approved program and demonstrating an adequate resource commitment based on the annual target (e.g. funding, staff resources) to the program to assist in the implementation of BMP retrofit targets, or
 - (iii) A jurisdiction shall be penalized one increment of deduction if baseline targets for BMP retrofit are not established by October 31, 2002.

- (e) §BMP Retrofit Implementation 2004 and beyond: The base allocation for years 2004 and beyond shall be enhanced or reduced as follows:
- (i) A jurisdiction shall receive one increment of enhancement for maintaining the jurisdiction specific BMP Retrofit Implementation program and making progress toward meeting established targets equal to 50% to 100% compliance, or
 - (ii) A jurisdiction shall receive two increments of enhancement for greater than 100% compliance with the established annual retrofit targets for implementation of BMPs for years 2003st and beyond, or
 - (iii) A jurisdiction shall be penalized one increment of deduction for not maintaining the jurisdiction's specific BMP Retrofit Implementation program or not making progress toward meeting established targets.
- (f) Transit Level Of Service 2003: TTD, in consultation with TRPA staff, shall establish baseline Transit Level of Service (TLOS) for each jurisdiction as well as establish targets for improving the TLOS for 2004-06 as set forth in the TLOS Guidelines Handbook. Failure to comply will be deducted from the next year's allocation. The 2003 base allocation shall be enhanced or reduced as follows:
- (i) A local jurisdiction shall receive one increment of enhancement for committing by letter of intent/resolution to increasing FY 2003-04 total transit operating funds by at least 5% above FY 2002-03 total funding levels for project(s)/program(s) to improve TLOS selected from TRPA/TTD adopted transportation plans. The TTD shall provide input regarding these projects(s)/program(s). Washoe County shall work with the Washoe County Regional Transportation Commission for the purpose of securing additional funding. The funding source and project(s)/program(s) shall be for the purpose of improving TLOS and agreed to by the PRC, or.
 - (ii) A local jurisdiction shall receive two increments of enhancement for committing by letter of intent/resolution to increasing FY 2003-04 total transit operating funds by at least 10% above FY 2002-03 total funding levels for project(s)/program(s) to improving TLOS selected from TRPA/TTD adopted transportation plans. The TTD shall provide input regarding these project(s)/program(s). Washoe County shall work with the Washoe County Regional Transportation Commission for the purpose of securing additional funding. The funding source and project(s)/

§ Amended 10/25/06

program(s) shall be for the purpose of improving TLOS and agreed to by the PRC, or

- (iii) A jurisdiction shall be penalized one increment of deduction for any decrease in FY 2003-04 total transit operating funding levels below that from FY 2002-03 if it results in a decrease in TLOS.
- (g) Transit Level Of Service ^{§§§}2004 and beyond: The base allocation for years 2004 and beyond shall be enhanced or reduced, with recommendation from the TTD, as follows:^{§§}
- (i) A jurisdiction shall receive one increment of enhancement for improving the previous year's three^{§§} of nine of the TLOS criteria by 5-10% as determined by the jurisdiction specific TLOS Criteria Matrix in the TLOS Guidelines Handbook, or
 - (ii) A jurisdiction shall receive two increments of enhancement for improving the previous year's five of nine TLOS criteria by greater than 5%[§], as determined by the jurisdiction specific TLOS Criteria Matrix in the TLOS Guidelines Handbook, or
 - (iii) In the event a jurisdiction does not qualify for either increment of enhancement but improves a minimum of one (1) TLOS criteria by at least 5% under subsection (g)(i), or three (3) criteria by at least 5% under subsection 33.2.B (5)(g)(ii), a jurisdiction can qualify for an initial or second increment if other measurable commitments to transit (listed below), approved by TRPA and TTD at least one (1) year in advance, are met. Other measurable commitments to transit that may increase ridership include, but are not limited to, one or more of the following: expenditure of new transit funds on transit, development/ implementation of a parking management plan, establishment of a regional or local revenue source to fund transit operations, establishment/extension of inter-jurisdictional service, provide transit passenger incentives such as free fares, implementation of new transit marketing and/or promotional programs.
 - (iv) A jurisdiction shall be penalized one increment of deduction for a 5% or greater decrease in the previous year's four of nine TLOS criteria as determined by the jurisdiction specific TLOS Criteria Matrix.
- (6) Monitoring Requirement: TRPA hereby establishes a monitoring fee of \$100[§] which shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance.

^{§§§} Amended 10/25/06

^{§§} Amended 05/28/03

[§] Amended 7/24/02

33.2.C Multi-Residential Allocations: A portion of the residential allocations set forth in subparagraph 33.2.A(3) may be reserved for multi-residential use. These reserved allocations shall be used for the Multi residential Incentive Program established in Chapter 35 and in connection with transfer of development rights pursuant to Chapter 34.

- (1) Reservation Pool: On a yearly basis, a pool of allocations representing the desired level of multi-residential development for a given jurisdiction may be established by TRPA after consultation with such jurisdiction. Allocations assigned to the pool shall be within the limitations of the Allocation Table set forth in Sub paragraph 33.2.A(3). Unused allocations may be carried over to the next year's pool.
- (2) Allocations For Multi-Residential Projects: Except for allocations obtained by transfer pursuant to Chapter 34, or obtained directly as provided in Subsection 33.2.B, allocations for multi residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations are available from the reservation pool or have been reserved from a future year's allocation, shall be required as part of the project application. TRPA may review multi-residential projects for which allocations are reserved from future years except that project approval shall be limited to units for which allocations are available at the time of approval. Projects may receive bonus units prior to project approval pursuant to Chapter 35.

33.3 Allocation Of Additional Commercial Floor Area: TRPA shall allocate the development of additional commercial floor area as follows:

33.3.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates additional commercial floor area, without first receiving an allocation approved by TRPA. In order to construct the project or commence the use, to which the allocation pertains, the recipient of the allocation shall comply with all other applicable provisions of this code.

- (1) Applicable Commercial Uses: The commercial uses set forth in Chapter 18 contain commercial floor area. The allocation of additional commercial floor area pursuant to this chapter also applies to commercial activities that are not primary commercial uses, except that accessory uses as to which TRPA makes the following findings shall be deemed not to contain additional commercial floor area:
 - (a) The accessory use meets all criteria specified by Chapter 18 for an accessory use; and
 - (b) The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:

- (i) There is no separate entrance for the accessory use;
 - (ii) The accessory use is compatible with the size and patronage of the primary use;
 - (iii) The accessory use does not rely on separate parking;
 - (iv) The accessory use is not separately advertised;
 - (v) The use season of the accessory use corresponds to that of the primary use;
 - (vi) The accessory use does not generate additional vehicle trips; and
 - (vii) In applicable instances, the accessory use is principally for service or repair rather than sales. The following are examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area: ski rental shops in ski areas; gift shops in airports; tackle shops used by patrons of marinas; newsstands in motels; pro shops at golf courses; and cafeterias in hospitals.
- (2) "Additional" Commercial Floor Area: Commercial floor area is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987.
- (a) Additional commercial floor area includes, but is not limited to, the following:
 - (i) The construction of commercial floor area, which did not exist before January 1, 1987; or
 - (ii) Conversion of legally existing or approved floor area from noncommercial use to commercial use.
 - (iii) The construction of, or conversion to, floor area that is primarily utilized for commercial enterprise regardless if it is classified as public service or is publicly owned, except when such floor area is for an accessory use excluded in Subsections 33.3.A(1)(a) and (b) or such floor area is excluded by Subsection 33.3.A(2)(b).
 - (b) Additional commercial floor area excludes the following:
 - (i) Changes in commercial use per se, not involving any increase in commercial floor area;
 - (ii) Additions to, or expansions of, legally existing commercial floor area of 500 square feet or five percent of the existing commercial floor area, whichever is less, provided the existing structure and any subsequent additions or expansions physically exist and were completed at least one year prior to an application pursuant to this subparagraph, the exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion, there is no change in use, any increase in traffic is in

significant as defined in Chapter 93, the exempt addition or expansion occurs within a single project area and the exempt addition or expansion does not occur within the same project area more frequently than once every ten years;

- (iii) The relocation, replacement or reconstruction on the same parcel of commercial floor area, which either existed as of January 1, 1987, or which contains floor area allocated and approved pursuant to this Code;
- (iv) The replacement, reconstruction or relocation of commercial floor area legally existing as of January 1, 1987, pursuant to a TRPA-approved redevelopment plan;
- (v) The TRPA-approved transfer of legally existing commercial floor area;
- (vi) The construction of floor area associated with a publicly owned assembly and entertainment facility with a fire rated capacity of less than 1,100 people; or
- (vii) ⁴ New commercial floor area permitted by TRPA prior to February 24, 2010, provided that:
 - A. Application is made to TRPA prior to the expiration of the permit, as determined in Section 4.9, to re-issue a permit for a project for which an allocation was assigned;
 - B. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit, are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and
 - C. Subparagraph 33.3.A (2)(b)(vii) has not previously been used in relation to the same project.

(3) Allocations to Sensitive Lands: Allocations of commercial floor area to projects located in land capability districts 1, 2, 3, or SEZ shall not be permitted unless:

- (a) The allocation is matched by a transfer from an equal or more sensitive land capability district at a ratio of one square foot of commercial floor area allocation to two square feet of transferred commercial floor area; or,
- (b) The parcel receiving the allocation is in an adopted community plan where one or more SEZ restoration projects have been completed and the local jurisdiction has submitted a CIP list pursuant to the residential allocation

⁴ Added 2/24/2010

requirements in subparagraph 33.2.B(5).

33.3.B Definition And Calculation Of Commercial Floor Area: Square footage of commercial floor area shall be calculated by reference to the gross square footage of floor area within the outer wall of a commercial building, not including stairwells and airshafts. The square footage of other facilities relating to such building, including but not limited to, decks, which are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial square footage:

- (1) Parking areas, driveways, parking structures, outside stairways and walkways;
- (2) Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to subparagraph 33.3.A(1);
- (3) Temporary projects pursuant to Chapter 7.
- (4) The area of play in an indoor tennis court, the area of water in an indoor swimming pool and the area for skating in an indoor roller or ice skating rink, provided these are the permanent primary uses.
- (5) Commercial square footage allocated or transferred, to a project in a designated preferred industrial area may be doubled if the area has implemented area-wide Best Management Practices (BMPs), or the local government of jurisdiction has committed to implement area-wide BMPs on its five-year CIP list submitted to TRPA. Transfers of commercial floor area out of a preferred industrial area shall be reduced by 50 percent unless the floor area was acquired through a TRPA-approved transfer on a 1:1 ratio or through a community plan allocation system. Transfers and relocations of commercial floor within a preferred industrial area shall be at a one-to-one ratio.

33.3.C Maximum Amount And Distribution Of Allocations For Additional Commercial Floor Area For Years 1987 To 1996 And ^{§§} And Beyond: A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3) below. The allocation and distribution of this floor area shall be as follows:[§]

- (1) Within Community Plans: From January 1, 1987 to December 31, 1996, except as set forth in sub paragraph (3) below, the maximum amount of additional commercial floor area allocated to community plan areas is 376,340 square feet.

- (a) Administration: The 376,340 square feet of additional commercial floor area shall be allocated by TRPA,

^{§§} Amended 10/25/06

[§] Amended 8/26/98

distributing 286,340 square feet initially to the local jurisdictions. The 286,340 square feet shall be assigned to community plans pursuant to (i) below. TRPA shall retain 54,000 square feet in reserve as bonus square footage to be assigned to community plans upon their adoption pursuant to (ii) below. TRPA shall retain 36,000 square feet for approval of commercial projects prior to adoption of community plans. The foregoing allocations, including the division of the 286,340 square feet among local jurisdictions, are reflected in the following table.

COMMERCIAL FLOOR AREA ALLOCATIONS
WITHIN COMMUNITY PLAN AREAS ("CP")

Jurisdiction	Initial Allocation to CPs (75%)	Bonus Adopted CPs (15%)	Before CP Adoption (10%)	Total
So. Lake Tahoe/EI	79,100			
Dorado County				
Placer County	112,500			
Washoe County	55,990			
Douglas County	38,750			
Total Square Feet	286,340	54,000	36,000	376,340

(i) Initial Allocation: TRPA shall distribute the initial allocation of additional commercial floor area to a community plan by taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other community plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes as shown in the above table in the first column. TRPA has reviewed a sufficient number of proposed community plans to adequately assess the cumulative impacts of development and proposed mitigation, TRPA shall distribute any remaining or additional commercial floor area retained pursuant to Subsection 33.3.C(1)(a). This distribution shall reward those community plans which best demonstrate the ability to achieve and maintain environmental thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a sufficient reserve to adequately address the needs of community plans not yet presented for review. It is TRPA's goal, acting in partnership with local interests, to achieve completion of community plans by December 31, 1989, in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA expects to allocate the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

(b) Before Adoption Of A Proposed Community Plan: Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph 33.3.C(1) and located within the boundaries of proposed community plans, may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local

jurisdictions as follows:

South Lake Tahoe/El Dorado County	10,008	sq. ft.
Placer County	14,976	sq. ft.
Washoe County	6,516	sq. ft.
Douglas County	4,500	sq. ft.

A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

- (c) After Adoption Of A Community Plan: Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.
- (2) Outside Community Plans: From January 1, 1987 to December 31, 1996, except as set forth in Subparagraph (3) below, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.[§]
 - (a) Administration: A maximum of 40,000 square feet of additional commercial floor area shall be allocated and distributed by TRPA for commercial development outside community plan boundaries, proposed or adopted. The 23,660 square feet shall be apportioned to the local jurisdictions as follows:

South Lake Tahoe/El Dorado County	7,020	sq. ft.
Placer County	16,640	sq. ft.
Washoe County	0	sq. ft.
Douglas County	0	sq. ft.

A local jurisdiction may transfer its above-allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limitations set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project

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shall be accepted for review by TRPA without a written recommendation from the local jurisdiction.

- (b) Limitations: No single commercial project shall be allocated more than 4,500 square feet of the 40,000 square feet in a ten year period for use within the project area.
- (3) Allocation Time Limit Extension: The allocation time limits specified in subparagraphs (1) and (2) above shall no longer be applicable.

33.3.D Maximum Amount And Distribution Of Allocations For Additional Commercial Floor Area For Years 1997 and beyond: A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1997. The allocation and distribution of this floor area shall be as follows:

- (1) Within Adopted Community Plans: A maximum of 150,000 square feet of commercial floor area may be permitted in an adopted community plan in which all irrevocable commitments, as defined in the applicable community plan as a requirement to release allocations, have been satisfied. The applicable local jurisdiction shall distribute the allocation subject to the adopted allocation system for that community plan. The distribution of this floor area shall be as follows:
 - (a) TRPA shall apportion 10,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County and the City of South Lake Tahoe. Allocations not assigned by December 31, 1998 shall be reassigned to the Special Projects as set forth in (3) below.
 - (b) By January 1, 1999, TRPA shall apportion 50,000 square feet of commercial floor area allocation to Washoe County, Douglas County, Placer County, El Dorado County and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's accomplishment of environmental improvements set forth in the adopted community plans within that jurisdiction. The performance review committee (referred to in subparagraph 33.2.B.(5) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be according to the following table.
 - (c) TRPA shall apportion 50,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's performance on the approved Five-Year Water Quality and Air Quality EIP Lists within the jurisdiction between January 1, 2002 and December 1, 2005. The apportionment shall be according to

^{§§} Amended 10/25/06

[§] Amended 12/18/02

the following table:[§]

Ranking	Allocations
1.	20,000
2.	15,000
3.	8,000
4.	5,000
5.	2,000

- (2) Outside Community Plans: Allocations permitted in (1) above may be distributed outside community plans subject to the limitations in subparagraph 33.3.C.(2) and the local jurisdiction has adopted a commercial allocation system that assists in implementing Environmental Improvement Program projects outside CP areas.
- (3) ^{§§}Special Projects: A maximum of 187,770 square feet of commercial floor area remains for distribution to Special Projects after January 1, 2007. This CFA includes the 100,000 sf of CFA that had been held in reserve through 2006 and it may be permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as follows:[§]
- (a) Goals: The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development.
- (b) Eligibility: All projects in adopted community plans, adopted TRPA master plan areas, or in designated plan areas that are preparing a community plan or a TRPA master plan are eligible for special project allocations. No permits shall be issued for Special Projects until and unless TRPA has approved a community plan or TRPA master plan for the subject area.^{§§§}
- (c) Evaluation Criteria: Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development out of sensitive lands. These projects shall:
- (i) Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a Threshold standard found not to be in attainment per the 2001 Threshold Evaluation, and [§]
- (ii) Provide substantial environmental benefits or mitigation in excess of TRPA's project mitigation requirements.

^{§§} Amended 10/25/06

[§] Amended 12/18/02

^{§§§} Amended 10/24/07

- (d) Public Assistance: Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other means may be considered in evaluating special projects.
- (e) Maximum Amount: The maximum allocation that may be approved for a special project area within a calendar year is 50,000 square feet of floor area.
- (f) Time Limit: Initial assignments of allocations shall expire in one year unless extended by TRPA upon a showing of adequate progress toward a project approval.
- (g) Applications: Each year, TRPA shall consider applications for available special project allocations. Applications shall include a project prospectus that includes site plans, elevations, and preliminary environmental documentation.
- (h) Notifications: TRPA shall give adequate public notice 90 days in advance of any action assigning allocations. Notifications shall include the general criteria by which the special project will be evaluated.
- (i) APC Recommendation: The Advisory Planning Commission shall review the applications for special project allocations and make a recommendation to the Governing Board on the awards of commercial and tourist allocations. The performance review committee, referred to in subparagraph 33.2.B(5), shall assist the Advisory Planning Commission and staff in developing review criteria.

(4) ^{§§} Deleted

33.3.E Administration Of Allocations For Additional Commercial Floor Area: For purposes of Subsection 33.3.C and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional commercial floor area establishes the year to which the allocation is attributed.

- (1) Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.
- (2) An allocation for additional commercial floor area shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the square footage of commercial floor area represented by the allocation shall automatically return to the pool from which it originated.

^{§§} Amended 10/25/06

- (3) TRPA shall monitor the issuance, use and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public, through the Governing Board, as to the status of the allocation of commercial floor area.

33.4 Allocation Of Additional Tourist Accommodation Units: TRPA shall allocate the development of additional tourist accommodation units as follows:

33.4.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates additional tourist accommodation units, without first receiving an allocation approved by TRPA. In order to construct the project or commence the use, to which the allocation pertains, the recipient of the allocation must comply with all other applicable provisions of this Code.

- (1) Applicable Tourist Accommodation Uses: The tourist accommodation uses set forth in Chapter 18 contain tourist accommodation units.

- (2) Definition Of "Additional" Tourist Accommodation Units: A tourist accommodation unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 in accordance with Section 33.4. The conversion of an existing nontourist accommodation use to a tourist accommodation use constituting a tourist accommodation unit is an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:

- (a) The reconstruction or replacement, on the same parcel, of a tourist accommodation unit legally existing or approved on January 1, 1987;
- (b) The reconstruction or replacement, on the same parcel, of a tourist accommodation unit, which was legally allocated and approved pursuant to this Code;
- (c) Modifications to legally existing tourist accommodation structures and accessory uses thereto;
- (d) The relocation of a legally existing tourist accommodation unit, through a transfer approved by TRPA, pursuant to Chapter 34; or
- (e) The conversion of legally existing multi family dwellings of six units or more, allocated and approved pursuant to this Code, to timesharing (residential design) units, provided the conversion is provided for in the relevant plan area statement or adopted community plan.

- (3) §§ Maximum Number And Distribution Of Allocations For Additional Tourist Accommodation Units: A maximum of 400 additional tourist accommodation units may be approved for construction.

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After January 1, 2007, the original 200 tourist accommodation bonus units (with 172 units remaining). shall be limited to special projects (in accordance with sub-section 33.3.D.(3))[§] and shall only be permitted when matched by transfers of existing units (pursuant to Chapter 34) from sensitive lands that have been restored. After January 1, 2007, TRPA shall allocate the 200 tourist accommodation bonus units, (with 170 units remaining) to projects within adopted community plans in accordance with Chapter 35. Distribution of units within the community plan shall be pursuant to the provisions of the adopted community plan and the following criteria:

- (a) The additional concentration of tourist accommodation units is consistent with the TRPA Regional Transportation Plan and would better promote transit and pedestrian forms of transportation;
- (b) The additional units are part of an overall program to rehabilitate and upgrade existing tourist accommodation units;
- (c) The existing infrastructure capacity, such as sewage disposal and highway capacities, are sufficient to accommodate the additional units; and
- (d) A demonstration of need for additional units is shown pursuant to Chapter 14.

33.4.B Administration Of Allocations For Additional Tourist Accommodation Units: For purposes of subparagraph 33.4.A(3) and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional tourist accommodation units establishes the year to which the allocation is attributed.

- (1) Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.
- (2) An allocation for additional tourist accommodation units shall not be transferred to, or other wise used for, a project other than that for which it pertains. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the tourist accommodation units represented by the allocation shall automatically return to the pool from which they originated.
- (3) TRPA shall monitor the issuance, use and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public, through the Governing Board, as to the status of the allocation of tourist accommodation units.

[§] Amended 12/20/00

33.5 Regulation Of Additional Public Service Facilities: TRPA shall regulate the rate and distribution of additional public service development as follows:

33.5.A Required Findings for Approval of Additional Public Service Facilities: Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates, and TRPA finds that:

- (1) There is a need for the project;
- (2) The project complies with the Goals and Policies, applicable plan area statements, and Code;
- (3) The project is consistent with the TRPA Environmental Improvement Program;
- (4) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity;
- (5) If the proposed project is to be located within the boundaries of the community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan; and
- (6) Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

33.5.B Definition Of "Additional" Public Service Facilities: Public service facilities are considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility is an additional public service facility subject to this chapter. The following are not "additional" public service facilities:

- (1) The reconstruction or replacement, on the same parcel, of legally existing public service facilities;
- (2) Modifications to legally existing public service facilities and accessory uses thereto, that do not create additional service capacity;
- (3) Public or quasi-public utility service connections;
- (4) Replacement or reinforcement of pipelines or transmission lines which result in no significant increase in service capacity; and
- (5) Telephone lines, local distribution facilities and similar facilities.

33.5.C Provisions Regarding Commercial Floor Area Allocation for Public Service Projects: If the owner of the project area is the operator of the public service use pursuant to Chapter 18, then the provisions of Subsection 33.5.A apply. If the owner of the project area leases his property to an operator of a public service use, the facilities shall be

considered a commercial use and subject to the allocation limitations of Section 33.3 unless: §

- (1) A deed restriction describing the use restrictions is recorded and TRPA and the local government of jurisdiction are included as parties to the deed restriction; and
- (2) The lease contains adequate assurances that public service use will remain for a minimum of 7 years; and
- (3) Local government has committed to enforcement of any change of use through permits and business licenses; and
- (4) All lien holders on the property have been notified of the deed restrictions.

33.5.D Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use: Transfer or Relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be approved only in conjunction with a project approval at the receiving site. The transfer is subject to the standards of Chapter 34 and the following standards: §

- (1) The owner of sending project area complies with Subparagraphs (1) through (4) of Subsection 33.4.C above; and
- (2) The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, and Transit Stations and Terminals; and
- (3) The commercial floor area displaced is transferred to a site in a designated community plan area; and
- (4) In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable adopted CP allocation system. If the CP area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of Subparagraph 33.3.D(2) before the transfer may occur; and
- (5) TRPA determines, that when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

§ Amended 10/28/98

33.6 Regulation Of Additional Recreation Facilities: TRPA shall regulate the rate and distribution of additional recreation as follows:

33.6.A Required Findings for Approval of Additional Recreation Facilities: Approval of additional recreation facilities shall only be permitted for projects, for which the sponsoring entity demonstrates, and TRPA finds that:

- (1) There is a need for the project;
- (2) The project complies with the Goals and Policies, the applicable plan area statements, and Code;
- (3) [§]The project is consistent with TRPA's targets for outdoor recreation, which are 6,114 people at one time ("PAOT") in overnight facilities, 6,761 PAOT in summer day-use facilities, and 12,400 PAOT in winter day-use facilities, as well as the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;
- (4) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's recreational service capacity; and
- (5) If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

33.6.B Definition Of "Additional Recreation": Recreation is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 and results in an increase in vehicle trips that requires a traffic analysis pursuant to Subsection 93.3.B, or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity. (See Subsection 13.5.L.) The conversion of an existing non-recreational use to a use constituting a recreation facility is additional recreation subject to this chapter. The following are not "additional" recreation facilities:

- (1) The reconstruction or replacement, on the same parcel, of recreation facilities legally existing on, or approved before, January 1, 1987;
- (2) Modifications to legally existing recreation and accessory uses thereto, that do not create additional service capacity;
- (3) Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 34; or
- (4) Dispersed recreation.

33.6.C Allocation of Additional Recreation PAOTs: No person shall construct a project or commence a use which requires additional PAOTs without first receiving an allocation approved by TRPA. In order to construct the

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recreation project or commence the additional recreation use, the person proposing same shall comply with all other applicable provisions of this Code.

- (1) Applicable Recreation Uses: The following recreation uses are subject to PAOT allocation consistent with the PAOT standards set forth in subparagraph 33.6.C(2).
 - (a) Summer Day Use: Additional summer day use capacity shall be subject to PAOT allocations as follows:
 - (i) Uses subject to summer day use PAOT allocation include marinas, boat launching facilities, rural sports, golf courses, visitor information centers, and off-road vehicle courses.
 - (ii) Recreation centers, participant sport facilities, sport assembly, beach recreation, and day use areas, operated by the states' Departments of Parks and Recreation or their permittees, or by federal agencies or their permittees shall be subject to summer day use PAOT allocation.
 - (iii) Shorezone uses requiring summer day use PAOT allocations include tour boat operation and those portions of beach recreation, commercial boating, or water-oriented outdoor recreation concessions, which provide additional outdoor recreation capacity.
 - (b) Winter Day Use: Additional winter day use capacity shall be subject to PAOT allocation as follows:
 - (i) Uses subject to winter day use allocation include all downhill ski facilities.
 - (c) Overnight Use: Additional overnight use capacity shall be subject to PAOT allocation as follows:
 - (i) Uses subject to overnight PAOT allocation include developed campgrounds, group facilities, and recreational vehicle parks.
- (2) Definition Of Additional PAOTs: A PAOT is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 and results in an increase in the design capacity of a facility or increases the overall primary recreational use in the area of a project subject to PAOT limitation, (see Subsection 13.5.L.). The conversion of an existing recreation use not requiring PAOTs to a use which does constitute additional PAOTs. The following are not "additional" PAOTs:
 - (a) The reconstruction or replacement, on the same parcel, of

recreation facilities legally existing on, or approved before, January 1, 1987;

- (b) Modifications to legally existing recreation and accessory uses thereto, that do not create additional service capacity;
 - (c) Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 34; or
 - (d) Dispersed recreation.
- (3) §Maximum Amount and Distribution of PAOT Allocations: A maximum amount of recreational PAOT capacity is targeted and permitted for development after January 1, 1987. TRPA shall keep a cumulative accounting of recreation allocation in people at one time (PAOT) as applicable.
- (a) General: PAOT capacity shall apply to the primary recreational use of a facility.
 - (i) PAOT allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The PAOT allocation shall be set forth in the approval for the project.
 - (ii) An allocation for additional PAOTs shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the recreation capacity represented by the allocation shall automatically return to the pool from which it originated.
 - (iii) TRPA shall monitor the issuance, use and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public, through the Governing Board, as to the status of the allocations of PAOTs.
 - (iv) New developed cross country ski and snowmobile courses shall be encouraged where appropriate as seasonal adjuncts to existing or new summer day use or overnight facilities.
 - (b) Summer Day Use: Summer day use capacity shall be allocated and distributed as follows:
 - (i) There shall be a pool of 6,761 PAOT for summer day use facilities. A minimum of 2,000 of the summer day use PAOT pool shall be reserved for expansion of marinas and boat launching facilities.
 - (ii) PAOT allocation for expansion of marinas and boat launching facilities shall require approval of a master

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plan except as noted in Section 16.1.

- (iii) PAOTs may be assigned to a plan area statement for future allocation.
- (c) Winter Day Use: Additional winter day use capacity shall be allocated and distributed as follows:
 - (i) There shall be 12,400 winter day use PAOTs for downhill ski areas. All winter day use PAOTs shall be distributed in the plan area statements.
 - (ii) Expansion of use in downhill ski areas requires the adoption of a master plan pursuant to Chapter 16.
- (d) Overnight Use: Additional overnight use capacity shall be allocated and distributed as follows:
 - (i) There shall be 6,114 PAOTs for overnight uses, of which 5,114 shall be distributed in the plan area statements. The remaining pool of 1,000 overnight PAOTs may be allocated to overnight uses meeting the criteria set forth in Subsection 33.6.A and subparagraph 33.6.C(3)(d)(ii) below and which uses are located in plan areas where there are no PAOTs specified in the plan area or the amounts specified are insufficient for the proposed use.
 - (ii) To be eligible for overnight PAOT allocation from the pool, the project area must retain, or be restored to, a near natural state, include outdoor living amenities such as tables and fire pits, and offer access to outdoor recreational opportunities such as hiking trails, public beaches, and fishing.
- (4) Other Recreational Facilities: Other permissible recreation facilities including riding and hiking trails, undeveloped campgrounds, outdoor recreation concessions and dispersed recreation support facilities shall be subject to Subsection 33.6.A, but shall not be subject to PAOT allocations.

33.7 Election Of Conversion Of Use: Existing residential units may be converted to tourist accommodation units or commercial floor area and existing tourist accommodation units may be converted to residential units or commercial floor area subject to the following limitations. The proposed conversion shall be evaluated for adverse impacts using the IEC and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated. Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit. Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area, using the Subsection 33.3.B criteria for measurement of floor area, to one square foot of commercial floor area. A maximum of 200 residential units and 200 tourist units may be converted within a calendar year for the Region. [§]

[§] Amended 10/28/98

- 33.7.A Transfer From Sensitive Lands: Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or SEZ, and the parcel is restored, or;
- 33.7.B Removal of a Nonconforming Use: Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted in conjunction with a project approval if the conversion results in the elimination of the unit of nonconforming use. The structures containing the converted use shall meet TRPA standards for new construction, or;
- 33.7.C Uses Modified to Meet Development Standards for New Projects: Conversion of an existing residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use, or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family residential,^{§§} may be permitted onsite or for transfer in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA standards applicable for a project proposed on an undeveloped project area, or;
- 33.7.D Uses Linked to an EIP Project: Conversion of residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family, may be permitted onsite or for transfer if the converted use is included as part of a project that has linked status pursuant to Chapter 31, Environmental Improvement Program.[§]
- 33.7.E Uses to Provide Deed Restricted Affordable Housing Projects: Conversion of existing tourist accommodation units of use to residential may be permitted onsite if the converted units are used for deed restricted affordable housing, the converted units are certified by the local jurisdiction that they meet their public health and safety standards for residences, and the project area meets TRPA standards applicable for modifications on a developed project area.[§]
- 33.8 Other Permits: Issuance of a permit by a county or city building department, of a permit for, or relating to, the construction, conversion, or use of units, floor area, service capacity or other development subject to the requirements of this chapter, including, but not limited to, a permit for a foundation, grading, clearing or removal of vegetation, is prohibited unless the permit is issued in conjunction with a TRPA approval, in accordance with this chapter.

^{§§} Amended 06/27/01

[§] Amended 06/27/01

Chapter 34

TRANSFER OF DEVELOPMENT

Chapter Contents

- 34.0 Purpose
- 34.1 Applicability
- 34.2 Transfer Of Residential Development Right
- 34.3 Transfer Of Residential Allocations
- 34.4. Transfer Of Existing Development 34.5 Restriction Of Parcels
- 34.6 Basic Service Requirements

34.0 Purpose: This chapter sets forth the provisions for the transfer of residential development rights, residential allocations, and existing development, from one parcel to another as provided in the Goals and Policies, Development and Implementation Priorities Subelement, Implementation Element, Goal #3, Policies 1 -6. The transfer of land coverage is addressed in Chapter 20.

34.1 Applicability: This chapter applies to the transfer of residential development rights, residential allocations, and existing development. All such transfers require TRPA approval. Transfer of a residential development right or residential allocation does not constitute a project approval. Transfers of existing development can occur only in conjunction with a project approval.

34.2 Transfer Of Residential Development Right: A residential development right, as defined in Chapters 2 and 21, may be transferred to another parcel pursuant to the following provisions:

34.2A Vacant Parcel: The parcel from which the development right is transferred shall have a residential development right.

34.2.B Parcel Restriction: The parcel from which the development right is transferred is restricted pursuant to Section 34.5 at the time of transfer.

34.2.C Receiving Area: The parcel receiving the development right shall be in a plan area or adopted community plan, where residential uses are permissible and shall meet the following criteria:

- (1) Parcels Eligible To Receive One Or More Development Rights: Parcels located in a plan area or adopted community plan, designated as a receiving area for multi-residential units, shall be eligible to receive one or more development rights; or
- (2) Parcels Eligible To Receive One Development Right: The following parcels are eligible to receive one development right:

- (a) One development right may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6 or 7; or
 - (b) One development right may be transferred to a parcel that was not assigned a development right provided the parcel has a building site in Land Capability Districts 4, 5, 6 or 7, or, if applicable, is above the initial IPES line of 726.
- 34.2.D Density: The transfer complies with the density of use provisions for the receiving parcel.
- 34.2.E Local Approval: For an inter-county transfer, the approval of affected local governments shall be obtained.
- 34.3 Transfer of Residential Allocations: If, pursuant to Chapter 33, a parcel is assigned a residential allocation, the allocation may be transferred to another parcel, pursuant to the following provisions:
 - 34.3.A Parcel Classification: The allocation transfer is from a parcel determined to be in Land Capability Districts 1a, 1c, 2, 3, or SEZ; shorezone tolerance districts 1, 2, 3, or 4; below the initial IPES line of 726, if applicable; or unsuitable for development due to the inability of the property to meet TRPA or local government development standards.
 - 34.3.B Building Site: The receiving parcel has a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES, subject to the limitation in 34.3.C below.
 - 34.3.C IPES Limitation: An allocation shall not be transferred to a parcel that is below the initial IPES line of 726 unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than 1/2 the total inventory in that jurisdiction.
 - 34.3.D Permissible Use: The receiving parcel is in a plan area or adopted community plan where residential uses are a permissible use on the receiving parcel.
 - 34.3.E One Transfer: Subject to the limits in Chapter 33, an allocation may be transferred only one time and shall continue to count against the jurisdiction to which it was originally issued.
 - 34.3.F Local Approval: For an inter-county transfer, the approval of affected local governments shall be obtained.
 - 34.3.G Parcel Restriction: The sending parcel shall be restricted pursuant to Section 34.5 at the time the allocation is transferred.

34.4 Transfer Of Existing Development: Certain elements of existing development may be transferred from one parcel or project area to another, if the receiving parcel is in a plan area or adopted community plan area, designated as a receiving area for existing development. Existing residential development may be transferred to any plan area or adopted community plan where residential use is a permissible use. The transfer of existing development shall not be considered additional development and is exempt from the applicable allocation system.

34.4.A Eligibility: The following elements of existing development shall be eligible for transfer:

- (1) Units Of Use: Units of use may be transferred within the same major use classifications e.g., residential, tourist accommodation, commercial, and recreation. The amount of use transferred shall be measured in appropriate units of use, e.g. residential units, tourist accommodation units, commercial floor area, and PAOTs.
- (2) Land Coverage: Existing land coverage may be transferred pursuant to Chapter 20.

34.4.B Requirements: Transfers of existing development may be permitted subject to the following requirements:[§]

- (1) The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed;
- (2) The use transferred shall be a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan;
- (3) The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel;
- (4) The findings required for a special use in Chapter 18 shall have been made if the use transferred is a special use in the receiving area;
- (5) The approval of affected local governments shall be obtained;
- (6) The parcel from which the existing development is transferred shall be restricted pursuant to Section 34.5, no later than the time of commencement of construction of the related project;
- (7) All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures, and affordable housing;
- (8) The proposed transfer shall be evaluated for adverse impacts using the IEC and the addenda developed by TRPA for transfer and shall not be permitted if adverse impacts cannot be mitigated;

[§] Amended 10/28/98

- (9) The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless:
- (i) There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or
 - (ii) The transfer of commercial, tourist, or residential units of use to a site inside a designated community plan area, is from sensitive lands to an equal or less sensitive land capability district, and a reduction of land coverage and restoration occurs at the receiving site or sending site, equal to 300 square feet of land coverage per tourist unit transferred, 1,200 square feet of land coverage per residential unit transferred, or one square foot per one square foot of land coverage of commercial floor area transferred; or
 - (iii) The transfer of commercial floor area from nonsensitive lands to a site inside a designated community plan area results in a reduction of land coverage and restoration on the receiving site or like sensitive lands in the watershed at a ratio of one square foot of transferred floor area to two square feet of land coverage reduced.
- (9) Existing residential development shall not be transferred to any parcel that is below the initial level defining the top rank under IPES (726) unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than 1/2 the total inventory in that jurisdiction.

34.4.C Limitations: The following limitations apply to transfers of existing development:

- (1) Units of use transferred shall have been legally established.
- (2) Transfers of units of use shall not be permitted for development that has become derelict.

34.4.D Verification of Existing Residential Units of Use for Transfer or Banking: Prior to transfer or banking, an existing residential unit of use shall be verified as legally established pursuant to the following criteria:

- (1) At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas. (2) Residential units of use to be transferred or banked shall have been legally established as verified by County Assessor, local jurisdiction, and utility records:

- (a) The existing residential unit shall have been assessed as such by the County Assessor's office as of October 15, 1986, except for residential units approved under Chapter 33.
- (b) Permits and planning department records shall confirm that the unit is a permitted use and structure.
- (c) To be verified as a legally established unit of use, all utility service connections (e.g., water, sewer, gas, and electrical service) must have been legal as of October 15, 1986, except for residential units approved under Chapter 33.

34.5 Restriction Of Parcels: Restriction of parcels for the purposes set forth in this Code, shall comply with the following requirements:

34.5.A Land Coverage: Parcels from which land coverage has been transferred are subject to provisions of Chapter 20.

34.5.B Residential Allocation Transfer: Parcels from which residential allocations have been transferred shall be permanently restricted from residential development.

- (1) For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently restricting the parcel from residential development shall be recorded by the owner.
- (2) For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the parcel has been permanently restricted from residential development.

34.5.C Existing Development Transfer: For parcels from which units of existing development have been transferred, the structures or facilities accounting for that use shall be removed or modified, consistent with the transfer, and the land restored and maintained in as natural a state as is possible, so as to eliminate the units transferred.

34.5.D Payment Of Bonds and Freedom From Nuisance: The sending parcel shall be free of nuisance and hazard. All bonds, assessments, back taxes, fees and liens affecting the parcel to be restricted pursuant to a transfer under this chapter shall be paid in full.

34.5.E Transfer Of All Existing Development From Sensitive Lands: Parcels in Land Capability District 1a, 1b, 1c, 2, or 3, or SEZ, from which all units of existing development have been transferred, shall be restored pursuant to Subsection 34.5.C and shall be permanently restricted to open space by a deed restriction, or other covenant running with land, recorded by the owner.

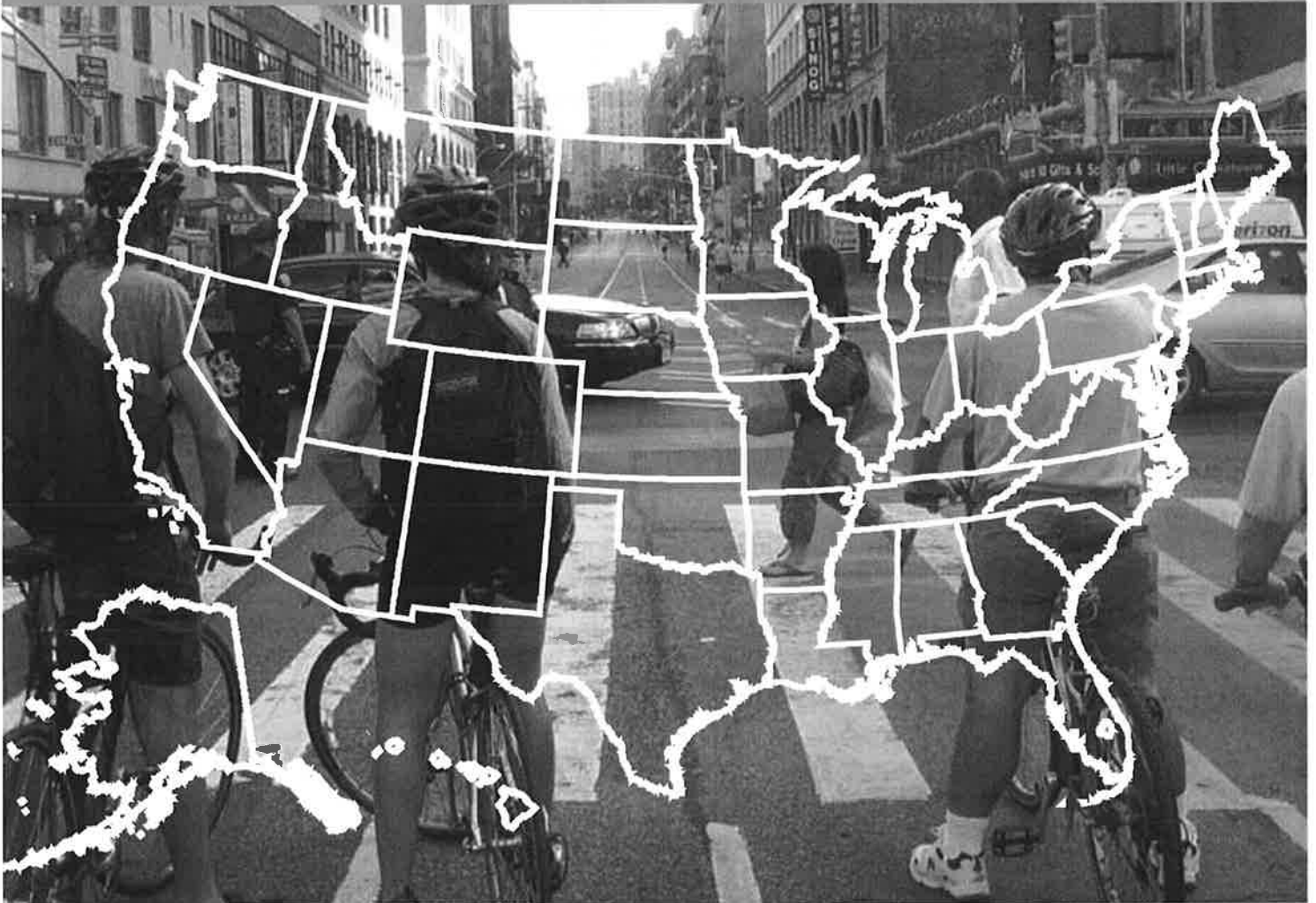
- 34.5.F Transfer Of Some Existing Development From Sensitive Lands: Parcels in Land Capability District 1a, 1b, 1c, 2, or 3, or SEZ, from which less than all units of existing development have been transferred, shall be permanently restricted from transferring development back to the parcel by deed restriction, or other covenant running with the land, recorded by the owner.
- 34.5.G Transfer Of Existing Development From Non-Sensitive Lands: Parcels located in Land Capability Districts 4, 5, 6, or 7, from which units of existing development have been transferred, shall document the transfer and be restricted by deed restriction, or other covenant running with the land, recorded by the owner. The restriction shall limit the units of use to any remaining, until or unless:
- (1) A transfer back to the parcel, is approved by TRPA pursuant to this chapter; or
 - (2) An allocation is obtained pursuant to Chapter 33.
- 34.5.H Development Rights Transfers From Sensitive Lands: Parcels in Land Capability District 1a, 1b, 1c, 2, or 3, or SEZ, from which all residential development rights have been transferred, shall be permanently restricted from residential development.
- (1) For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently removing the development rights from the parcel shall be recorded by the owner.
 - (2) For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.
- 34.5.I Development Rights Transfers From Non-Sensitive Lands: Parcels located in Land Capability Districts 4, 5, 6 or 7, or parcels at or above the initial IPES line (726), from which all residential development rights have been transferred, shall be restricted from constructing new residential units by deed restriction, or other covenant running with the land, recorded by the owner, but shall be eligible to receive future transfers of coverage or units of use if otherwise permitted in (1) or (2) of Subsection 34.5.G above.
- 34.5.J Consolidation: Where appropriate, TRPA may approve a consolidation of parcels in lieu of a deed restriction for a transfer of a residential development right or allocation, or in addition to a deed restriction, to accomplish the restriction of the parcel consistent with this chapter and other applicable Code provisions.
- 34.5.K Relation To Chapter 38: TRPA shall record the appropriate changes created by transfers in its records pursuant to Chapter 38.
- 34.5.L Sequential Transfers: Residential development rights and allocations may be transferred independently provided that when both the residential development right and an allocation have been transferred

from a parcel, the parcel shall be permanently restricted to open space. Land coverage transfers may also occur independently subject to the provisions of Chapter 20.

BICYCLING AND WALKING
IN THE UNITED STATES

2010

BENCHMARKING REPORT



prepared by



Alliance for Biking & Walking



**BICYCLING AND WALKING
IN THE UNITED STATES
2010**
BENCHMARKING REPORT

Release 1.1 - November 2010

Please note: there have been various updates and corrections incorporated into this latest release.

Funding for this report was provided by the Centers for Disease Control and Prevention.

This project was also made possible with significant support from Planet Bike and Bikes Belong Coalition.

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P.O. Box 65150
Washington, DC 20035
Phone: 202-449-9692

E-mail: info@PeoplePoweredMovement.org
Web site: <http://www.PeoplePoweredMovement.org>

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2: Levels of Bicycling and Walking



How Many People Bicycle and Walk?

The question of how many people in a given area bicycle and walk, and what percentage of trips bicycling and walking account for, is arguably the most important question for advocates and officials. Bicycling and walking levels are the ultimate outcome benchmarks of all efforts to promote bicycling and walking. These figures show communities if they are gaining or losing ground in their efforts to convert more trips to active transportation. Unfortunately, accurate and comparable data on bicycling and walking levels are still very limited (1).

Trip Data for This Report

This report relied on the most consistent and dependable source of data on levels of bicycling and walking available, the American Community Survey (ACS). The ACS is an annual survey which provides

(1) For a discussion of the challenges with determining accurate levels of bicycling and walking, see Appendix 3, page 163. Appendix 3 also contains a discussion on the differences between the ACS and Census methodologies.

STATE RANKING

Cycling to Work

- 1 Oregon
- 2 Montana
- 3 Wyoming
- 4 Colorado
- 5 Idaho
- 6 Alaska
- 7 California
- 8 Utah
- 9 Arizona
- 10 Washington
- 11 Wisconsin
- 12 Minnesota
- 13 Massachusetts
- 14 Hawaii
- 15 North Dakota
- 16 Nebraska
- 17 Nevada
- 18 Illinois
- 19 Florida
- 20 South Dakota
- 21 Vermont
- 22 New York
- 23 New Mexico
- 24 Iowa
- 25 Delaware
- 26 Maine
- 27 Michigan
- 28 New Hampshire
- 29 Pennsylvania
- 30 Indiana
- 31 Kansas
- 32 Louisiana
- 33 Ohio
- 34 New Jersey
- 35 Virginia
- 36 Connecticut
- 37 Mississippi
- 38 Rhode Island
- 39 Texas
- 40 Missouri
- 41 West Virginia
- 42 Kentucky
- 43 North Carolina
- 44 South Carolina
- 45 Georgia
- 46 Maryland
- 47 Oklahoma
- 48 Arkansas
- 49 Tennessee
- 50 Alabama

Walking to Work

- 1 Alaska
- 2 New York
- 3 Vermont
- 4 Montana
- 5 South Dakota
- 6 Hawaii
- 7 North Dakota
- 8 Massachusetts
- 9 Maine
- 10 Wyoming
- 11 Pennsylvania
- 12 Iowa
- 13 Oregon
- 14 Washington
- 15 Rhode Island
- 16 New Hampshire
- 17 Wisconsin
- 18 New Jersey
- 19 Colorado
- 20 Idaho
- 21 Connecticut
- 22 Minnesota
- 23 Illinois
- 24 Nebraska
- 25 California
- 26 Kansas
- 27 Delaware
- 28 Utah
- 29 Maryland
- 30 West Virginia
- 31 Nevada
- 32 Ohio
- 33 Michigan
- 34 Arizona
- 35 New Mexico
- 36 Kentucky
- 37 Virginia
- 38 Indiana
- 39 Louisiana
- 40 Missouri
- 41 Oklahoma
- 42 North Carolina
- 43 South Carolina
- 44 Texas
- 45 Mississippi
- 46 Georgia
- 47 Florida
- 48 Arkansas
- 49 Tennessee
- 50 Alabama

yearly estimates on the share of workers commuting by bicycle or foot. This report also includes the estimated bicycling and walking mode share for all trips from the 2001 National Household Travel Survey (NHTS) (2).

This report looks at mode share to work data from the 1990 and 2000 decennial Census, and the 2005, 2006, and 2007 ACS. Although work trips account for only 14% of all trips (NHTS 2001-2002), these data provide a glimpse into trends in bicycling and walking levels over the last 17 years.

Findings on Mode Share

The Alliance used 2007 ACS data to determine that nationwide, an average of 3.3% of commuters get to work by bicycle (0.5%) or foot (2.8%). In the major U.S. cities studied here, the share of commuters by bicycle and foot is higher at 5.6% (0.8% bicycling and 4.8% walking). People in major cities are 1.6 times more likely to bicycle to work, and 1.8 times more likely to walk to work, than their counterparts nationwide.

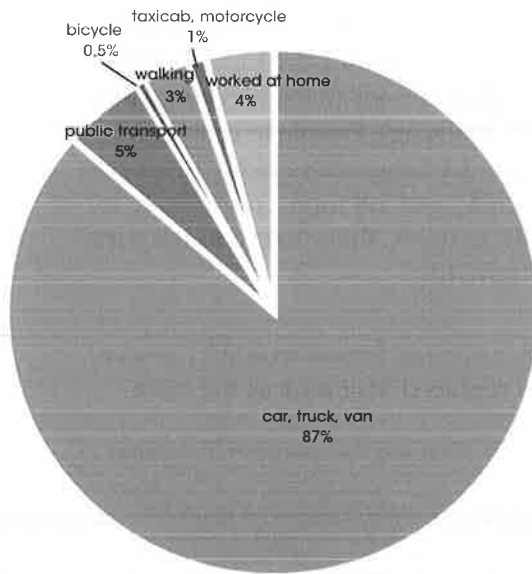
Since our last report in 2007, Oregon has replaced Montana as the state

Tables to left: Source: 2007 ACS Notes: This ranking is based on the share of commuters who bicycle and walk to work. The state with the greatest share of commuters who bicycle or walk is ranked #1. The 50th position is the state with the least percentage of commuters who bicycle or walk. View these data on pages 34 and 42 of this report. (2) The 2001 NHTS is a national survey with small sample sizes when disaggregated to the state and local level. Thus, NHTS data for 2001 should be viewed as rough and sometimes unreliable estimates of walk and bicycle trips for individual states and cities. Also, NHTS reports local data according to metropolitan statistical areas, which extend beyond the boundaries of the cities chosen for this Benchmarking report. Due to these limitations, NHTS data should be considered rough estimates for bicycling and walking in these areas. For more of a discussion on data limitations in this chapter, see Appendix 3.

with the highest bicycle to work share at 1.9%. Portland retains the highest share of workers commuting by bicycle—3.9%—among cities in this study. Alaska and Boston remain the state and city with the highest pedestrian commute share (8.4% and 13.3% of all workers commute by foot, respectively).

According to 2001 NHTS estimates the total bicycle mode share for all trip purposes nationwide is 0.90% with the average for the largest metropolitan areas of 0.94%. Oregon is also the top state for overall bicycle mode share, according to NHTS estimates(1), with

Workers' Commutes in U.S. by Mode of Transport



Graph above and ranking to right: Source: ACS 2007
 Notes: (ranking to right) This ranking is based on the share of commuters who bicycle and walk to work in cities. The city with the greatest percent of commuters who bicycle or walk is ranked #1. The 51st position is the city with the least percentage of people who commute by bicycle or foot. View this data on pages 35 and 43 of this report. (1) For details and reliability of state and city level NHTS estimates, please see Appendix 3, page 163.

CITY RANKING

Cycling to Work

- 1 Portland, OR
- 2 Minneapolis
- 3 San Francisco
- 4 Seattle
- 5 Tucson
- 6 Sacramento
- 7 Washington, DC
- 8 New Orleans
- 9 Denver
- 10 Mesa

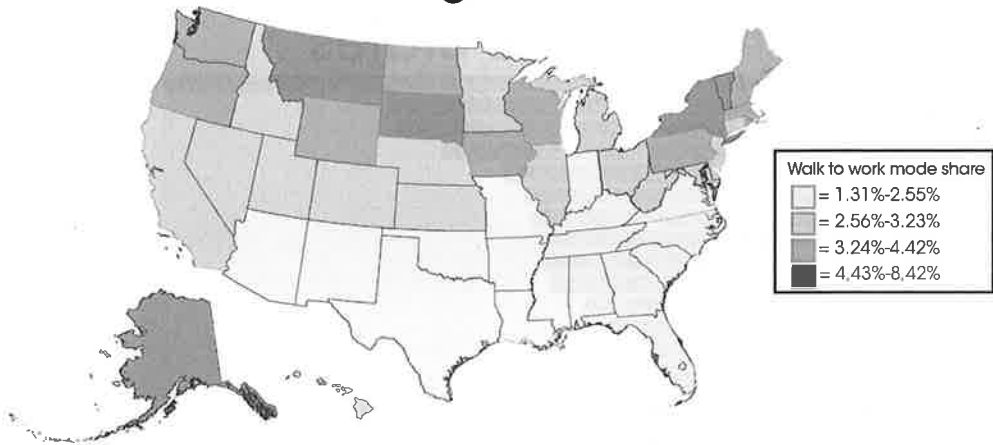
11. Oakland
12. Chicago
13. Honolulu
14. Philadelphia
15. Boston
16. Austin
17. Long Beach
18. San Diego
19. Albuquerque
20. Columbus
21. New York
22. San Jose
23. Fresno
24. Atlanta
25. Milwaukee
26. Las Vegas
27. Los Angeles
28. Phoenix
29. Cleveland
30. Colorado Springs
31. Raleigh
32. Detroit
33. Memphis
34. Houston
35. Baltimore
36. Jacksonville
37. Louisville
38. Kansas City, MO
39. Omaha
40. Virginia Beach
41. Nashville
42. Dallas
43. Fort Worth
44. Indianapolis
45. San Antonio
46. Arlington, TX
47. El Paso
48. Miami
49. Tulsa
50. Oklahoma City
51. Charlotte

Walking to Work

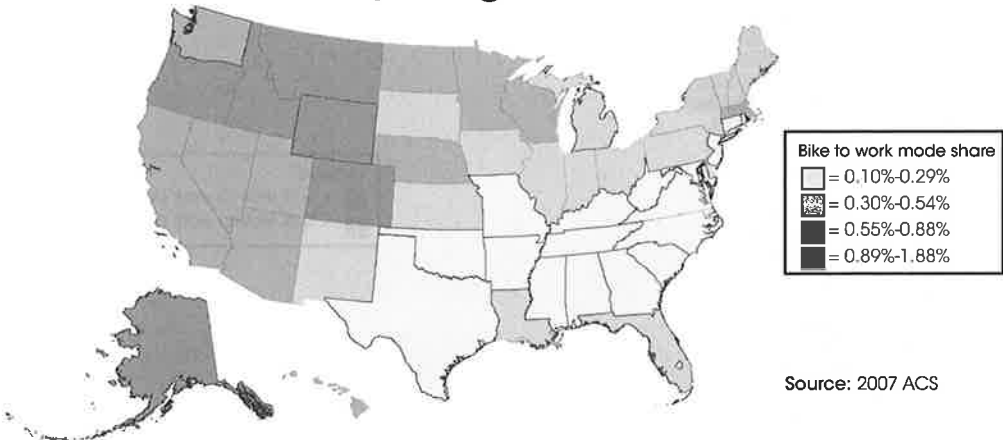
- 1 Boston
- 2 Washington, DC
- 3 New York
- 4 San Francisco
- 5 Seattle
- 6 Philadelphia
- 7 Baltimore
- 8 New Orleans
- 9 Honolulu
- 10 Minneapolis

11. Chicago
12. Oakland
13. Milwaukee
14. Portland, OR
15. Denver
16. Miami
17. Tucson
18. Atlanta
19. Cleveland
20. Los Angeles
21. Long Beach
22. Sacramento
23. Raleigh
24. Detroit
25. Columbus
26. San Diego
27. Colorado Springs
28. Tulsa
29. Louisville
30. Albuquerque
31. El Paso
32. Kansas City, MO
33. San Antonio
34. Houston
35. Omaha
36. Las Vegas
37. Memphis
38. Fresno
39. Virginia Beach
40. Austin
41. San Jose
42. Mesa
43. Phoenix
44. Charlotte
45. Indianapolis
46. Arlington, TX
47. Dallas
48. Jacksonville
49. Nashville
50. Fort Worth
51. Oklahoma City

Levels of Walking to Work in U.S.



Levels of Bicycling to Work in U.S.

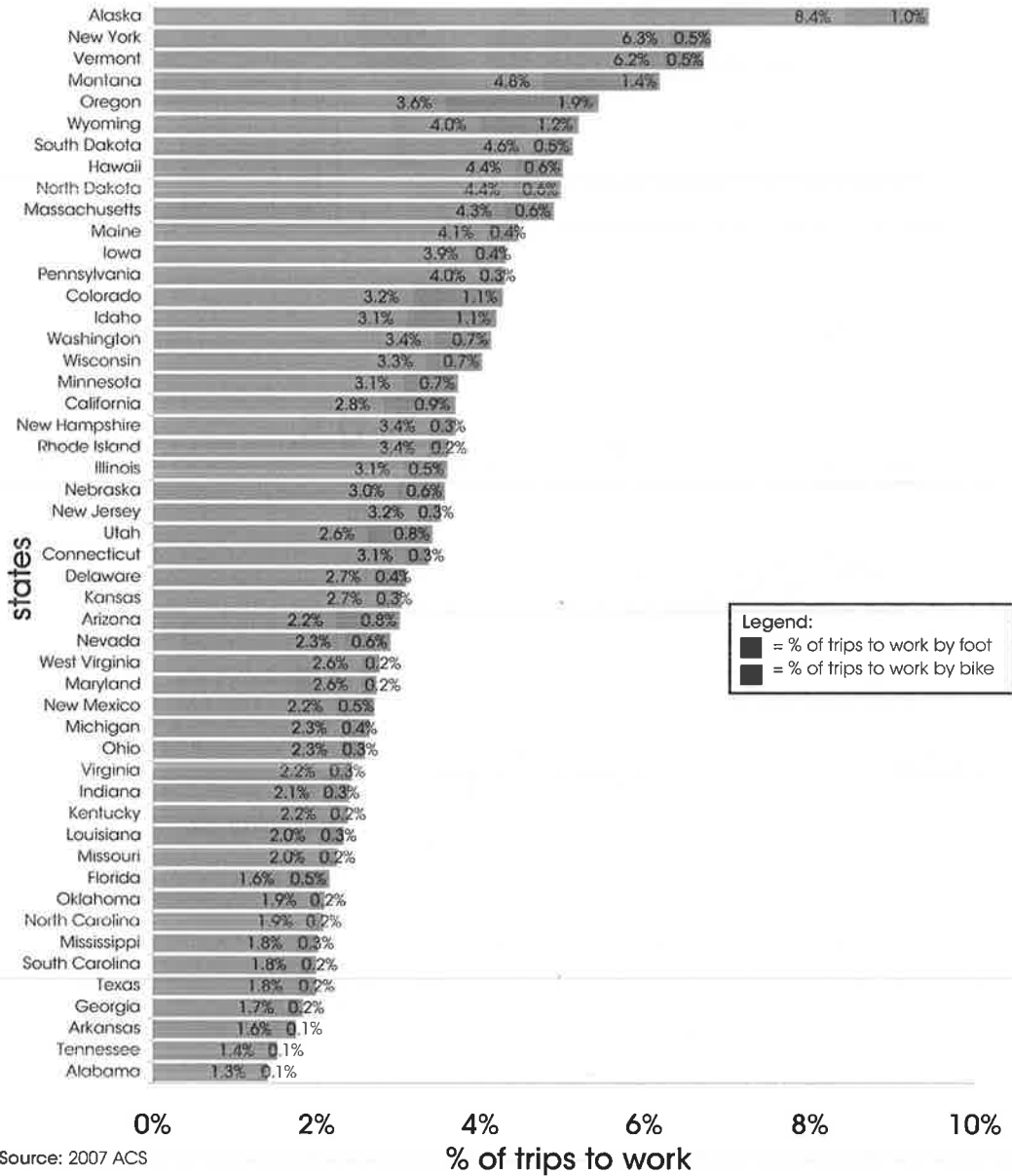


Source: 2007 ACS

2.4% of all trips by bicycle. Tennessee and West Virginia rank lowest in bicycle to work commute share with only 0.07% of work trips by bicycle. Arkansas ranks lowest for all bicycle trips according to NHTS estimates, with only 0.2% of all trips by bicycle.

NHTS data for 2001 show that nationally 8.7% of all trips are by foot. Rates of walking in cities are the greatest. NHTS estimates that 11.0% of all city trips are by foot. New York has the highest rate among states with 18.2% of trips estimated to be by foot. Delaware ranks lowest with only 4.0% walking mode share. New York City ranks highest among major U.S. cities with 19.2% of trips estimated to be by foot. Louisville and Houston rank lowest with an estimated 4.5% walking mode share.

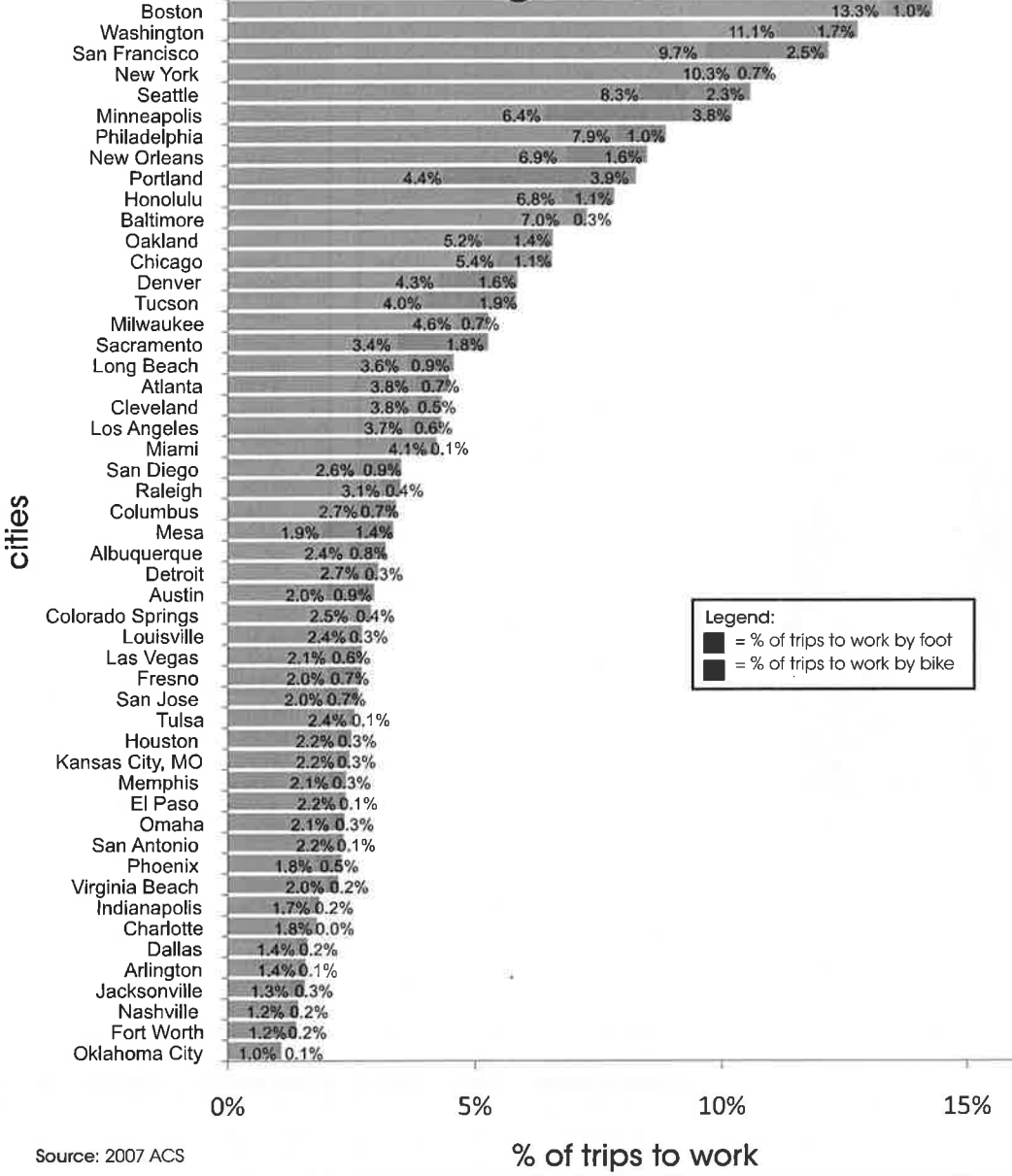
Share of Commuters Who Bicycle or Walk in 50 States



Alaska and New York lead states for bicycle + walk to work mode share.

Alaska leads New York and Vermont as the state with the highest percentage of work trips by bicycle or foot—9.4% of all work trips. Alabama and Tennessee rank lowest among states with 1.4% and 1.5% bicycle and walk to work mode share, respectively.

Share of Commuters Who Bicycle or Walk in Largest U.S. Cities



Bicycling and walking mode share is significantly higher in cities. On average 5.6% of work trips in the largest U.S. cities are by bicycle or foot. Boston (14.3%) leads Washington, DC (12.8%), San Francisco (12.2%), and New York (11.0%) as the city with the highest rate of bicycling and walking to work.

Boston ranks top for bicycle + walk to work mode share.

Estimated Percent of All Trips by Bicycle and Foot

Nearly 10% of all trips are by bicycle or foot in the U.S.



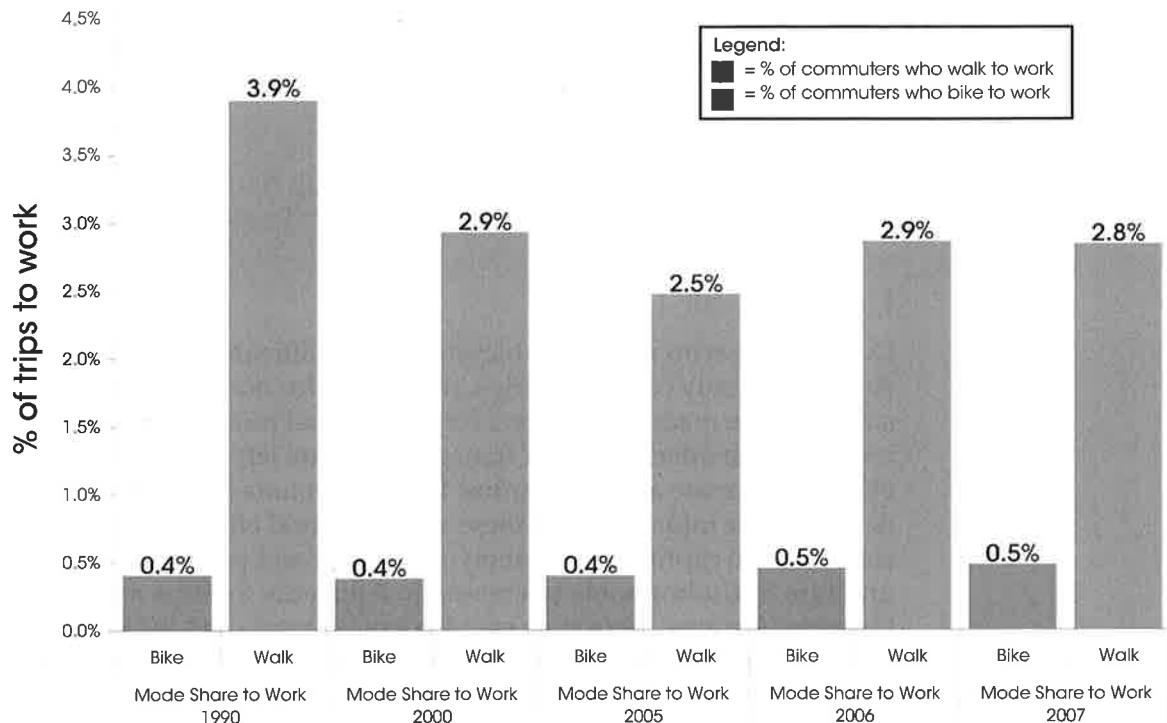
Photo by Guillermo Verastegino

Source: NHTS 2001 Notes: NHTS is not representative at any disaggregated level below census divisions or MSA size categories nationwide. It is possible to identify metropolitan areas in the NHTS. This report presents the estimated MSA mode share of bike and walk trips for MSAs in which the specific cities are located. The reader should keep in mind that the estimates are not for the city themselves and that the samples for individual MSAs are small. Because of this, data at the state and city levels are only rough approximations; data unavailable for Raleigh; * indicates that data were unavailable for this MSA. (1) represents national average (2) weighted average.

State	Estimated % of all trips	
	by bike	by foot
Alabama	0.6	4.9
Alaska	1.4	8.0
Arizona	1.3	9.3
Arkansas	0.2	5.4
California	1.1	10.6
Colorado	0.7	9.5
Connecticut	0.4	11.1
Delaware	0.7	4.1
Florida	1.3	6.9
Georgia	0.8	5.5
Hawaii	1.2	7.0
Idaho	1.0	6.1
Illinois	1.2	9.7
Indiana	0.6	5.8
Iowa	0.8	7.5
Kansas	0.6	5.0
Kentucky	1.0	5.4
Louisiana	0.6	7.1
Maine	0.9	10.3
Maryland	0.3	10.5
Massachusetts	1.0	9.9
Michigan	1.0	7.4
Minnesota	1.3	7.3
Mississippi	0.5	4.9
Missouri	0.4	6.2
Montana	0.9	10.2
Nebraska	0.7	7.4
Nevada	0.9	9.2
New Hampshire	0.4	7.4
New Jersey	1.0	10.7
New Mexico	0.7	5.7
New York	0.7	18.2
North Carolina	0.4	6.0
North Dakota	*	4.4
Ohio	0.6	7.4
Oklahoma	1.5	6.0
Oregon	2.4	8.5
Pennsylvania	0.7	10.9
Rhode Island	0.9	7.2
South Carolina	0.5	4.2
South Dakota	1.0	6.4
Tennessee	0.4	5.2
Texas	0.8	5.6
Utah	0.6	9.2
Vermont	*	9.4
Virginia	0.9	7.8
Washington	0.4	10.0
West Virginia	0.3	7.2
Wisconsin	1.4	7.3
Wyoming	3.7	4.4
Mean/Average	0.90 (1)	8.7(1)
Median	0.8	7.3
High	2.4	18.2
Low	0.2	4.1

City	Estimated % of all trips	
	by bike	by foot
Albuquerque	**	**
Arlington (TX)	**	**
Atlanta	0.6	5.8
Austin	1.2	6.7
Baltimore	0.7	11.4
Boston	0.8	9.7
Charlotte	0.8	7.6
Chicago	1.2	10.9
Cleveland	0.3	7.8
Colorado Springs	**	**
Columbus	0.3	8.2
Dallas	0.7	6.2
Denver	0.7	9.3
Detroit	0.8	9.0
El Paso	**	**
Fort Worth	0.7	6.2
Fresno	**	**
Honolulu	**	**
Houston	0.8	4.5
Indianapolis	0.5	5.5
Jacksonville	1.4	6.0
Kansas City (MO)	0.5	5.8
Las Vegas	1.0	8.7
Long Beach	1.0	11.1
Los Angeles	1.0	11.1
Louisville	1.0	4.5
Memphis	0.2	6.7
Mesa	1.5	9.8
Miami	2.2	5.8
Milwaukee	1.6	9.4
Minneapolis	1.3	7.6
Nashville	0.4	8.1
New Orleans	0.6	8.0
New York	0.8	19.2
Oakland	0.9	10.8
Oklahoma City	2.0	7.5
Omaha	**	**
Philadelphia	0.8	12.1
Phoenix	1.5	9.8
Portland, OR	2.8	8.5
Sacramento	1.6	10.1
San Antonio	0.5	4.8
San Diego	1.0	10.2
San Francisco	0.9	10.8
San Jose	0.9	10.8
Seattle	0.5	10.2
Tucson	**	**
Tulsa	**	**
Virginia Beach	1.8	7.3
Washington, DC	0.7	11.4
Mean/Average	0.94 (2)	11.0 (2)
Median	0.8	8.5
High	2.8	19.2
Low	0.2	4.5

Share of Commuters Who Bicycle or Walk 1990-2007



Sources: U.S. Census 1990, 2000; ACS 2005, 2006, 2007

Trends in Bicycling and Walking Levels

The Alliance looked at data from the 1990 and 2000 decennial Census and the 2005, 2006, and 2007 American Community Survey to examine trends in the share of commuters who bicycle or walk to work over the last two decades. (Find additional data on bicycling and walking levels over time in Appendix 4, page 167.)

The number of people who bicycle to work has increased steadily, rising 29.8% between 1990 and 2007 from 466,856 to 664,859 people who bicycle to work nationwide. The share of commuters who bicycle to work has risen slightly from 0.4% nationwide in 1990 and 2000 to 0.5% today.

During the same time period the number of people who walk to work fell 12% despite population growth of 21% (from roughly 249 million people in 1990 to roughly 301 million people in 2007). The number of people who walk to work increased by just 4% between

2000 and 2007, despite population growth of 7%. The share of commuters who walk to work is now 2.8%, down from 3.9% in 1990. The share of commuters who walk to work has remained relatively stable since 2000.

Who Bicycles and Walks?

Demographic Data

Determining who walks and bicycles is also difficult. Because the ACS counts only commuter trips, trips taken for nonwork purposes, such as those made by children, for recreational purposes, or in combination with other modes of transportation are left out. Part of the efforts to increase and standardize local trip counts includes adding demographic information in these surveys. Local efforts have been conducted to capture information on bicyclist and pedestrian demographics (including some referenced in Appendix 6 of this report). However, because there is no standardized format used for these surveys, the Alliance relied on ACS and NHTS data for demographic information.

Bicyclist and Pedestrian Income

There is almost no variation in the bicycle mode share by income class. Data from the 2001 NHTS show that bicycling mode share is roughly 0.9% for all income classes. However, a more comprehensive examination of the socioeconomics of bicycling may reveal a difference in trip purpose among income classes (i.e., lower-income bicyclists may bicycle more for utility while high-income bicyclists may bicycle more for recreation). Regardless of the reason for bicycle trips, these data show that bicycling levels are roughly evenly distributed among all income classes.

Data from ACS reveal that the majority of people who walk to work earn less than \$15,000 per year. More than two-thirds of people who

Bicyclist Mode Share by Income Class

Household Income					
Less than \$20,000	\$20,000 to \$39,999	\$40,000 to \$74,999	\$75,000 to \$99,999	\$100,000 and over	All
0.9%	0.9%	0.9%	0.9%	0.8%	0.9%

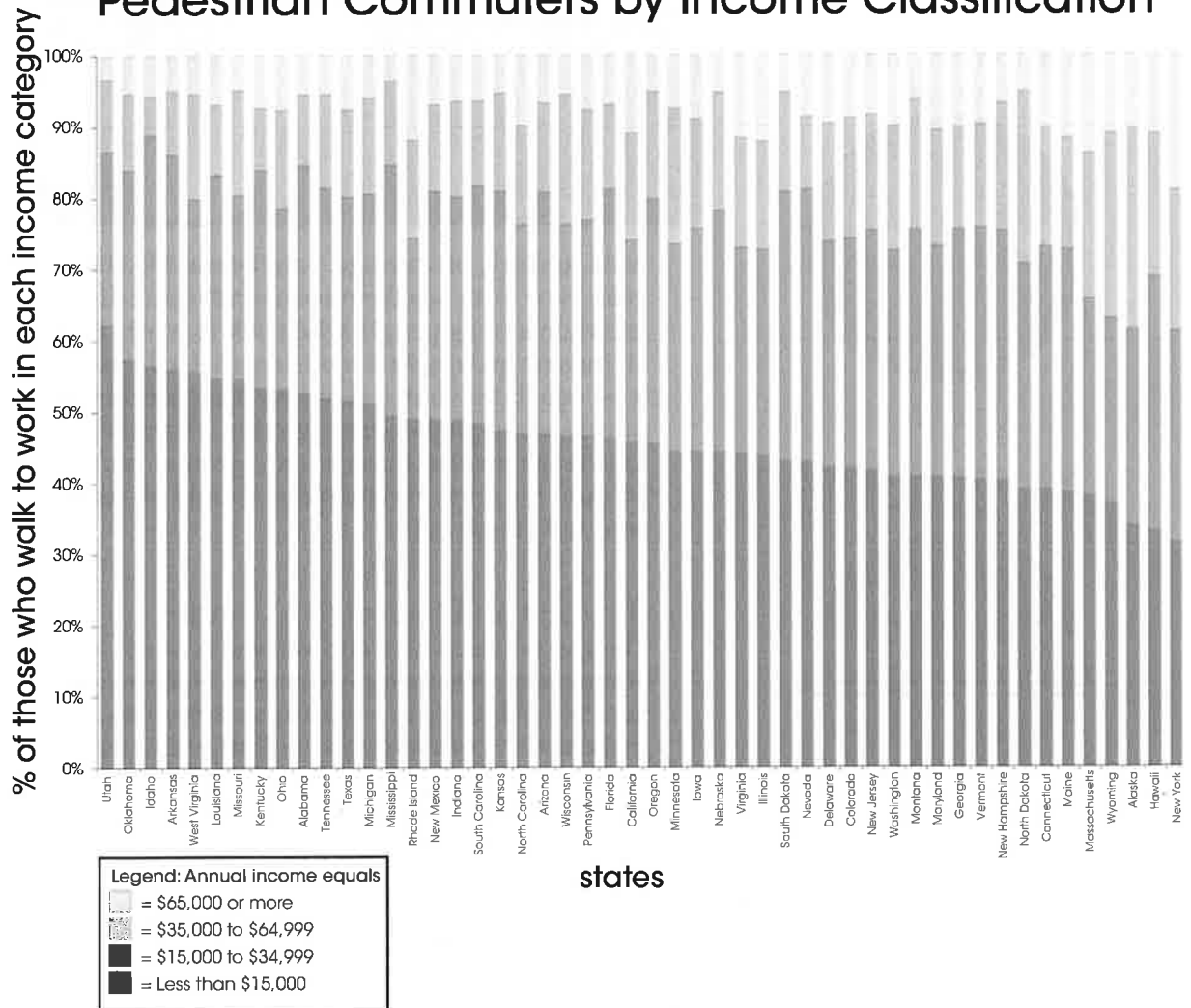
Source: John Pucher and John L. Renne, 2003.



New York pedestrians represent a relatively even distribution among income groups.

Photo by Nicholas Wainwright for iStockphoto.com

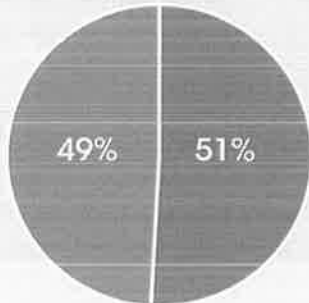
Pedestrian Commuters by Income Classification



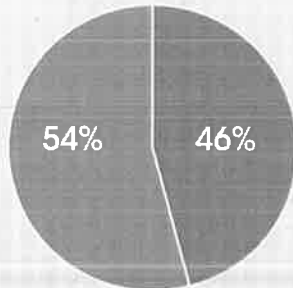
Source: ACS 2005

A Look at Gender

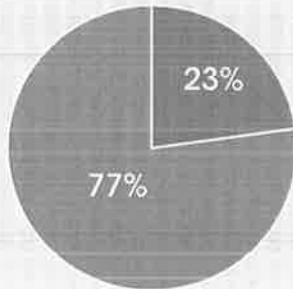
Gender Distribution in U.S.



Walk to Work Trips by Gender



Bike to Work Trips by Gender



Legend:
 = Male
 = Female

Source: ACS 2007



walk to work, on average, earn below \$35,000 a year. New York has the most even income distribution among people who walk to work, with all income groups well represented. Utah has the least equal distribution with walking concentrated mostly among low-income groups. The difference in average median income among states could also account for some variation and should be considered with these data.

Bicyclist and Pedestrian Gender

The gap between men and women is much wider among bicyclists than pedestrians. Nationwide, just 23% of bicycle to work trips are women. Men make up 77% of bicycle to work trips and 54% of walk to work trips. Massachusetts, New Hampshire, Rhode Island, Vermont, and Wyoming are the only states where women walk to work at slightly higher rates than men. Men bicycle to work at higher rates than women in all states, though the gap varies among states. Rhode Island has the smallest gap among men (56%) and women (44%) bicyclists. Alabama has the largest gap between men (91%) and women (9%) bicyclists.



Photo by David Niddrie, Flickr.com/dflickr

The gap between men and women also varies largely among major U.S. cities. Again, most cities have relatively small gaps between levels of men and women who walk to work. In roughly 1/5 of cities surveyed, women walk to work at slightly higher rates. On average, men make up 75% of bicycle to work trips in major U.S. cities. According to ACS data, virtually all bicycle commuters in Tulsa and Fort Worth are male, making these the cities with the greatest gender divide among bicyclists. Because of low sample sizes, it is possible that there are female commuters in these cities, but it is not reflected in the data.

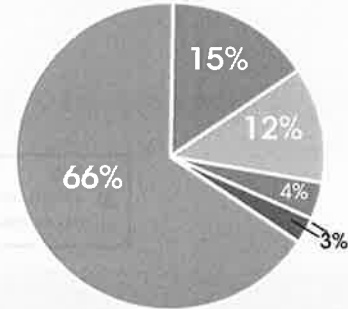
The gap between men and women could be due to a variety of factors, such as differences in family responsibilities and occupation, which could have a powerful influence over a person's ability to walk or bicycle to work.

Bicyclist and Pedestrian Ethnicity
ACS data reveal a fairly even distribution among bicyclists and pedestrians in regard to ethnicity. Hispanics are slightly more likely to bicycle or

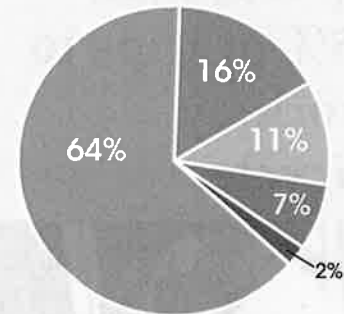
LEVELS OF BICYCLING AND WALKING

A Look at Ethnicity

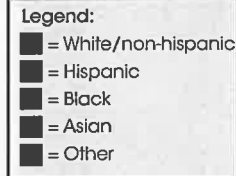
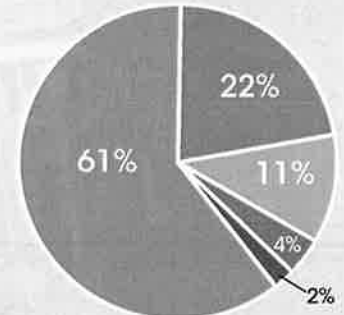
Éthnicity in the U.S.



Ethnicity of People Who Walk to Work





Ethnicity of People Who Bicycle to Work



Source: ACS 2007

Bicycling and Walking to Work Levels and Gender Composition by State

Women make up less than 25% of trips to work by bicycle.

Legend:
 = High value
 = Low value

State	Trips to work by bicycle			Trips to work by foot		
	% of trips	% men	% women	% of trips	% men	% women
Alabama	0.1%	91%	9%	1.3%	63%	37%
Alaska	1.0%	60%	40%	8.4%	61%	39%
Arizona	0.8%	79%	21%	2.2%	58%	42%
Arkansas	0.1%	86%	14%	1.6%	60%	40%
California	0.9%	77%	23%	2.8%	54%	46%
Colorado	1.1%	71%	29%	3.2%	58%	42%
Connecticut	0.3%	74%	26%	3.1%	56%	44%
Delaware	0.4%	100%	0%	2.7%	55%	45%
Florida	0.5%	79%	21%	1.6%	56%	44%
Georgia	0.2%	83%	17%	1.7%	59%	41%
Hawaii	0.6%	73%	27%	4.4%	54%	46%
Idaho	1.1%	69%	31%	3.1%	62%	38%
Illinois	0.5%	77%	23%	3.1%	51%	49%
Indiana	0.3%	79%	21%	2.1%	55%	45%
Iowa	0.4%	77%	23%	3.9%	57%	43%
Kansas	0.3%	71%	29%	2.7%	59%	41%
Kentucky	0.2%	74%	26%	2.2%	56%	44%
Louisiana	0.3%	80%	20%	2.0%	59%	41%
Maine	0.4%	66%	34%	4.1%	58%	42%
Maryland	0.2%	83%	17%	2.6%	52%	48%
Massachusetts	0.6%	77%	23%	4.3%	48%	52%
Michigan	0.4%	77%	23%	2.3%	52%	48%
Minnesota	0.7%	73%	27%	3.1%	56%	44%
Mississippi	0.3%	88%	12%	1.8%	66%	34%
Missouri	0.2%	71%	29%	2.0%	59%	41%
Montana	1.4%	65%	35%	4.8%	57%	43%
Nebraska	0.6%	79%	21%	3.0%	57%	43%
Nevada	0.6%	80%	20%	2.3%	53%	47%
New Hampshire	0.3%	85%	15%	3.4%	49%	51%
New Jersey	0.3%	86%	14%	3.2%	53%	47%
New Mexico	0.5%	88%	12%	2.2%	55%	45%
New York	0.5%	82%	18%	6.3%	51%	49%
North Carolina	0.2%	81%	19%	1.9%	65%	35%
North Dakota	0.6%	89%	11%	4.4%	57%	43%
Ohio	0.3%	72%	28%	2.3%	54%	46%
Oklahoma	0.2%	83%	17%	1.9%	63%	37%
Oregon	1.9%	69%	31%	3.6%	54%	46%
Pennsylvania	0.3%	77%	23%	4.0%	52%	48%
Rhode Island	0.2%	56%	44%	3.4%	46%	54%
South Carolina	0.2%	90%	10%	1.8%	56%	44%
South Dakota	0.5%	68%	32%	4.6%	60%	40%
Tennessee	0.1%	70%	30%	1.4%	58%	42%
Texas	0.2%	81%	19%	1.8%	57%	43%
Utah	0.8%	76%	24%	2.6%	53%	47%
Vermont	0.5%	76%	24%	6.2%	49%	51%
Virginia	0.3%	82%	18%	2.2%	57%	43%
Washington	0.7%	71%	29%	3.4%	54%	46%
West Virginia	0.2%	70%	30%	2.6%	55%	45%
Wisconsin	0.7%	70%	30%	3.3%	52%	48%
Wyoming	1.2%	82%	18%	4.0%	45%	55%
Mean/Average (1)	0.5%	77%	23%	2.8%	56%	44%
Median	0.4%	77%	23%	3.1%	56%	44%
High	1.9%	91%	44%	8.4%	66%	55%
Low	0.1%	56%	9%	1.3%	45%	34%

Source: ACS 2007 Note: (1) All averages are weighted.





Bicycling and Walking to Work Levels and Gender Composition by City

Cities	Trips to work by bicycle			Trips to work by foot		
	% of trips	% men	% women	% of trips	% men	% women
Albuquerque	0.8%	87%	13%	2.4%	43%	57%
Arlington, TX	0.1%	86%	14%	1.4%	57%	43%
Atlanta	0.7%	82%	18%	3.8%	58%	42%
Austin	0.9%	64%	36%	2.0%	53%	47%
Baltimore	0.3%	89%	11%	7.0%	50%	50%
Boston	1.0%	73%	27%	13.3%	46%	54%
Charlotte	0.04%	44%	56%	1.8%	58%	42%
Chicago	1.1%	69%	31%	5.4%	48%	52%
Cleveland	0.5%	62%	38%	3.8%	62%	38%
Colorado Springs	0.4%	74%	26%	2.5%	49%	51%
Columbus	0.7%	80%	20%	2.7%	64%	36%
Dallas	0.2%	94%	6%	1.4%	60%	40%
Denver	1.6%	69%	31%	4.3%	56%	44%
Detroit	0.3%	92%	8%	2.7%	56%	44%
El Paso	0.1%	86%	14%	2.2%	57%	43%
Fort Worth	0.2%	100%	0% (1)	1.2%	55%	45%
Fresno	0.7%	82%	18%	2.0%	57%	43%
Honolulu	1.1%	74%	26%	6.8%	48%	52%
Houston	0.3%	70%	30%	2.2%	48%	52%
Indianapolis	0.2%	57%	43%	1.7%	58%	42%
Jacksonville	0.3%	86%	14%	1.3%	49%	51%
Kansas City, MO	0.3%	61%	39%	2.2%	55%	45%
Las Vegas	0.6%	88%	12%	2.1%	57%	43%
Long Beach	0.9%	81%	19%	3.6%	58%	42%
Los Angeles	0.6%	83%	17%	3.7%	50%	50%
Louisville	0.3%	61%	39%	2.4%	47%	53%
Memphis	0.3%	37%	63%	2.1%	60%	40%
Mesa	1.4%	92%	8%	1.9%	81%	19%
Miami	0.1%	100%	0% (1)	4.1%	55%	45%
Milwaukee	0.7%	73%	27%	4.6%	52%	48%
Minneapolis	3.8%	69%	31%	6.4%	63%	37%
Nashville	0.2%	78%	22%	1.2%	55%	45%
New Orleans	1.6%	66%	34%	6.9%	61%	39%
New York	0.7%	80%	20%	10.3%	49%	51%
Oakland	1.4%	70%	30%	5.2%	54%	46%
Oklahoma City	0.1%	78%	22%	1.0%	60%	40%
Omaha	0.3%	94%	6%	2.1%	49%	51%
Philadelphia	1.0%	76%	24%	7.9%	48%	52%
Phoenix	0.5%	72%	28%	1.8%	58%	42%
Portland, OR	3.9%	67%	33%	4.4%	53%	47%
Raleigh	0.4%	56%	44%	3.1%	66%	34%
Sacramento	1.8%	71%	29%	3.4%	56%	44%
San Antonio	0.1%	86%	14%	2.2%	57%	43%
San Diego	0.9%	78%	22%	2.6%	56%	44%
San Francisco	2.5%	72%	28%	9.7%	54%	46%
San Jose	0.7%	63%	37%	2.0%	58%	42%
Seattle	2.3%	71%	29%	8.3%	55%	45%
Tucson	1.9%	76%	24%	4.0%	58%	42%
Tulsa	0.1%	100%	0% (1)	2.4%	62%	38%
Virginia Beach	0.2%	69%	31%	2.0%	65%	35%
Washington, DC	1.7%	66%	34%	11.1%	49%	51%
Mean/Average (2)	0.8%	75%	25%	4.8%	52%	48%
Median	0.65%	74%	24%	2.65%	56%	44%
High	3.9%	100%	63%	13.3%	81%	57%
Low	0.04%	37%	0%	1.0%	43%	19%



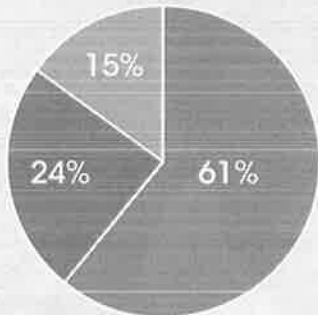
In major U.S. cities, 5.6% of work trips are by bicycle or by foot.

Legend:
 = High value
 = Low value

Source: ACS 2007 Notes: (1) For some cities the number of total bicyclists captured in the ACS is very small. Additionally, disaggregating these estimates into male and female categories might lead to unexpected and unreliable results. For example, some cities show particularly low or high shares of women commuting by bicycle. In some cities the ACS even estimates that 0 women are bicycling for their commute. However, it is likely that there are some women bicycling in these cities. Similarly, for other cities such as Charlotte, the ACS shows a particularly high share of women bicycling. Due to the small number of bicyclists overall, disaggregate estimates by gender are not reliable in these cases. (2) All averages are weighted.

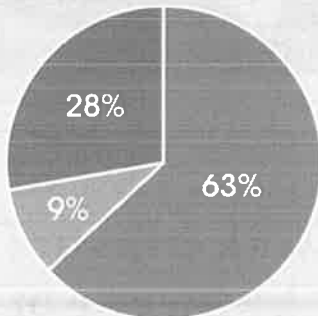
A Look at Age

Age of the U.S. Population



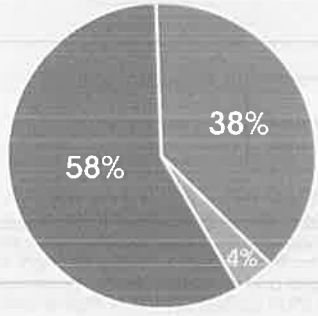
Source: ACS 2007

Age of People Who Walk



Source: NHTS 2001

Age of People Who Bicycle



Source: NHTS 2001

Legend:

- = Under age 16
- = Over age 65
- = Age 16-65

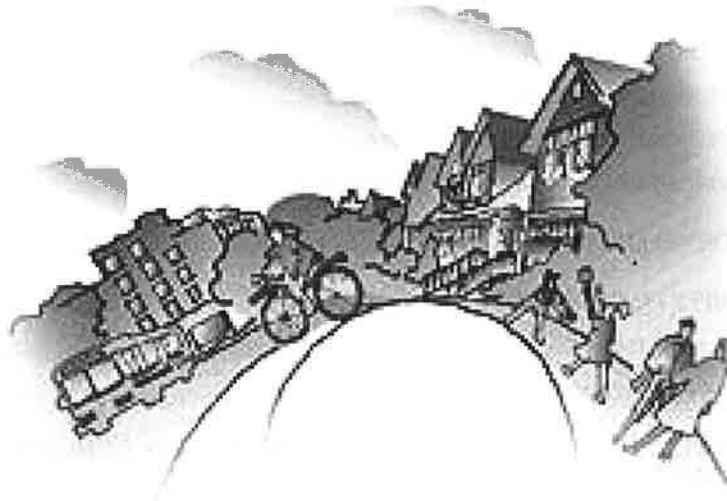
walk to work, comprising 15% of the U.S. population, but accounting for 16% of pedestrian commuters and 22% of bicycle commuters. Asians are also more likely to walk to work comprising 4% of the population and 7% of pedestrian commuters.

Age of Bicyclists and Pedestrians

It is no surprise that youth make up a disproportionate amount of bicycling and walking trips. National estimates from NHTS indicate that youth under age 16 make up 28% of walking trips and 58% of bicycling trips, despite accounting for just 24% of the population. Adults over age 65 account for 15% of the population and make up 9% of all walking trips and 4% of all bicycling trips. The rest of people age 16-65 make up 61% of the population and account for 63% of all walking trips and 38% of trips by bicycle.



AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE



April 2005

California Environmental Protection Agency
California Air Resources Board



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APPENDICES

- Appendix A** Land Use Classifications And Associated Facility Categories That Could Emit Air Pollutants
- Appendix B** Land Use-Based Reference Tools To Evaluate New Projects For Potential Air Pollution Impacts
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- Appendix D** Land Use And Air Quality Agency Roles In The Land Use Process
- Appendix E** Special Processes That Apply To School Siting
- Appendix F** General Processes Used By Land Use Agencies To Address Air Pollution Impacts
- Appendix G** Glossary Of Key Air Pollution Terms

- some chrome platers will have higher volumes of plating activity,
- potential dust impacts were not modeled,
- we have only one monitoring study looking at the impact of distance, and,
- hexavalent chromium is one of the most potent toxic air contaminants ARB has identified.

Given these limitations in the analysis, we recommend a separation of 1,000 feet as a precautionary measure. For large chrome platers, site specific information should be obtained from the local air district.

Recommendation

- Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.

References

- *Ambient Air Monitoring for Hexavalent Chromium and Metals in Barrio Logan: May 2001 through May 2002.* ARB, Monitoring and Laboratory Division (October 14, 2003)
- *Draft Barrio Logan Report.* ARB, Planning and Technical Support Division (November 2004)
- *Proposed Amendments to the Hexavalent Chromium Control Measure for Decorative and Hard Chrome Plating and Chromic Acid Anodizing Facilities.* ARB (April 1998)
- Murchison, Linda; Suer, Carolyn; Cook, Jeff. "*Neighborhood Scale Monitoring in Barrio Logan,*" (AWMA Annual Conference Proceedings, June 2003)

Dry Cleaners Using Perchloroethylene (Perc Dry Cleaners)

Perchloroethylene (perc) is the solvent most commonly used by the dry cleaning industry to clean clothes or other materials. The ARB and other public health agencies have identified perc as a potential cancer-causing compound. Perc persists in the atmosphere long enough to contribute to both regional air pollution and localized exposures. Perc dry cleaners are the major source of perc emissions in California.

Since 1990, the statewide concentrations and health risk from exposure to perc has dropped over 70 percent. This is due to a number of regulatory requirements on perc dry cleaners and other sources, including degreasing operations, brake cleaners, and adhesives. ARB adopted an Airborne Toxic Control Measure (ATCM) for Perc Emissions from Dry Cleaning Operations in 1993. ARB has also prohibited the use of perc in aerosol adhesives and automotive brake cleaners.

Perc dry cleaners statewide are required to comply with ARB and local air district regulations to reduce emissions. However, even with these controls, some emissions continue to occur. Air quality studies indicate that there is still the potential for significant risks even near well-controlled dry cleaners. The South Coast AQMD has adopted a rule requiring that all new dry cleaners use alternatives to perc and that existing dry cleaners phase out the use of perc by December 2020. Over time, transition to non-toxic alternatives should occur. However, while perc continues to be used, a preventative approach should be taken to siting of new sensitive land uses.

Key Health Findings

Inhalation of perc may result in both cancer and non-cancer health effects. An assessment by California's Office of Environmental Health Hazard Assessment (OEHHA) concluded that perc is a potential human carcinogen and can cause non-cancer health effects. In addition to the potential cancer risk, the effects of long-term exposure include dizziness, impaired judgment and perception, and damage to the liver and kidneys. Workers have shown signs of liver toxicity following chronic exposure to perc, as well as kidney dysfunction and neurological effects. Non-cancer health effects occur with higher exposure levels than those associated with significant cancer risks. The public is more likely to be exposed to perchloroethylene at levels causing significant cancer risks than to levels causing non-cancer health effects. Non-cancer health effects, unlike cancer health effects, have a threshold or exposure level below which non-cancer health effects would not be expected. The ARB formally identified perc as a toxic air contaminant in October 1991.

One study has determined that inhalation of perc is the predominant route of exposure to infants living in apartments co-located in the same building with a business operating perc dry cleaning equipment. Results of air sampling within co-residential buildings indicate that dry cleaners can cause a wide range of exposures depending on the type and maintenance of the equipment. For example, a well-maintained state-of-the-art system may have risks in the range of 10 in one million, whereas a badly maintained machine with major leaks can have potential cancer risks of thousands in one million.

The California Air Pollution Control Officers Association (CAPCOA) is developing Industry-wide Risk Assessment Guidelines for Perchloroethylene Dry Cleaners which, when published, will provide detailed information on public health risk from exposure to emissions from this source.

Distance Related Findings

Risk created by perc dry cleaning is dependent on the amount of perc emissions, the type of dry cleaning equipment, proximity to the source, and how the emissions are released and dispersed (e.g., type of ventilation system, stack parameters, and local meteorology). Dry cleaners are often located near

residential areas, and near shopping centers, schools, day-care centers, and restaurants.

The vast majority of dry cleaners in California have one dry cleaning machine per facility. The South Coast AQMD estimates that an average well-controlled dry cleaner uses about 30 to 160 gallons of cleaning solvent per year, with an average of about 100 gallons. Based on these estimates, the South Coast AQMD estimates a potential cancer risk between 25 to 140 in one million at residential locations 75 feet or less from the dry cleaner, with an average of about 80 in one million. The estimate could be as high as 270 in one million for older machines.

CAPCOA's draft industry-wide risk assessment of perc dry cleaning operations indicates that the potential cancer risk for many dry cleaners may be in excess of potential cancer risk levels adopted by the local air districts. The draft document also indicates that, in general, the public's exposure can be reduced by at least 75 percent, by providing a separation distance of about 300 feet from the operation. This assessment is based on a single machine with perc use of about 100 gallons per year. At these distances, the potential cancer risk would be less than 10 potential cases per million for most scenarios.

The risk would be proportionately higher for large, industrial size, dry cleaners. These facilities typically have two or more machines and use 200 gallons or more per year of perc. Therefore, separation distances need to be greater for large dry cleaners. At a distance of 500 feet, the remaining risk for a large plant can be reduced by over 85 percent.

In California, a small number of dry cleaners that are co-located (sharing a common wall, floor, or ceiling) with a residence have the potential to expose the inhabitants of the residence to high levels of perc. However, while special requirements have been imposed on these existing facilities, the potential for exposure still exists. Avoiding these siting situations in the future is an important preventative measure.

Local air districts are a source of information regarding specific dry cleaning operations—particularly for large industrial operations with multiple machines. The 300 foot separation recommended below reflects the most common situation – a dry cleaner with only one machine. While we recommend 500 feet when there are two or more machines, site specific information should be obtained from the local air district for some very large industrial operations. Factors that can impact the risk include the number and type of machines, controls used, source configuration, building dimensions, terrain, and meteorological data.

Recommendation

- Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines provide 500 feet. For operations with 3 or more machines, consult with the local air district.
- Do not site new sensitive land uses in the same building with perc dry cleaning operations.

References

- *Proposed Amended Rule 1421 – Control of Perchloroethylene Emissions from Dry Cleaning Systems*, Final Staff Report. South Coast AQMD. (October 2002)
- *Air Toxic Control Measure for Emissions of Perchloroethylene from Dry Cleaning Operations*. ARB (1994)
(<http://www.arb.ca.gov/toxics/atcm/percatcm.htm>)
- “An Assessment of Tetrachloroethylene in Human Breast Milk”, Judith Schreiber, New York State Department of Health – Bureau of Toxic Substance Assessment, *Journal of Exposure Analysis and Environmental Epidemiology*, Vol.2, Suppl.2, pp. 15-26, 1992.
- *Draft Air Toxics “Hot Spots” Program Perchloroethylene Dry Cleaner Industry-wide Risk Assessment Guidelines*. (CAPCOA (November 2002)
- *Final Environmental Assessment for Proposed Amended Rule 1421 – Control of Perchloroethylene Emissions from Dry Cleaning Systems*. South Coast AQMD. (October 18, 2002)

Gasoline Dispensing Facilities

Refueling at gasoline dispensing facilities releases benzene into the air. Benzene is a potent carcinogen and is one of the highest risk air pollutants regulated by ARB. Motor vehicles and motor vehicle-related activity account for over 90 percent of benzene emissions in California. While gasoline-dispensing facilities account for a small part of total benzene emissions, near source exposures for large facilities can be significant.

Since 1990, benzene in the air has been reduced by over 75 percent statewide, primarily due to the implementation of emissions controls on motor vehicle vapor recovery equipment at gas stations, and a reduction in benzene levels in gasoline. However, benzene levels are still significant. In urban areas, average benzene exposure is equivalent to about 50 in one million.

Gasoline dispensing facilities tend to be located in areas close to residential and shopping areas. Benzene emissions from the largest gas stations may result in near source health risk beyond the regional background and district health risk thresholds. The emergence of very high gasoline throughput at large retail or

wholesale outlets makes this a concern as these types of outlets are projected to account for an increasing market share in the next few years.

Key Health Findings

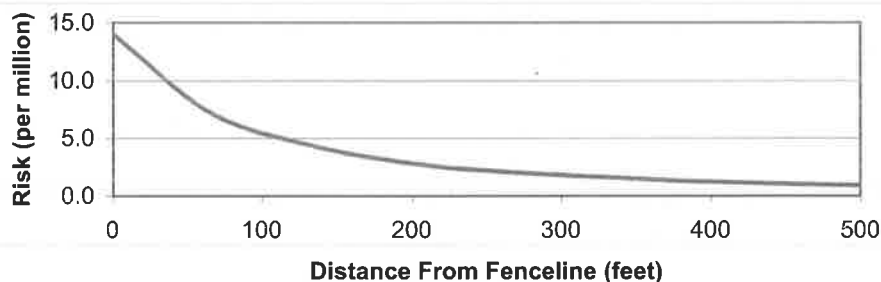
Benzene is a human carcinogen identified by ARB as a toxic air contaminant. Benzene also can cause non-cancer health effects above a certain level of exposure. Brief inhalation exposure to high concentrations can cause central nervous system depression. Acute effects include central nervous system symptoms of nausea, tremors, drowsiness, dizziness, headache, intoxication, and unconsciousness. It is unlikely that the public would be exposed to levels of benzene from gasoline dispensing facilities high enough to cause these non-cancer health effects.

Distance Related Findings

A well-maintained vapor recovery system can decrease emissions of benzene by more than 90% compared with an uncontrolled facility. Almost all facilities have emission control systems. Air quality modeling of the health risks from gasoline dispensing facilities indicate that the impact from the facilities decreases rapidly as the distance from the facility increases.

Statistics reported in the ARB's staff reports on Enhanced Vapor Recovery released in 2000 and 2002, indicated that almost 96 percent of the gasoline dispensing facilities had a throughput less than 2.4 million gallons per year. The remaining four percent, or approximately 450 facilities, had throughputs exceeding 2.4 million gallons per year. For these stations, the average gasoline throughput was 3.6 million gallons per year.

**Figure 1-6
Gasoline Dispensing Facility Health Risk
for 3,600,000 gal/yr throughput**



As shown in Figure 1-6, the risk levels for a gasoline dispensing facility with a throughput of 3.6 million gallons per year is about 10 in one million at a distance of 50 feet from the fenceline. However, as the throughput increases, the potential risk increases.

As mentioned above, air pollution levels in the immediate vicinity of large gasoline dispensing facilities may be higher than the surrounding area (although tailpipe emissions from motor vehicles dominates the health impacts). Very large gasoline dispensing facilities located at large wholesale and discount centers may dispense nine million gallons of gasoline per year or more. At nine million gallons, the potential risk could be around 25 in one million at 50 feet, dropping to about five in one million at 300 feet. Some facilities have throughputs as high as 19 million gallons.

Recommendation

- Avoid siting new sensitive land uses within 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

References

- *Gasoline Service Station Industry-wide Risk Assessment Guidelines.* California Air Pollution Control Officers Association (December 1997 and revised November 1, 2001)
- *Staff Report on Enhanced Vapor Recovery.* ARB (February 4, 2000)
- *The California Almanac of Emissions and Air Quality.* ARB (2004)
- *Staff Report on Enhanced Vapor Recovery Technology Review.* ARB (October 2002)

Other Facility Types that Emit Air Pollutants of Concern

In addition to source specific recommendations, Table 1-3 includes a list of other industrial sources that could pose a significant health risk to nearby sensitive individuals depending on a number of factors. These factors include the amount of pollutant emitted and its toxicity, the distance to nearby individuals, and the type of emission controls in place. Since these types of facilities are subject to air permits from local air districts, facility specific information should be obtained where there are questions about siting a sensitive land use close to an industrial facility.

Potential Sources of Odor and Dust Complaints

Odors and dust from commercial activities are the most common sources of air pollution complaints and concerns from the public. Land use planning and permitting processes should consider the potential impacts of odor and dust on surrounding land uses, and provide for adequate separation between odor and dust sources. As with other types of air pollution, a number of factors need to be considered when determining an adequate distance or mitigation to avoid odor or

Table 1-3 – Examples of Other Facility Types That Emit¹ Air Pollutants of Concern

Categories	Facility Type	Air Pollutants of Concern
Commercial	Autobody Shops	Metals, Solvents
	Furniture Repair	Solvents ² , Methylene Chloride
	Film Processing Services	Solvents, Perchloroethylene
	Distribution Centers	Diesel Particulate Matter
	Printing Shops	Solvents
	Diesel Engines	Diesel Particulate Matter
Industrial	Construction	Particulate Matter, Asbestos
	Manufacturers	Solvents, Metals
	Metal Platers, Welders, Metal Spray (flame spray) Operations	Hexavalent Chromium, Nickel, Metals
	Chemical Producers	Solvents, Metals
	Furniture Manufacturers	Solvents
	Shipbuilding and Repair	Hexavalent chromium and other metals, Solvents
	Rock Quarries and Cement Manufacturers	Particulate Matter, Asbestos
	Hazardous Waste Incinerators	Dioxin, Solvents, Metals
	Power Plants	Benzene, Formaldehyde, Particulate Matter
	Research and Development Facilities	Solvents, Metals, etc.
Public	Landfills	Benzene, Vinyl Chloride, Diesel Particulate Matter
	Waste Water Treatment Plants	Hydrogen Sulfide
	Medical Waste Incinerators	Dioxin, Benzene, PAH, PCBs, 1,3-Butadiene
	Recycling, Garbage Transfer Stations	Diesel Particulate Matter
	Municipal Incinerators	Dioxin, Benzene, PAH, PCBs, 1,3-Butadiene
Transportation	Truck Stops	Diesel Particulate Matter
Agricultural Operations	Farming Operations	Diesel Particulate Matter, VOCs, NOx, PM10, CO, SOx, Pesticides
	Livestock and Dairy Operations	Ammonia, VOCs, PM10

¹Not all facilities will emit pollutants of concern due to process changes or chemical substitution. Consult the local air district regarding specific facilities.

²Some solvents may emit toxic air pollutants, but not all solvents are toxic air contaminants.

May home sales at 3-year low

09:01 PM PDT on Monday, June 13, 2011

By **LESLIE BERKMAN**
The Press-Enterprise

Consumer worry about jobs and a further drop in home prices depressed Inland home sales to their lowest level for a May in three years, according to a real estate report released Monday.

The new home market was hit hardest, making it the worst May in Riverside and San Bernardino counties since records began in 1988.

Last month there 3,644 homes sold in Riverside County, down 12.5 percent from May of 2010, when homebuyers were hurrying to meet a deadline to qualify for federal tax credits that temporarily stimulated sales and pushed up prices, according to a report released Monday by San Diego-based DataQuick.

Story continues below

HOME SALES

County	Home sales, May 2010	Home sales, May 2011	Percent change	Median price May 2010	Median price May 2011	Percent change
Los Angeles	7,320	5,983	-18.3	\$345,000	\$320,000	-7.2
Orange	3,257	2,664	-18.2	\$450,000	\$425,000	-5.6
Riverside	4,164	3,644	-12.5	\$290,000	\$197,000	-6.2
San Bernardino	2,835	2,323	-18.1	\$160,000	\$150,000	-6.3
San Diego	3,879	3,087	-20.4	\$340,000	\$324,500	-4.6
Ventura	815	693	-15.0	\$360,000	\$360,500	+5.1
All SoCal	22,270	18,394	-17.4	\$305,900	\$280,000	-8.2

SOURCE: DATAQUICK

[Click to enlarge](#)

San Bernardino County last month reported 2,323 sales of homes, down 18.1 percent from a year earlier.

Following a trend throughout Southern California, the Inland counties last month also saw a drop in median home prices, where half of the homes sold for more and half for less.

In Riverside County the median sales price was \$197,000, down 6.2 percent from May, 2010. In San Bernardino County the median sales price was \$150,000, down 6.3 percent.

Throughout the Southern California region the median home price declined 8.2 percent year-over-year to \$280,000 last year, while sales fell by 17.4 percent.

"Even with affordability being high, there is a lot of concern and apprehension in the marketplace because of the job situation....People aren't willing to make a commitment," said Mike Boab, sales manager for Coldwell Banker Pioneer in Moreno Valley.

Lack of job growth and high unemployment are the biggest dampening factors on the housing market, economists said.

But would-be buyers are also unable to sell their existing houses for enough to pay off their mortgages after steep price declines, said Andrew LePage, a DataQuick analyst.

"Also a significant number of people who have been foreclosed on or laid off don't have the credit or income to qualify," LePage added.

Foreclosures last month continued to represent a large portion of the resale market, at almost 44 percent in Riverside County and just over 48 percent in San Bernardino County, Le Page said. In addition short sales by owners for prices insufficient to repay their mortgages last month constituted more than 16 percent of existing homes sold in Riverside County and not quite 16 percent in San Bernardino County.

The competitive pressure of distress sales was especially hard on new home sales, which last month fell 12 percent in Riverside County and almost 16 percent in San Bernardino County from a year earlier.

"It is certainly challenging for home builders to plan new projects and try to restart the industry" because of the price competition, said Steve Johnson, a Riverside-based director of MetroStudy, a national real estate consultant.

"The housing market is in the doldrums," said Chapman University economist Esmael Adibi. "The job market is not showing any recovery yet in Riverside and San Bernardino. Put that together with extremely stringent underwriting standards and to that you add uncertainty about the direction of prices. Even potential buyers are waiting for prices to stabilize before they jump in."

Reach Leslie Berkman at 951-368-9423 or lberkman@PE.com

Housing headache: unfinished projects

Painful symptoms include bankruptcy filings, vacant houses, falling walls

By Josh Brodesky and Brian J. Pedersen

Arizona Daily Star

Tucson, Arizona | Published: 05.03.2009

At the Aldea del Rey subdivision in Corona de Tucson, finished town houses with granite countertops and high-end appliances sit empty with their doors wide open to the world. Down the street, unfinished town houses that are now overgrown with weeds are crumbling away. Their cinder-block walls have been pushed over by the wind as rebar juts out in every direction.

The two scenes give Aldea del Rey, set along a golf course south of Interstate 10 off Houghton Road, a tattered eeriness. It's a suburban ghost town plagued by errant golf balls.

"For a while, there was only one (other) person in the neighborhood," said William Smith, who has rented in Aldea del Rey for the last two years. "It's quiet. That's the upside."

Pima County is filled with unfinished developments. The state's Real Estate Department lists 24 projects in the greater Tucson area where the developer is either in "financial trouble" or bankruptcy.

These projects range from the sprawling Saguaro Springs development in Marana — where hundreds of acres were bladed and graded, but only three model homes were built — to smaller custom developments like the Enclaves at Gates Pass that never took form. Both of those projects are now going to auction.

Unfinished developments pose a host of problems for residents and municipalities: The homes raise safety concerns and are magnets for vandals and squatters. Early buyers in these neighborhoods often have little recourse for shoddy construction, and those who bought at the market's peak now owe far more than their homes are worth.

"For the people who bought into these subdivisions, they are probably the ones getting worked over the most," said Jay Q. Butler, realty studies director at Arizona State University. "And yet they did nothing wrong."

Sahuarita is considering tearing down an unfinished custom home simply out of health and safety concerns, with Town Manager Jim Stahle saying unfinished construction can become a plague to cities.

Lost in limbo

Aldea del Rey was supposed to be 95 lots along the Santa Rita Golf Course, but only 30 units were completed before builder Pathway Developments Inc. filed for Chapter 7 bankruptcy last year.

During the peak market, town houses sold there for roughly \$300,000. They now go for \$130,000.

"It's sort of bureaucratically stuck," said builder Michael F. Teufel. "Technically I am the owner (of any unsold lots and homes), and technically we are in default. And with that, it's really hard for the owner to do anything when the property is worth so much less than the debt."

Teufel has been in default for months, so one big mystery is why Bank of the West hasn't foreclosed on the properties. Until that happens, the development is stuck in limbo. A trustee sale is scheduled for July 9. But two other previous trustee sales were postponed. John Stafford, spokesman for Bank of the West, said it was unclear what has kept the bank from taking action.

"The lenders seem almost indifferent," said ASU's Butler, "even though they are supposed to be concerned."

Rob Hallberg, an agent with Long Realty who bought a home in Aldea del Rey in 2007 for \$240,882, said he would like to see the bank clear the project off its books.

"The prices have gotten really low in the complex already, and I doubt that Bank of the West wants to continue to be a landowner," he said. "Prices are low enough that an investor or builder can come in and finish the complex."

While he waits for that to happen, Hallberg and other homeowners have formed an informal homeowners association to keep the neighborhood presentable for future buyers and investors. They've even put in a P.O. box.

Hallberg has a strong connection to the neighborhood. Not only did he buy in it — he rents his property at a loss — but he sold homes there at the peak of the market and continues to sell homes there now.

One of his listings is for \$130,000, significantly less than when he bought.

Has he ever considered walking away from his own home there?

"I don't want to have anything bad on my credit, and I am going to meet the obligation that I originally set up for the property," he said. "Is it ever going to come back to that price? I think, eventually."

Up for auction

Just over Rattlesnake Pass in Marana on the western slope of the Tucson Mountains is Saguaro Springs.

Plans once called for 2,400 homes there, but all that stands now are three model homes and hundreds of dirt lots. The road into the development is lined with dead palm trees, and the model homes are now boarded up and gutted.

Saguaro Springs' developer, California-based Empire Land LLC, filed for bankruptcy last year. Since then, the project's other developer, KB Home, has been shopping the land. The site, which carries a \$20 million note, is now up for auction, and demolition permits have been issued for the three model homes.

"In the case of Saguaro Springs, you have three model homes out there that have been trashed," Marana Town Manager Gilbert Davidson said. "We have large tracts of land that have been cleared, and we now have tumbleweeds that are rolling across several hundred acres. We have to somehow get that all removed just because of fire danger."

But an even bigger challenge Saguaro Springs poses is unfinished infrastructure that may very well have to be redone: Roads are cracking, and the sewer system has not been approved. Other developments in Marana are halfway completed with finished homes sitting next to empty lots. But Davidson and Town Planning Director Kevin Kish said those projects don't concern them nearly as much as Saguaro Springs because the infrastructure is strong, there are some residents living there, and the developments are much smaller than Saguaro Springs.

"Those will fill in," Kish said. "A builder will come in and provide a product that the market will want."

Taking action

Although Sahuarita hasn't been hit with as many unfinished developments as other areas, its Town Council has set its sights on two unfinished custom homes out of concerns they may be used by squatters.

Code regulations let the town tear down unfinished structures if building permits have been expired for more than two years, said Andy Kelley, Sahuarita's building official and fire marshal. Demolition is being considered for a house on the outskirts of town that has no doors, Councilman Phil Conklin said.

A second unfinished house is in the middle of Rancho Sahuarita, the 4,200-home master-planned community that has more than half of the town's population.

Part of a 16-lot custom-home development on the west bank of Sahuarita Lake called Haciendas del Lago, only the exterior framing and the roof were installed before Prescott-based builder Townsend Homes went bankrupt. "It's been there, framed, for the last several years," Kelley said.

Rather than push to tear it down, though, the council passed a measure to cut \$2,500 off the cost of a permit to complete enough work on the house to make it livable, Kelley said.

Townsend's other Rancho Sahuarita project, the 89-lot Estancia del Corazon, was bladed but no homes were built. Some of the vacant land soon will go to a trustee sale.

The prospect of vacant houses turning into havens for vandals or squatters has jurisdictions keeping a close watch.

"We know there are more and more people going homeless," Pima County building official Yves Khawam said. "It could be logical to think some of these folks will end up living in abandoned structures."

Sahuarita building inspectors have reported seeing a sleeping bag inside an abandoned home with an unsecured garage door in Rancho Sahuarita, Kelley said.

The town plans an aggressive approach to avoid having unfinished or foreclosed and abandoned homes become "attractive nuisances," Stahle said.

"Most jurisdictions have a ton of them," he said. "In some cities, it's a plague."

Contact reporter Josh Brodesky at 573-4178 or jbrodesky@azstarnet.com.

<http://www.azstarnet.com/sn/metro/291288.php>

P:\SIERRA\Travertine\Comment letter exhibits\Ex. 10 (Housing headache. unfinished projects).doc

**STATEMENT OF PROCEEDINGS OF THE BOARD OF SUPERVISORS
RIVERSIDE COUNTY, CALIFORNIA**

ALL MEMBERS PRESENT

NOVEMBER 25, 2008

TUESDAY

9:00 A.M.

Invocation by **Maria Vasquez**, Board Assistant, Clerk of the Board Office

Pledge of Allegiance to the Flag

Presentation of Proclamation - Drunk and Drugged Driving Prevention Month to **Karen Kane**, Substance Abuse Program Services Administrator, and **Jerry Wengerd**, Director

Presentation of Proclamation to Honor Gary Root for his services to the County

Presentation of Awards by the Woodcrest Library to Supervisor Buster

OPENING COMMENTS:

BOARD MEMBERS - Supervisor Tavaglione mentioned the Breast Cancer Walk this past weekend to raise funds for research in which 15 people helped to raise \$125,000.

Supervisor Stone concurred with the comments about breast cancer as his mother died of the disease.

Supervisor Stone stated that the Take a Bite Out of Hunger Program has been quite successful and county employees are being most generous.

Supervisor Stone discussed the proclamation today regarding Driving Under the Influence of Alcohol and asked the Sheriff to work with our contract cities and come up with a comprehensive plan for check points around the county during this holiday season.

Supervisor Ashley spoke about the new Woodcrest Library, and his desire to honor Supervisor Buster by putting his name on this new building.

EXECUTIVE OFFICER

STATE BUDGET UPDATE – Supervisor Tavaglione indicated there are no budget updates.

1.1 CLERK OF THE BOARD: Proof of Publications.
(APPROVED)

1.2 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: TENTATIVE PARCEL MAP 35557 – CEQA EXEMPT – Margaret Pacheco/Dan Gomez – Mead Valley Area – Mead Valley Area Plan – 1st District, A-1-1 Zoning, Schedule H. TPM 35557 proposes to subdivide 2.17 gross acres into 2 parcels, with a minimum lot size of 1.0 acre with existing single family residence on Parcel 1, approved by the Planning Director.
(RECEIVED AND FILED)

1.3 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: TENTATIVE TRACT MAP 31826 – Jourdanne Cadavona (Shea Homes) – Prado Mira Loma Zoning District –

Eastvale Area Plan – 2nd District, 106.95 gross acres, 355 residential lots, 7 open space lots, and one (1) 2.75 acre park lot, R-1 Zoning, Schedule A. Second Extension of Time approved by the Planning Commission. (RECEIVED AND FILED)

- 1.4 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: TENTATIVE PARCEL MAP 35035 – MITIGATED NEGATIVE DECLARATION – EA41198 – Ian Wilson Land Surveying - Rancho California Area – Southwest Area Plan – 3rd District, R-A-2½ Zoning, Schedule H. TPM 35035 proposes to subdivide 5.22 acres into 2 residential parcels, with a minimum lot size of 2.61 acres, approved by the Planning Director. (RECEIVED AND FILED)
- 1.5 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: FAST TRACK TENTATIVE COMMERCIAL PARCEL MAP 31704, Minor Change No. 1 (FTA 03-03) – Shaw Properties – Thousand Palms Zoning District – Western Coachella Valley Area Plan – 4th District, 6.9 gross acres, 5 commercial lots, SP 15 Zoning, Schedule E. Second Extension of Time approved by the Planning Commission. (RECEIVED AND FILED)
- 2.1 SUPERVISOR ASHLEY: Appointment to the Solid Waste Management Advisory Council. (APPROVED AS RECOMM.)
- 2.2 SUPERVISOR ASHLEY: Re-appointment to the County/City Arroyo-Watershed Committee. (APPROVED AS RECOMM.)
- 2.3 EXECUTIVE OFFICE: Annual Investment Audit Report. (APPROVED AS RECOMM.)
- 2.4 AUDITOR-CONTROLLER: Authorization to Reissue County Warrants (#79). (APPROVED AS RECOMM.)
- 2.5 COUNTY COUNSEL: (R) ADOPTION OF ORDINANCE No. 348.4627, an Ordinance of the County of Riverside Amending Ordinance No. 348 relating to Zoning (amending the zoning in the Glen Ivy Area, 1st District, ZC 7516). (APPROVED AS RECOMM.)
- 2.6 COUNTY COUNSEL: (R) ADOPTION OF ORDINANCE No. 348.4628, an Ordinance of the County of Riverside Amending Ordinance No. 348 relating to Zoning (amending the zoning in the March Area, 1st District, ZC 7660). (APPROVED AS RECOMM.)
- 2.7 COUNTY COUNSEL: (R) ADOPTION OF ORDINANCE No. 348.4626, an Ordinance of the County of Riverside Amending Ordinance No. 348 relating to Zoning (amending the zoning in the Prado-Mira Loma, 2nd District, ZC 7477). (APPROVED AS RECOMM.)
- 2.8 COUNTY COUNSEL: (R) ADOPTION OF ORDINANCE No. 348.4625, an Ordinance of the County of Riverside Amending Ordinance No. 348 relating to Zoning (amending the zoning in the Rancho California Area, 3rd District, ZC 7492). (APPROVED AS RECOMM.)

- 2.9 COUNTY COUNSEL: Schedule for public hearing the Amendment to Appendix of the County's Conflict of Interest Code.
(SET FOR HRG. 12/16/08 @ 9:30 A.M.)
- 2.10 FACILITIES MANAGEMENT: French Valley Business Center Update.
- 2.11 MENTAL HEALTH: Drunk and Drugged Driving Prevention Month.
(APPROVED AS RECOMM.)
- 2.12 OFFICE ON AGING: Approval of the Office on Aging's 2007-2008 Strategic Plan "Strength in Aging" Year End Report.
(APPROVED AS RECOMM.)
- 2.13 REGISTRAR OF VOTERS: Appointment of Special District Directors.
(APPROVED AS RECOMM.)
- 2.14 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Approval of Medical Staff Appointments, Reappointments, and Privileges.
(APPROVED AS RECOMM.)
- 3.1 SUPERVISOR WILSON: Appointment of Riverside County Supervisors to California State Association of Counties Board of Directors.
(APPROVED AS RECOMM.)
- 3.2 SUPERVISOR STONE: INTRODUCTION OF ORDINANCE NO. 884, an Ordinance of the County of Riverside Regulating Targeted Residential Picketing. (APPROVED AS RECOMM.)
- 3.3 SUPERVISOR TAVAGLIONE: Second District Use of Community Improvement Designation Funds for the Jurupa Community Services District, and Budget Adjustments. (APPROVED AS RECOMM.)
- 3.4 SUPERVISOR ASHLEY: Fifth District Use of Community Improvement Designation Funds for the 2009 MVUSC Saluting Education, Beaumont Change of Commerce, Nuview Community Scholarship, March JPA Christmas for Kids, Burn Institute of Inland Empire, and CSISB Water Resources Institute, and Budget Adjustments. (4/5 vote required)
(APPROVED AS RECOMM.)
- 3.5 EXECUTIVE OFFICE: Series 2008 Leasehold Revenue Refunding Bonds (Southwest Justice Center Refunding) - Adoption of Resolution 2008-398 Authorizing and Approving the Issuance and Sale.
(APPROVED AS RECOMM.)
- 3.6 EXECUTIVE OFFICE: Approval of Agreement with Thomas Walters and Associates for Federal Legislative Advocacy Services.
(APPROVED AS RECOMM.)
- 3.7 EXECUTIVE OFFICE: Approval of Service Agreement between the County and the City of Corona relating to Annexation 108 (LAFCO 2007-77-22), 2nd District.
(APPROVED AS RECOMM.)

- 3.8 AGRICULTURAL COMMISSIONER: Approval of Standard Agreement (08-0576) with the California Department of Food and Agriculture regarding the High-Risk Pest Inspection Program.
(APPROVED AS RECOMM.)
- 3.9 COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY: Approval of Agreement (05989) with Richard Health and Associates, Inc. for California Lifeline Telephone Program.
(APPROVED AS RECOMM.)
- 3.10 COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY: Approval of the Department of the Treasury – Internal Revenue Service Grant Award for the Volunteer Income Tax Assistance, and Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.11 COMMUNITY HEALTH AGENCY/PUBLIC HEALTH: Approval of the Intergovernmental Agreement (102008) with San Bernardino County for the distribution of Ryan White Comprehensive AIDS Resource Emergency Act Part A Funds. (APPROVED AS RECOMM.)
- 3.12 ECONOMIC DEVELOPMENT AGENCY: Approval of the 2008-2009 Action Plan Amendment – Neighborhood Stabilization Program, and Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.13 ECONOMIC DEVELOPMENT AGENCY: Consent to Assignment of Non-Aviation Ground Lease at Hemet-Ryan Airport, 3rd District.
(APPROVED AS RECOMM.)
- 3.14 ECONOMIC DEVELOPMENT AGENCY: Approval of Substantial Amendment to the 2008-2009 One-Year Action Plan to add the Rancho Dorado North and cancel the Rancho Dorado Apartments, 4th District.
(APPROVED AS RECOMM.)
- 3.15 ECONOMIC DEVELOPMENT AGENCY: Approval of Contract Documents for the Chiriaco Summit Airport Apron Rehabilitation Project, 4th District.
(APPROVED AS RECOMM.)
- 3.16 ECONOMIC DEVELOPMENT AGENCY: Adoption of Resolution 2008-484 Consenting to the Purchase by Redevelopment Agency of Real Property in the Unincorporated Community of Mecca from a portion of APN 727-212-001, 4th District.
(APPROVED AS RECOMM.)
- 3.17 ECONOMIC DEVELOPMENT AGENCY: Acceptance of Notice of Completion – Jacqueline Cochran Regional Airport Apron Rehabilitation Project, 4th District.
(APPROVED AS RECOMM.)
- 3.18 ECONOMIC DEVELOPMENT AGENCY: Acceptance of Notice of Completion –

Edward-Dean Museum & Garden Legacy Rose Garden Project, 5th District.
(APPROVED AS RECOMM.)

- 3.19 FACILITIES MANAGEMENT: Recommendations for the Palm Desert Sheriff Station, 4th District. (APPROVED AS RECOMM.)
- 3.20 FACILITIES MANAGEMENT: Adoption of Resolution 2008-471, Authorization to Convey Fee Simple and Easement Interests in Real Property in the Unincorporated Area of Rubidoux (regarding portions of APN's 186-230-034, 186-250-010, and 186-240-003), 2nd District.
(APPROVED AS RECOMM.)
- 3.21 FACILITIES MANAGEMENT: Approval of Architectural and Engineering Services Agreement with Widom Wein Cohen O'Leary Terasawa, Inc., for the Hemet Family Care Center, 3rd District. (3.23 of 11/18/08)
(CONT'D. TO 12/9/08 AT 9:00 A.M.)
- 3.22 FACILITIES MANAGEMENT: Ratify the Fourth Amendment to Revenue Lease – Department of Mental Health, Indio, 4th District.
(APPROVED AS RECOMM.)
- 3.23 FACILITIES MANAGEMENT: Ratify the Architectural and Engineering Services Agreement with Holt Architects for the North Shore Yacht Club Rehabilitation, 4th District.
(APPROVED AS RECOMM.)
- 3.24 FACILITIES MANAGEMENT: Acceptance of Notice of Completion on the Cabazon Fire Station, 5th District.
(APPROVED AS RECOMM.)
- 3.25 FACILITIES MANAGEMENT: Award of Contract to Cass Construction, Inc. for the Larry D. Smith Correctional Facility Expansion No. 3 Utility Service Infrastructure, 5th District.
(APPROVED AS RECOMM.)
- 3.26 FIRE/OFFICE OF EMERGENCY SERVICES: Adoption of Resolution 2008-469 Approving the FY 08 U.S. Department of Homeland Security Grant Program Application and Projects, and Approval of Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.27 HUMAN RESOURCES: Approval of the Exclusive Care – Exclusive Provider Option Medical Contractor Agreement with Blythe Internal Medicine Clinic, Inc.
(APPROVED AS RECOMM.)
- 3.28 PUBLIC SOCIAL SERVICES: Approval of Amendment #04 to Agreement (AP1924-00) with Addus HealthCare, Inc.
(APPROVED AS RECOMM.)
- 3.29 PUBLIC SOCIAL SERVICES: Approval of Agreement (HO4049-00) with Path of Life Ministries. (APPROVED AS RECOMM.)

- 3.30 PURCHASING AND FLEET SERVICES: Approval of Amendment to Board of Supervisors Policy D-2: Use and Purchase of Low or Zero Emissions County Vehicles.
(APPROVED AS RECOMM.)
- 3.31 PURCHASING AND FLEET SERVICES: Approval of Perpetual Professional Service Agreement with Chaffey Community College District to provide Alternative Fuels Technical/Mechanical Training.
(APPROVED AS RECOMM.)
- 3.32 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Ratify the Fiscal Year 2008-09 Dental Services Agreements with Contract Dentist for the Medically Indigent Services Program.
(APPROVED AS RECOMM.)
- 3.33 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Ratify the Fiscal Year 2008-09 Medical Services Agreements with Contract Clinics for the Medically Indigent Services Program.
(APPROVED AS RECOMM.)
- 3.34 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Ratify the Non-Emergency Ambulance and other Medical Transportation Agreement between the County and American Medical Response, Inc.
(APPROVED AS RECOMM.)
- 3.35 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Ratify the Amendment to the Per Diem Hospital Agreement between the County and Inland Empire Health Plan.
(APPROVED AS RECOMM.)
- 3.36 RIVERSIDE COUNTY INFORMATION TECHNOLOGY: Approval of the Use of the State Agreement for the CALNET II Communication Telephone Services with AT&T for Riverside County without securing competitive bids.
(APPROVED AS RECOMM.)
- 3.37 SHERIFF-CORONER-PA and PUBLIC SOCIAL SERVICES: Acceptance of the FY 2008 Community Oriented Policing Services Methamphetamine Initiative Grant Award from the U.S. Department of Justice, and Adoption of Resolution 440-8801 for an additional position, and Approval of Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.38 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Award of Contract to All American Asphalt for the Resurfacing of various roads in the Mira Loma area, 2nd District.
(APPROVED AS RECOMM.)
- 3.39 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Award of Contract to All American Asphalt for the Resurfacing of various roads in the Butterfield Park, Temescal Canyon area, 1st District.
(APPROVED AS RECOMM.)

- 3.40 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Award of Contract to All American Asphalt for the Resurfacing of Washington Street and Traffic Safety Improvements, Woodcrest area, 1st District.
(APPROVED AS RECOMM.)
- 3.41 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Award of Contract to DBX, Inc., for the Construction of Traffic Signal and Lighting at Bundy Canyon Road and The Farm Road, Wildomar area, 1st District. (APPROVED AS RECOMM.)
- 3.42 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Award of Contract to C.T.F., Inc. for the Construction of Traffic Signal and Lighting at Trilogy Parkway and the Lodge Entrance, Temescal Canyon area, 1st District.
(APPROVED AS RECOMM.)
- 3.43 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Approval of the Right of Way Cooperative Agreement between the County and the State of California Department of Transportation for I-10 at Palm Drive/Gene Autry Trail, 5th District.
(APPROVED AS RECOMM.)
- 3.44 TREASURER-TAX COLLECTOR: ® ADOPTION OF ORDINANCE NO. 767.12, an Ordinance of the County of Riverside Amending Ordinance No. 767, Delegating Authority to the County Treasurer to Invest and Reinvest Funds of the County and Other Depositors.
(APPROVED AS RECOMM.)
- 3.45 EXECUTIVE OFFICE and TREASURER-TAX COLLECTOR: ® ADOPTION OF ORDINANCE NO. 883, an Ordinance of the County of Riverside Establishing the Palm Springs Desert Resort Communities Tourism Business Improvement District, 4th & 5th Districts.
(APPROVED AS RECOMM.)
- 3.46 SUPERVISOR WILSON: Fourth District Use of Community Improvement Designation Funds for the Thermal Chamber of Commerce Kermese (Community Christmas Festival), and Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.47 SUPERVISOR WILSON: Fourth District Use of Community Improvement Designation Funds for the Borrego Community Health Foundation, and Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.48 SUPERVISOR WILSON: Fourth District Use of Community Improvement Designation Funds for the Valley Partnership's AmeriCorps Promote Program, and Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.49 SUPERVISOR WILSON: Fourth District Use of Community Improvement Designation Funds for the Sheltering Wings of Blythe, and Budget Adjustments.
(APPROVED AS RECOMM.)

- 3.50 SUPERVISOR WILSON: Fourth District Use of Community Improvement Designation Funds for the Department of Mental Health's 7th Annual Dare to be Aware Youth Conference, and Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.51 SUPERVISOR WILSON: Fourth District Use of Community Improvement Designation Funds for the Kids Klub/Teen Klub After School Program, and Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.52 SUPERVISOR WILSON: Fourth District Use of Community Improvement Designation Funds for the Stephen Center Life Loss Education and Resource Outreach Project, and Budget Adjustments.
(APPROVED AS RECOMM.)
- 3.53 SUPERVISOR ASHLEY and SUPERVISOR BUSTER: Airport Land Use Commission Consistency for the March Air Reserve Base.
(APPROVED AS RECOMM.)
- 4.1 REDEVELOPMENT AGENCY: Adoption of RDA Resolution 2008-090 Approving the Agreement between the Redevelopment Agency, F.E.A.T.H.E.R., and Butler Amusement, Inc., 2nd District.
(APPROVED AS RECOMM.)
- 4.2 REDEVELOPMENT AGENCY: Adoption of RDA Resolution 2008-087, Authorization to Purchase Real Property in the Unincorporated Community of Mecca from a portion of APN 727-212-001, 4th District.
(APPROVED AS RECOMM.)
- 4.3 REDEVELOPMENT AGENCY: Thermal Sheriff's Station and Sheriff's Aviation Facility – Approval of Agreement with Construction Testing and Engineering, Inc. for professional services, the Second Amendment to Agreement with HDR, Inc., and the Project Budget, 4th District.
(APPROVED AS RECOMM.)
- 5.1 EXECUTIVE OFFICE: Annual Report on Investment Portfolio (Riverside Court Financing Corporation).
(APPROVED AS RECOMM.)
- 5.2 EXECUTIVE OFFICE: Annual Report on Investment Portfolio (Riverside District Court Financing Corporation).
(APPROVED AS RECOMM.)
- 9.1 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Abatement of Public Nuisance [Grading without Permit] on Case No. CV 06-5356, located at 40265 Calle Bandido, Murrieta, APN 932-320-043, 1st District.
(APPROVED AS RECOMM.)

- 9.2 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish] on Case Nos. CV 07-9861 and 08-01964, located at 36160 Arnett Road, Wildomar, APN 380-100-005, 1st District.
(APPROVED AS RECOMM.)
- 9.3 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Abatement of Public Nuisance [Grading without Permit] on Case No. CV 08-01024, located one parcel south of 43455 Sage Road, Aguanga, APN 581-120-010, 3rd District. (CONT'D. TO 1/13/09 @ 9:30 A.M.)
- 9.4 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Abatement of Public Nuisance [Grading without Permit] on Case No. CV 08-02674, located at 43455 Sage Road, Aguanga, APN 581-110-006, 3rd District.
(CONT'D. TO 1/13/09 @ 9:30 A.M.)
- 9.5 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Expense on Public Nuisance Case No. CV 02-4594, located at 33040 Magnolia, Lake Elsinore, APN 381-281-032, 1st District.
(CONT'D. TO 12/23/08 @ 9:30 A.M.)
- 9.6 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Expense on Public Nuisance Case No. CV 02-4682, located at 22929 Markham Street, Perris, APN 314-210-007, 1st District.
(CONT'D. TO 1/13/09 @ 9:30 A.M.)
- 9.7 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Expense on Public Nuisance Case No. CV 07-2879, located at 17840 Grand Avenue, Lake Elsinore, APN 381-200-012, 1st District.
(TAKEN OFF CALENDAR)
- 9.8 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Expense on Public Nuisance Case No. CV 06-4050, located at Avenue 73 and Galley Drive, North Shore, APN 723-360-002, 4th District.
(APPROVED AS RECOMM.)
- 9.9 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Expense on Public Nuisance Case Nos. CV 06-2289, 07-4757, 07-4758, and 07-4759, located at 23040 Fisher Street, Perris, APN 326-260-012, 5th District.
(APPROVED AS RECOMM.)
- 9.10 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Public Hearing on Landscaping & Lighting Maintenance District No. 89-1- Consolidated, Annexation of Zone 123 (Woodcrest), 1st District.
(APPROVED AS RECOMM.)
- 9.11 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Public Hearing on Landscaping & Lighting Maintenance District No. 89-1- Consolidated,

Annexation of Zone 128 (Rubidoux / Sunnyslope), 2nd District.
(APPROVED AS RECOMM.)

9.12 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Public Hearing on Landscaping & Lighting Maintenance District No. 89-1- Consolidated, Annexation of Street Lighting Zone 89 (Rancho California), 3rd District.
(APPROVED AS RECOMM.)

9.13 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Public Hearing on Landscaping & Lighting Maintenance District No. 89-1- Consolidated, Consideration of New Improvements for Street Lighting Zone 78 (Valle Vista), 3rd District.
(3.42 of 10/7/08)
(APPROVED AS RECOMM.)

9.14 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Public Hearing on Landscaping & Lighting Maintenance District No. 89-1- Consolidated, Annexation of Location 2 to Zone 36 (Mecca), 4th District.
(APPROVED AS RECOMM.)

9.15 ECONOMIC DEVELOPMENT AGENCY: Public Hearing on the Multi-Family Housing Revenue Bond Issue by the California Statewide Communities Development Authority for the Desert Palms Apartments – Adoption of Resolution 2008-479 Approving the Issuance, 4th District.
(APPROVED AS RECOMM.)

9.16 ECONOMIC DEVELOPMENT AGENCY: Public Hearing on the Multi-Family Housing Revenue Bond Issue by the California Statewide Communities Development Authority for the Mountain View Apartments – Adoption of Resolution 2008-478 Approving the Issuance, 5th District.
(APPROVED AS RECOMM.)

9.17 ECONOMIC DEVELOPMENT AGENCY: Public Hearing on the Multi-Family Housing Revenue Bond Issue by the California Statewide Communities Development Authority for the Westview Terrace Apartments – Adoption of Resolution 2008-480 Approving the Issuance, 5th District.
(APPROVED AS RECOMM.)

9.18 Robert Mabee read his statement into the record.

CONCURRENT EXECUTIVE SESSION-COUNTY OF RIVERSIDE, REDEVELOPMENT AGENCY, REGIONAL PARK AND OPEN SPACE DISTRICT, FLOOD CONTROL AND WATER CONSERVATION DISTRICT, WASTE RESOURCES MANAGEMENT DISTRICT, HOUSING AUTHORITY, PERRIS VALLEY CEMETERY DISTRICT, IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND COMMUNITY FACILITIES DISTRICTS:

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9:

Conference with legal counsel-anticipated litigation:

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9:

- A.1 Justice v. County of Riverside et al. (Riverside Superior Court case nos. RIC 451297, RIC 464890, RIC 489336 and RIC 501194)

Conference with legal counsel-anticipated litigation:

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:

- B.1 One potential case.

With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

Conference with real property negotiator:

- C.1 Property – 30700 Auld Road, Buildings 1 and 3, Murrieta, CA, 92563
Agency negotiator – Rob Field
Negotiating party – Bruce Keeton and David Phares
Under negotiation – Terms/Conditions/Performance

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957.6:

- D.1 Conference with labor negotiator:
Agency negotiator – Ron Komers
Employee organizations – SEIU, LEMU, LIUNA, RSA, Management, Confidential and Unrepresented

(NO PUBLIC REPORT)

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- 11.1 SUPERVISOR ASHLEY: Re-appointment to the Flood Control Commission Zone 5. (APPROVED AS RECOMM.)
- 11.2 FLOOD CONTROL DISTRICT: Adoption of Resolution F2008-34, Authorization to Convey an Interest in District Owned Real Property (APN 456-050-023) for the Stetson Avenue Channel Parcel 4211-3, 3rd District. (APPROVED AS RECOMM.)
- 11.3 FLOOD CONTROL DISTRICT: Approval of Prequalification for On-Call Environmental/Regulatory Support and Ancillary Professional Services Companies. (APPROVED AS RECOMM.)
- 12.1 WASTE RESOURCES MANAGEMENT: Approval of the Eighth Amendment to the Master Lease and Fourth Amendment to the Agreement for the Disposal of Solid Waste with Agua Mansa MFR, LLC, 2nd District. (APPROVED AS RECOMM.)
- 12.2 WASTE RESOURCES MANAGEMENT: Earthwork Excavation for Future Site Improvement Projects at the Lamb Canyon Sanitary Landfill – Project Retention Funds, 5th District. (APPROVED AS RECOMM.)
- 12.3 WASTE RESOURCES MANAGEMENT: Acceptance of Notice of Completion on

Construction of Landfill Gas Collection System at the Edom Hill Sanitary Landfill, 5th District. (APPROVED AS RECOMM.)

- 13.1 REGIONAL PARK AND OPEN SPACE DISTRICT: Adoption of Resolution 2008-8, Notice of Intention to Quitclaim Trail Easement Interests in Real Property – Unincorporated Area of Eastvale – a portion of APN 130-060-031 and a portion of 130-460-060, 2nd District.
(SET FOR 12/09/08 @ 1:30 P.M.)
- 15.1 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 895 (FOUNDATION AMENDMENT – REGULAR) – Donald and Elissa Fruciano Family Trust/Adkan Engineers – Woodcrest Zoning District – Lake Mathews/Woodcrest Area Plan – 1st District. The Planning Director recommends that the Board tentatively **decline** to adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Foundation Component for the subject property from Rural Community to Community Development and to amend General Plan Land Use Designation from Very Low Density Residential (1 acre minimum) to Commercial Retail (0.20 – 0.35 floor area ratio).
(APPROVED AS RECOMM.)
- 15.2 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 966 (FOUNDATION – REGULAR) – Victoria Bastida/Miguel B. Sanchez – Mira Loma Zoning District – Jurupa Area Plan – 2nd District. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Foundation Component on the subject property from Rural Community to Community Development and to amend the General Plan Land Use Designation from Low Density Residential (½ acre minimum) to Commercial Retail (0.20 – 0.35 floor area ratio).
(APPROVED AS RECOMM.)
- 15.3 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 1010 (FOUNDATION – REGULAR) – Victoria Bastida/Miguel B. Sanchez – El Cerrito Zoning District – Temescal Canyon Area Plan – 2nd District. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Foundation Component for the subject property from Rural Community to Community Development and to amend the General Plan Land Use Designation from Rural Community: Estate Density Residential (2 acre minimum) to Community Development: Estate Density Residential (2 acre minimum).
(APPROVED AS RECOMM.)
- 15.4 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 1035 (FOUNDATION – REGULAR) – Orange Ltd. Partnership/Sake Engineers Inc. – El Cerrito Zoning District – Temescal Canyon Area Plan – 2nd District. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Foundation Component for the subject property from Rural Community to Community Development and to amend General Plan Land Use Designation from Estate Density Residential (2 acre minimum) to Commercial Retail (0.20 – 0.35 floor area ratio).
(APPROVED AS RECOMM.)
- 15.5 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN

AMENDMENT NO. 739 (FOUNDATION AMENDMENT) – Woodward Interests/T&B

Planning – Ramona Area – San Jacinto Valley Area Plan – **3rd District**. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Land Use Designation for the subject property from Community Development: Very Low Density Residential, Rural: Rural Mountainous and Rural: Rural Residential to Specific Plan for approximately 85.2 gross acres, to amend existing Land Use Map of SP00212, to amend the text of the San Jacinto Valley Area Plan from Specific Plan No. 212 (Mesa Grande) to Specific Plan No. 212, Amendment No. 1 (Diamond View Mountain) and to revise Figure 3 “Land Use Plan” and Figure 4 “Policy Areas” of the San Jacinto Valley Area Plan to reflect the new Specific Plan boundary lines.

(APPROVED AS RECOMM.)

15.6 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 899 (FOUNDATION/REGULAR) – Adranik Eddie Galastian/MDS

Consulting – Sky Valley Zoning District – Western Coachella Valley Area Plan – **4th District**. The Planning Director recommends that the Board adopts a **tentative denial** of an order initiating proceedings for the above-referenced general plan amendment to change the General Plan Foundation Component of the subject property from Rural to Community Development and to amend the General Plan Land Use Designation from Rural Residential (5 acre minimum) to Commercial Retail (0.20 – 0.35 floor area ratio) on a maximum of 5 acres of the site – APN: 645-120-028. (CONT'D. TO 1/27/09 @ 1:30 P.M.)

15.7 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 910 (TECHNICAL, AGRICULTURE AMENDMENT AND ENTITLEMENT/POLICY AMENDMENT) – Black Emerald LLC/Innovative Land Concepts –

Lower Coachella Valley Area – Eastern Coachella Valley Area Plan – **4th District**. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Land Use Element as it applies to the project site to eliminate the land use designation of Agriculture: Agriculture, Community Development: Commercial Tourist, Public Facilities and Open Space - Water and establish a Community Development Specific Plan on the project area. (APPROVED AS RECOMM.)

15.8 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 967 (FOUNDATION-REGULAR/AGRICULTURE) – Beau Blixseth/MSA Consulting – Lower Coachella Valley Zoning District – Eastern Coachella Valley Area Plan

– **4th District**. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Foundation Component for the subject property from Open Space and Agriculture to Community Development and amend the General Plan Land Use Designation from Rural (20 acre minimum) and Agriculture (10 acre minimum) to Specific Plan and to add the proposed areas east of Polk Street to the Eastern Coachella Valley Area Plan Policy No. 2.1.

(APPROVED AS RECOMM.)

15.9 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 993 (FOUNDATION – REGULAR) – ILC Inc.-Ed Schiller/W & W-Lloyd

Watson – Pass and Desert Zoning District – Western Coachella Valley Area Plan – **4th District**. The Planning Director recommends that the Board does **not** adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Foundation Component for the subject property from Rural to Community Development and to amend the General Plan Land Use Designation from Rural Desert 10 to Very Low Density Residential (1 acre minimum) and to be annexed into the Hot Springs Policy Area – APN(s) 659-100-005, 659-100-008, 659-100-009, 659-100-012, 659-100-015, 659-100-017, and 659-100-033.

(APPROVED AS RECOMM.)

- 15.10 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 1023 (AGRICULTURE/ENTITLEMENT POLICY) – Mecca Group LLC/Innovative Land Concept – Lower Coachella Valley Area – Eastern Coachella Valley Area Plan – **4th District**. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Land Use Element as it applies to the project site to eliminate the land use designation of Agriculture: Agriculture (10 acre minimum) Community Development: High Density Residential (8 – 14 dwelling units per acre), Medium High Density Residential (2 – 5 dwelling units per acre) and Light Industrial (0.25 – 0.60 floor to area ratio) and would establish a Community Development Specific Plan on the 2,934 acre project site. The Specific Plan will include designations that would permit a mix of low, medium and high-density residential development; non-residential uses including retail/commercial; mixed use; a recreational use; and open space with civic uses, as well as agricultural buffers. (APPROVED AS RECOMM.)
- 15.11 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 911 (FOUNDATION/REGULAR) – Dean L. and Richard A. Chase – Edgemont/Sunnymead Zoning District – Reche Canyon/Badlands Area Plan – **5th District**. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Foundation Component for the subject property from Rural to Community Development and amend the General Plan Land Use Designation from Rural Residential (5 acre minimum) to Medium Density Residential (2 – 5 dwelling units per acre) on the far eastern portion of the site – APN(s): 259-240-009 and 260-020-002. (APPROVED AS RECOMM.)
- 15.12 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: GENERAL PLAN AMENDMENT NO. 996 (FOUNDATION – REGULAR) – Cameron Ranch Associates, LLC/Stantec Consulting – Pass and Desert Zoning District – The Pass Area Plan – **5th District**. The Planning Director recommends that the Board adopt an order initiating proceedings for the above-referenced general plan amendment to amend the General Plan Foundation Component of the subject property from Rural to Rural Community and to amend the General Plan Land Use Designation from Rural Mountainous (10 acre minimum) to Estate Density Residential (2 acre minimum) on approximately 229 acres – APN(s): 544-050-006 and 544-050-011. (APPROVED AS RECOMM.)
- 16.1 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on GENERAL PLAN AMENDMENT NO. **882** / CHANGE OF ZONE NO. **7533** / CONDITIONAL USE PERMIT NO. **3555** - Stadium Properties, LLC – KWC Engineers - Prado-Mira Loma Area – Jurupa Area plan – **2nd District**. Recommendation of Planning Commission for adoption of a Mitigated Negative Declaration for Environmental Assessment No. 41419; Tentative Approval of GPA 882 to change the land use from Rural Community: Low Density Residential (RC:LDR) (1/2 Acre Minimum) to Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 Floor Area Ratio) per the Commercial Retail Overlay Area; Tentative Approval of ZC 7533 to change the zoning from Residential Agricultural (R-A) to General Commercial (C-1/C-P) for consistency purposes; and, Approval of CUP 3555, for the construction of a Mini Warehouse facility consisting of two (2) two-story buildings and four (4) single-story buildings including an Office and Caretaker Residence (“the project”). The project includes a total building area of 141,458 sq. ft., and 4 parking spaces. Building ‘A’ consists of 16,422 sq. ft., Building ‘B-1’ consists of 4,973 sq. ft., Building ‘B-2’ consists of 8,794 sq. ft., Building ‘B-3’ consists of 9,169 sq. ft., Building ‘C’ consists of 49,700 sq. ft., and Building ‘D’ consists of 49,700 sq. ft.

Building 'A' includes a 900 sq. ft. office and a 1,350 sq. ft. residence including a 450 sq. ft. garage.

(TENT. APPROVED AS RECOMM.)

The Chairman declared the meeting adjourned to December 9, 2008.

Roy Wilson, Chairman of the Board of Supervisors

ATTEST: Kecia Harper-Ihem, Assistant Clerk of the Board of Supervisors



July 9, 2008

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Agenda Item No. 9.1

Riverside County Planning Commission

Scoping Session for
Specific Plan No. 377

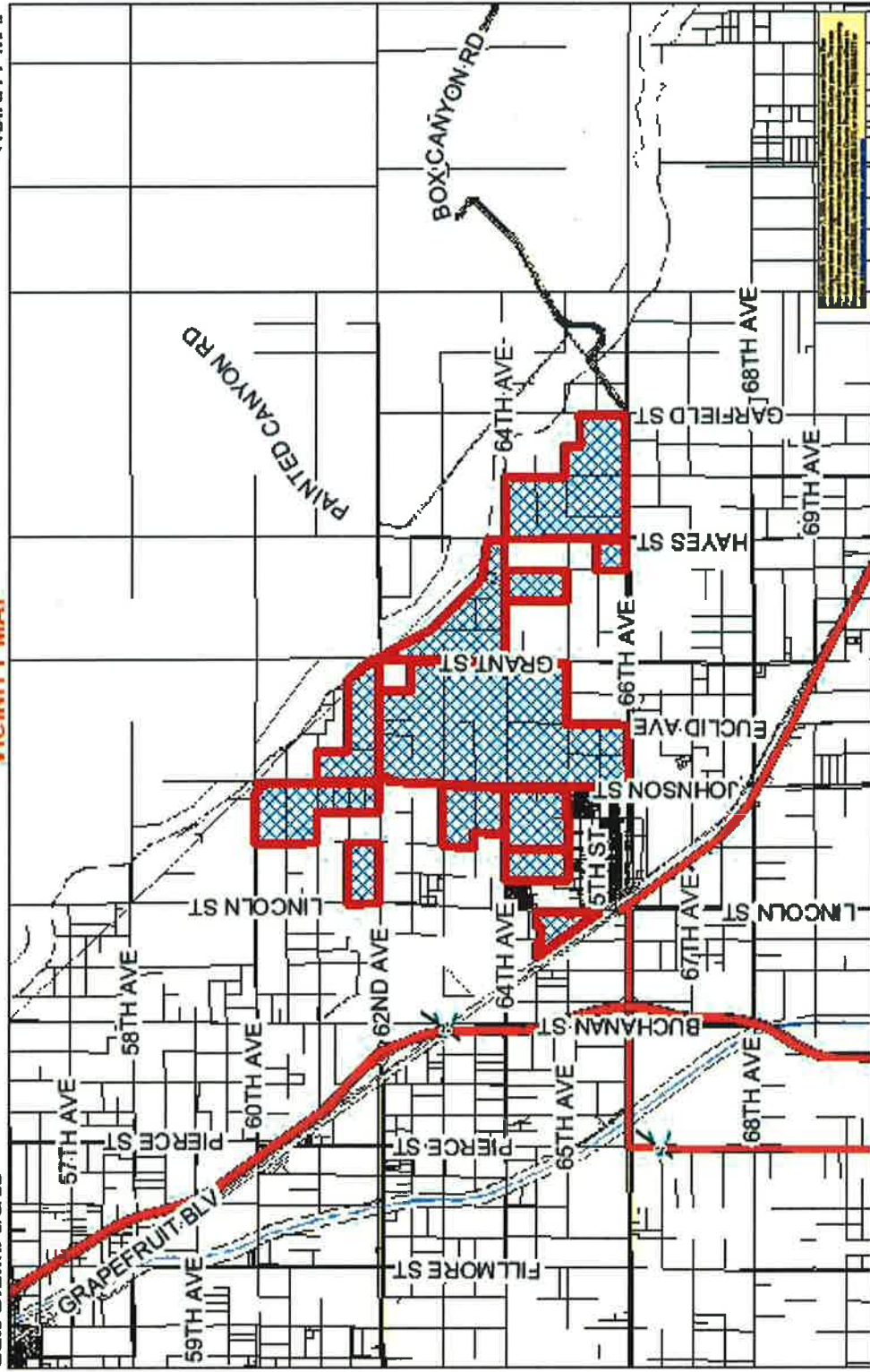


Vicinity Map

Supervisor Wilson
District 4
Date Drawn: 6/9/08

SP00377
VICINITY MAP

Planner: Matt Straite
Date: 7/09/08
VICINITY MAP



Zone
District: Lower Coachella Valley
Township/Range: T6SR9E & T7SR9E
Section : 3, 4, 5, 8, 9, 10 & 11

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 717-11 > 28
Thomas 727-03 > 29
Bros. Pg. 410 F2





General Plan

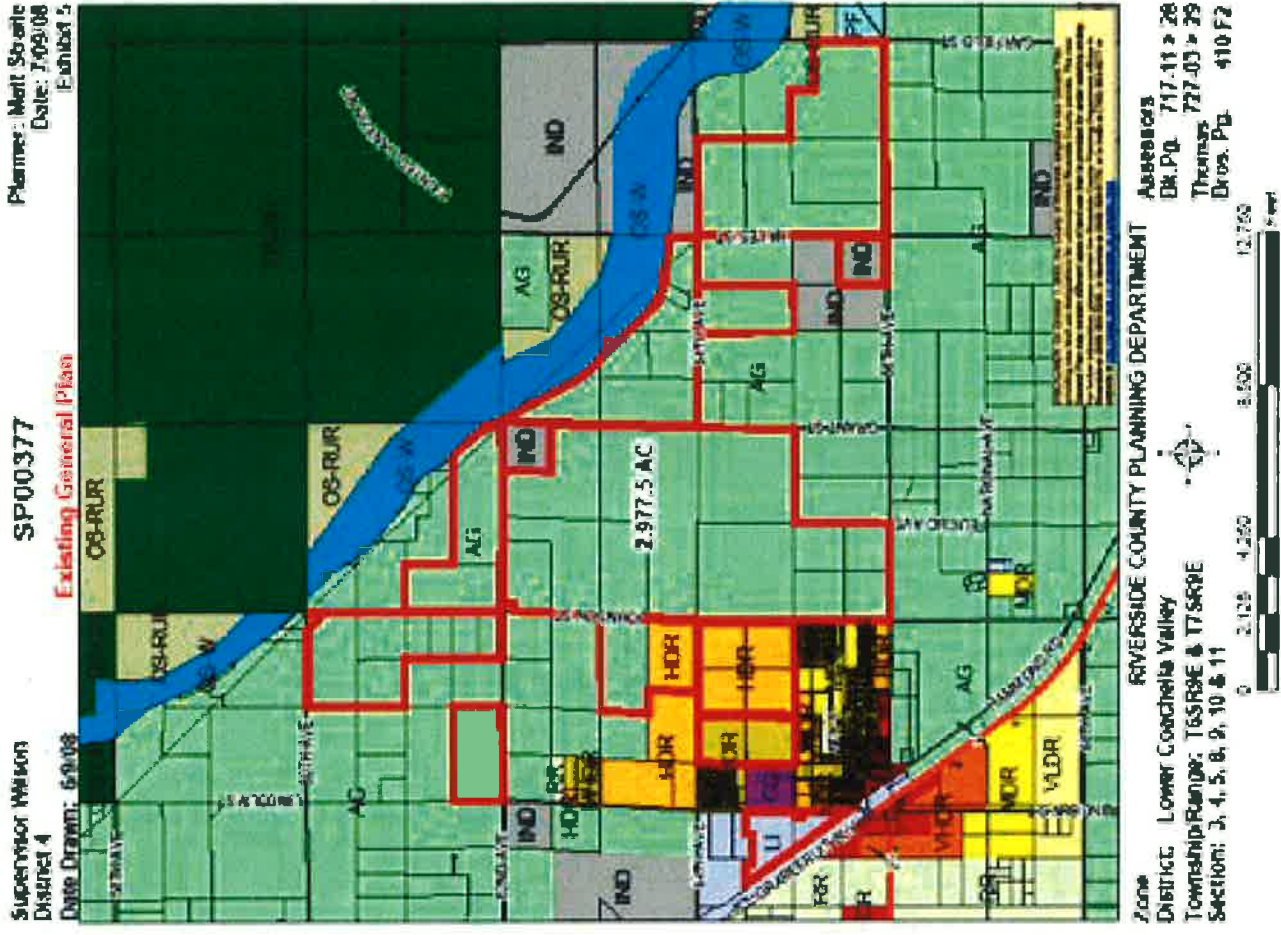
Current General Plan:

- Agriculture – (AG)
- High Density Residential – (HDR)
- Very High Density Residential – (VHDR)
- Light Industrial – (LI)
- Commercial Retail – (CR)

Surrounding Designations:

- North:
- Agriculture – (AG)
 - Indian Land – (IND)
 - High Density Residential – (HDR)
- East:
- Open Space – Water – (OS-W)

- West:
- Agriculture – (AG)
 - Indian Land – (IND)
 - High Density Residential – (HDR)
 - Rural Residential – (RR)
 - Light Industrial – (LI)
- South:
- Agriculture – (AG)
 - Medium Density Residential – (MDR)
 - Very High Density Residential – (VHDR)
 - Rural Residential – (RR)
 - Commercial Retail – (CR)





Zoning

Current Zoning:

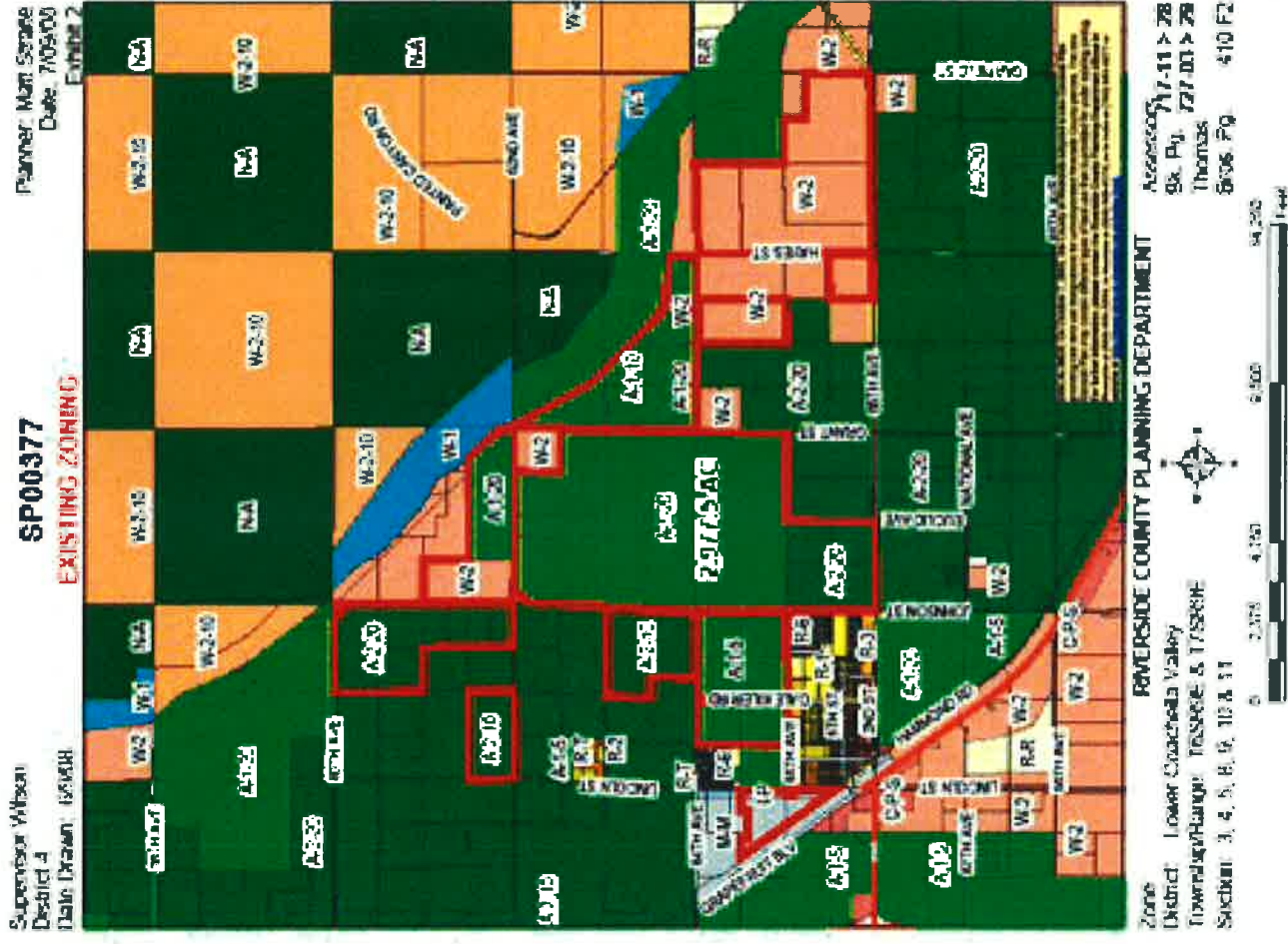
- W-2 (Controlled Development)
- I-P (Industrial Park)
- A-1 (Light Agriculture)
- A-2 (Heavy Agriculture)

Proposed Zoning:

Specific Plan

Surrounding Zoning:

- North:**
 - A-1 (Light Agriculture)
 - A-2 (Heavy Agriculture)
 - W-2 (Controlled Development)
- South:**
 - A-1 (Light Agriculture)
 - A-2 (Heavy Agriculture)
 - R-1 (Single Family Residential)
- East:**
 - A-1 (Light Agriculture)
 - W-1 (Watercourse, Watershed, and Conservation)
 - W-2 (Controlled Development)
- West:**
 - A-1 (Light Agriculture)
 - A-2 (Heavy Agriculture)
 - W-2 (Controlled Development)
 - M-M (Medium Manufacturing)





Land Use

Current Land Use:

Agriculture
Industrial - Packing Facility

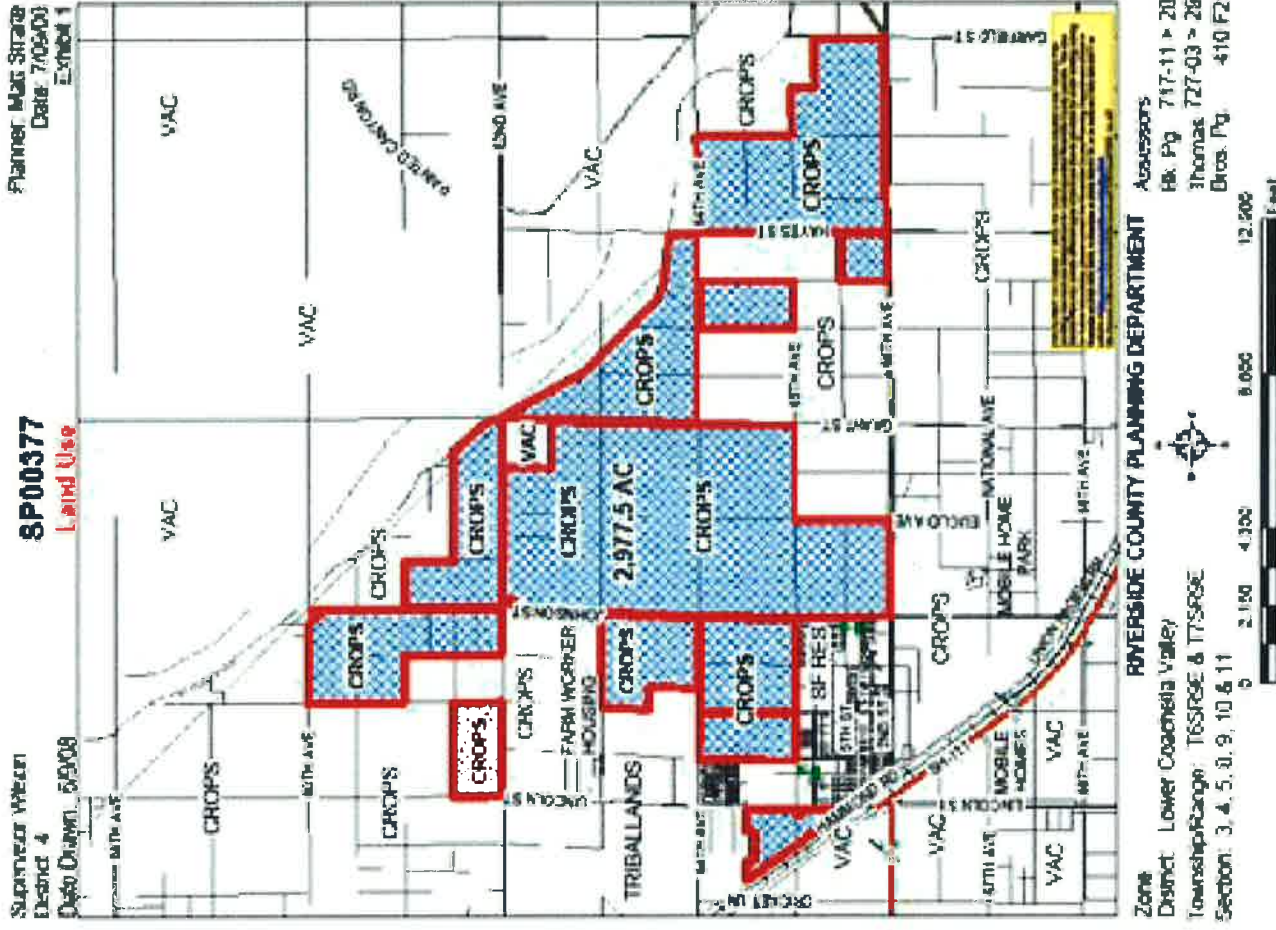
Surrounding Land Uses:

North:
Agriculture
Vacant

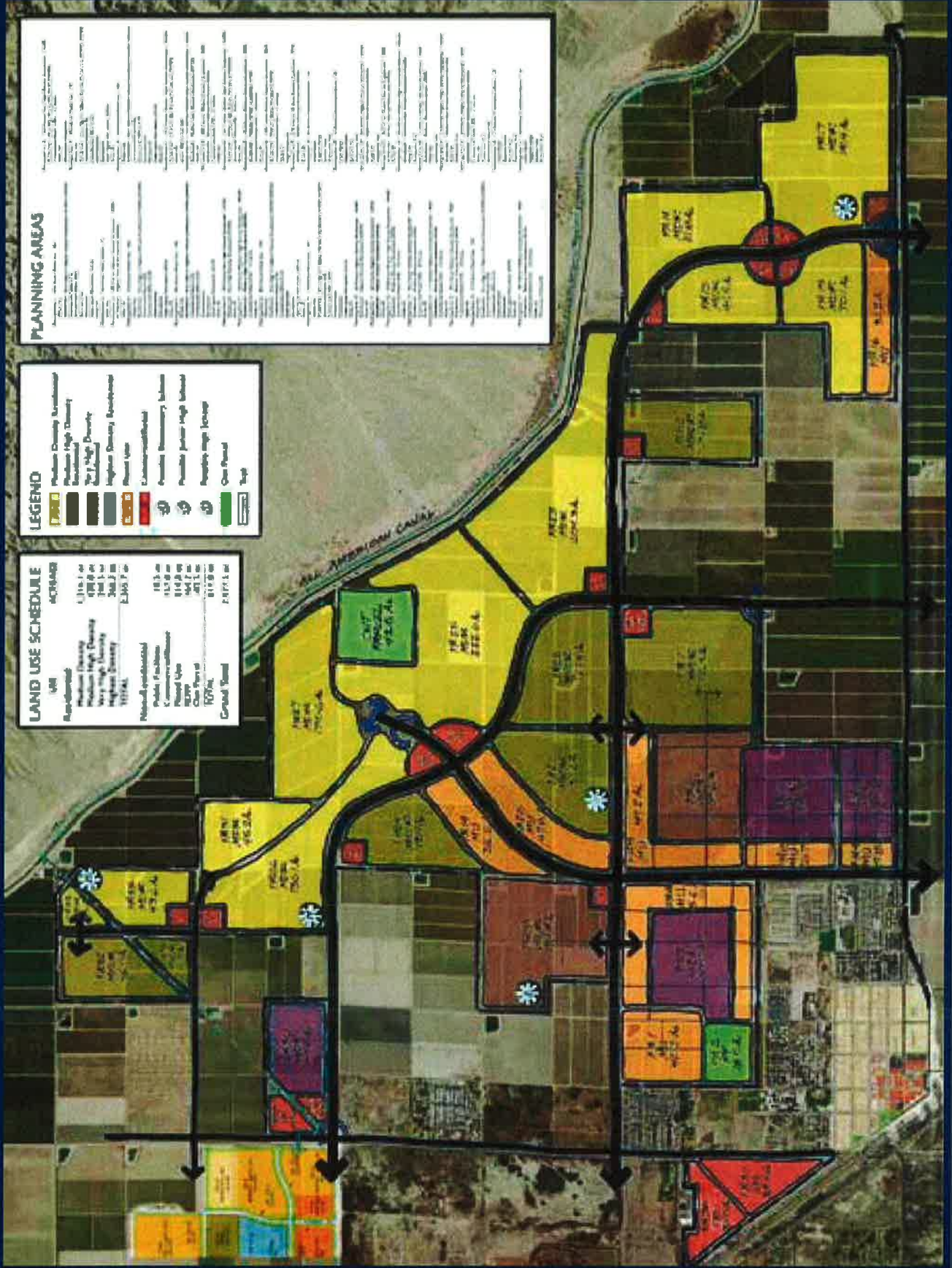
South:
Single Family Residential
Multi-family Residential
Agriculture
Vacant

East:
Vacant

West:
Agriculture
Vacant



Site Plan





Acreage Summary

Mecca Specific Plan Concept Summary of Proposed Land Uses

LAND USE	ACREAGE	DENSITY	UNITS
Residential			
Medium Density	1,166.6	4.5	5,250
Medium High Density	589.3	7.0	4,125
Very High Density	194.9	20.0	3,898
Highest Density Residential	216.82	24.0	5,203
Total Residential	2,167.6	8.52	18,476
Commercial			
Retail Commercial	157.8		
Mixed Use	314.8	3.2	1,000
Total Commercial	472.6		
Open Space/Community Amenities			
Soccer/Civic Complex	18.5		
School Sites	75.0		
Golf Course	200.3		
Total Open Space/Community Amenities	293.8		
Total Mecca Specific Plan	2,934	6.64	19,476

Source: RVI, April 2008.



Site Photo 1



16 Avenue 62nd and Lincoln (Southeast panorama)



Avenue 62 and Lincoln Street



Site Photo 2



17 64th and Las Serenas (East panorama)



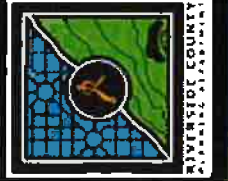
Avenue 64 and Las Serenas



Site Photo 3



Avenue 64 and Grant Street

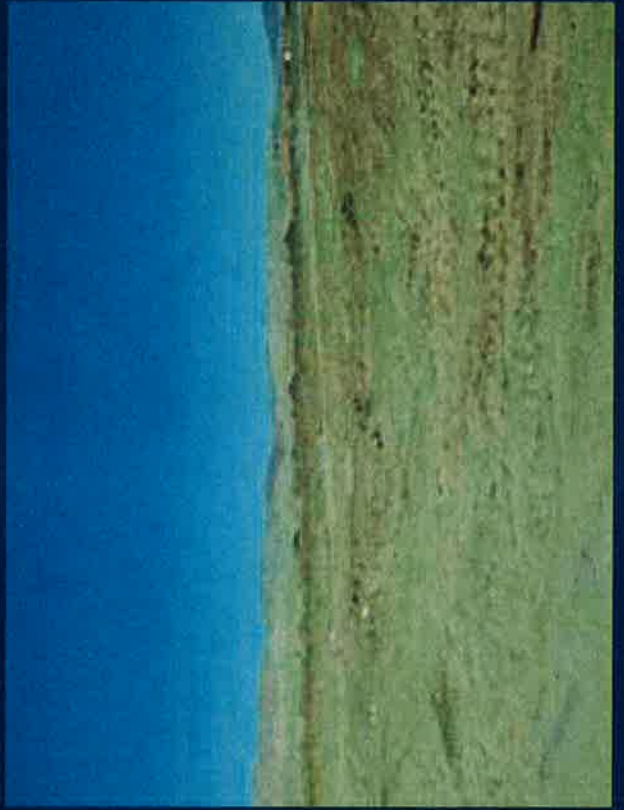


Site Photos





Site Photos

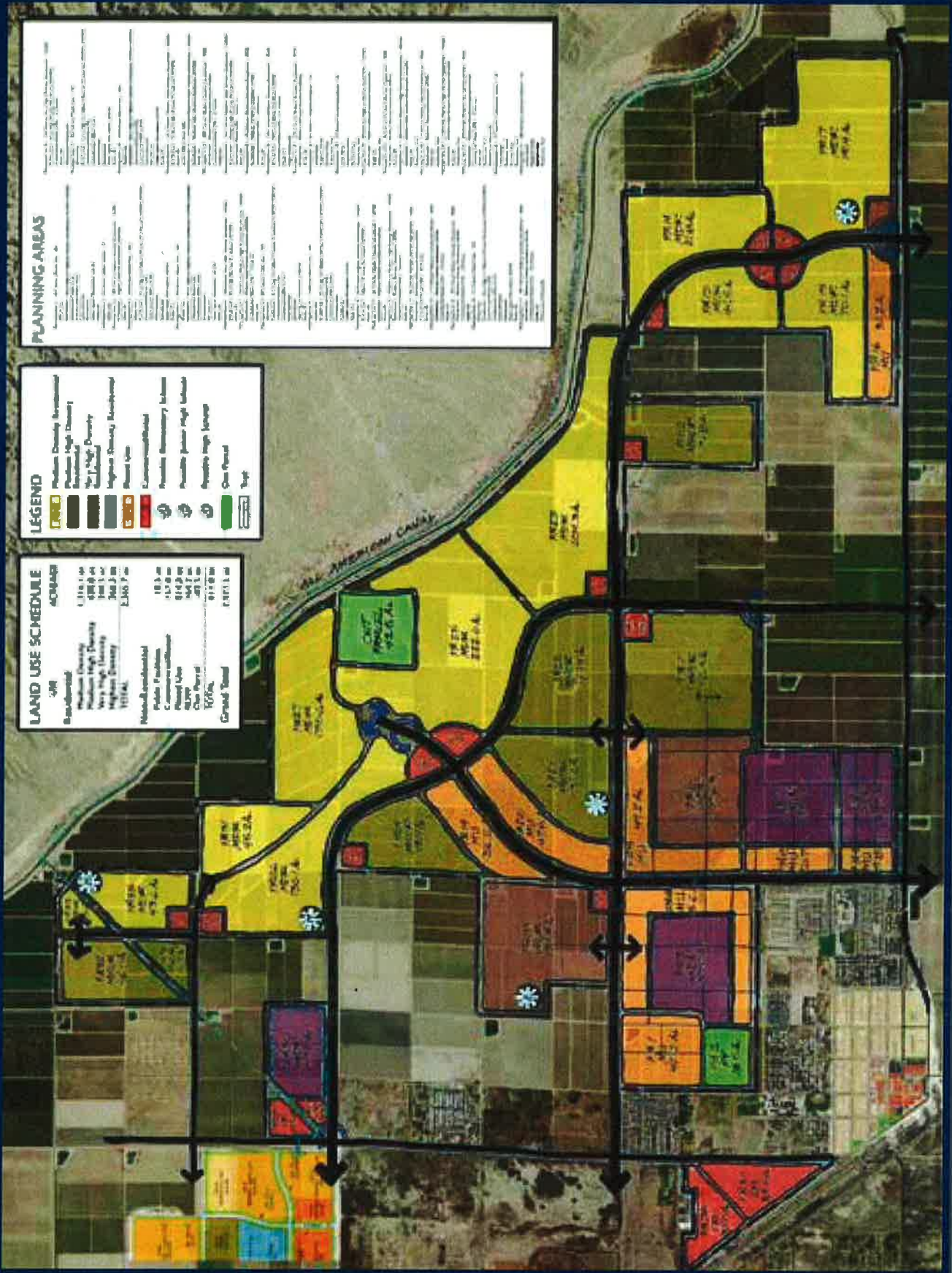




Issues of Concern

- Flooding and drainage issues within the lower Coachella Valley
- Long-term availability of water supply for 19,500 residential units
- Significant liquefaction and other geologic issues
- Loss of significant agricultural lands
- Potential for cumulative and growth inducing impacts
- Consistency with the Mecca Design Guidelines
- Housing affordability needs to be addressed as part of the General Plan Amendment

Site Plan



Agenda Item No.: 5.3
Area Plan: Eastern Coachella Valley
Zoning District: Lower Coachella Valley
Supervisory District: Fourth
Project Planner: Matt Straite
Planning Commission Hearing: November 7,
2007

SPECIFIC PLAN NO. 362
GENERAL PLAN AMENDMENT NO. 826
CHANGE OF ZONE NO. 7402
EIR Number: 489
Applicant: Van Cal Projects LLC
Engineer/Rep.: Terra Nova Planning &
Research, Inc.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Specific Plan No. 362 (Panorama Specific Plan) The proposed Panorama Specific Plan would consist of a mix of single and multi-family residential villages or communities ranging in density from 8 to 20 units per acre. A total of approximately 2,721 single and multi-family dwelling units are currently planned within the Specific Plan area. A variety of commercial development is proposed, including products that will serve the needs of the planned 95-acre campus, the College of the Desert, as well as community and neighborhood-scale retail uses, a business park and professional offices. The mixed-use designation would also allow for the horizontal and vertical integration of residential uses. The Panorama Specific Plan will provide 82.4 acres of recreation and open space amenities. An electric power substation and satellite County Fire/Sheriff's station is also planned for the development project. Roads and public service facilities are expected to be developed incrementally to serve projects within the community.

General Plan Amendment No. 826 proposes to amend the Riverside County General Plan Land Use Element as it applies to the 507 acre project to eliminate the land use designations of Agriculture: Agriculture (AG-AG) and designate the site for Community Development: Community Center (CC) Commercial Retail (CR), Commercial Office (CO), Medium Density Residential (MDR) (5-8 dwelling units per acre), Medium High Density Residential- 1 (MHDR-1) (8 – 14 dwelling units per acre), Medium High Density Residential- 2 (MHDR-2) (8-14 Dwelling Units per Acre), High Density Residential (HDR) (14-20 dwelling units per acre), Public Facilities (PF), and Open Space: Recreation (OS-R) uses. Furthermore, the General Plan Land Use Designations would reflect the designations proposed by Specific Plan No. 362 and the designations will be modified to comply with the designations listed in the RCIP.

Change of Zone No. 7402 proposes rezoning the site from Heavy Agriculture- 10 Acre Minimum (A-2-10) to Specific Plan (SP).

The project site is located in Unincorporated Riverside County, approximately two miles west of the community of Mecca, and is generally bounded on the south by Avenue 62, on the north by Avenue 60, and west by Highway 86 and to the east by Lincoln Street.

BACKGROUND:

Specific Plan No. 362, also known as Panorama: A College Town, was submitted to the County for the above listed entitlements. The project is proposing to set aside 95 acres for the College of the Desert-East Valley Campus. The applicants met with Planning staff on several occasions prior to submitting the first screen check for the Specific Plan to discuss time constraints which were sensitive to the proposed project. The College of the Desert has informed the applicant that they would like to have portable buildings available on the site by the Fall of 2008. In order to achieve this goal, the applicant expressed the need for approval of their proposed project by the end of 2007. The first screen check of

both the SP or Specific Plan and the EIR were submitted to the County for review in August 2007. Planning staff expressed that although the timing was challenging, the department understands the importance of the construction of the College of the Desert- East Valley Campus for the Coachella Valley.

FURTHER CONSIDERATIONS:

The applicants submitted their application for Specific Plan No. 362, General Plan Amendment No. 826 and Change of Zone No. 7402 on August 16, 2006. On August 23, 2007, the applicants submitted Specific Plan No. 362 screen check #1 and a draft EIR No. 489 screen check #1 to the County of Riverside Planning Department for review. The following issues are outstanding -

Outstanding Department Clearances

The following departments have outstanding corrections for Specific Plan No. 362: Planning, Geology, Fire, and Building & Safety: Grading. The following departments have outstanding corrections for EIR No. 489: Planning, Transportation and Fire. The applicant has been working closely with these individual departments to supply supplemental information to help with the review of their project.

Tile Drains

The Coachella Valley has an intricate privately maintained system of tile drains which serve two purposes. The drains were originally put into place by the farmers in the Valley who used them to carry agricultural run off to the Salton Sea. The second use for the tile drains is to keep the high groundwater levels in the Valley below the surface to a manageable level. The rapid surge of proposed development in the Coachella Valley has brought about some pertinent issues with regards to the tile drain system. The Coachella Valley Water District has been consulted about the tile drain system which they keep records on regarding the infrastructure, such as locations and specifications. CVWD is responsible for the maintenance of the trunk lines which the tile drains connect to convey flows to the Salton Sea. At this time, CVWD has indicated that they can support the proposed Specific Plan with the caveat that the proposed urban uses cannot have their runoff flow into the tile drain system. The reasoning provided, was that CVWD currently has National Pollution Discharge Elimination System (NPDES) exemptions because only agricultural runoff is conveyed through the tile drain system, the trunk lines and then out to the Salton Sea. The introduction of urban uses into the area will lead to urban runoff traveling through the drain systems, therefore jeopardizing their exemption. At this time, the applicant and CVWD have not reached a solution regarding the runoff bypassing the trunk lines.

Tile drains are essential in this area of the Valley because they keep the groundwater below the surface at manageable levels. The County of Riverside's Department of Geology has expressed dire concern over the safety of future residents in this area because of the high potential for liquefaction. It is imperative that the tile drains remain in place to keep groundwater levels under control, but the current issue CVWD has presented, along with intent to reconfigure the drain system, and the lack of an overarching maintenance entity, is a concern. The tile drains serve as mitigation for the significant impact posed by the high probability of liquefaction at the proposed project site. The Planning Department had expressed concerns over the need for a maintenance entity to service the drain system, as well as their current locations, some of which may be in private homeowner's backyards. The applicant has suggested reconfiguring the tile drain system so that it is located in right of ways and outside of private property lines. Studies need to be provided which indicate that relocation of the drain

systems to right of ways will allow for the system to properly function. The applicant has presented the possibility that a Home Owners Association maintain the tile drain system. At this time, the Planning Department is looking into other possibilities, such as a County Department taking over the maintenance. Staff is attempting to insure that maintenance will be the responsibility of a public entity, not an HOA. The lingering issues which remain with regards to tile drains need to be resolved prior to Geology being able to adequately review the project and ensure the safety of future residents.

Water Supply Assessment

California State Law requires that municipalities receive an approved Water Supply Assessment prior to the release of the Draft EIR for public review. At this time the applicant is working with CVWD to expedite the process for obtaining a Water Supply Assessment.

Specific Plan Revisions

A revised Specific Plan addressing all departments' corrections has not yet been submitted. Upon review of the second screen check of the Specific Plan, additional revisions may be required.

Environmental Impact Report Revisions

A revised EIR addressing all departments' corrections has not yet been submitted. Upon review of the second screen check of the EIR, additional revisions may be required. Additionally, Planning must ensure that an approved Water Supply Assessment is incorporated into the document.

SUMMARY OF FINDINGS:

- | | |
|---|--|
| 1. Existing Land Use (Ex. #1): | Vacant |
| 2. Surrounding Land Use (Ex. #1): | Vacant/Agriculture to the, south, east, and west
Vacant/Agriculture and Single Family
Residential to the north |
| 3. Proposed Zoning (Ex. #3): | Specific Plan |
| 4. Surrounding Zoning (Ex. #3): | Heavy Agriculture- 10 Acre Minimum (A-2-10) |
| 5. Proposed General Plan Land Use (Ex. #6): | Specific Plan |
| 6. Project Data: | Total Acreage: 507.0 Acres
Residential Acreage: 173.2 Acres
Commercial and Mixed Use Acreage: 80.5
Acres
College Campus Acreage: 95.0 Acres
Parks & Open Space Acreage: 82.4 Acres
Utilities and Public Services Acreage: 3.7 Acres
Circulation Acreage: 62.0 Acres |

RECOMMENDATIONS:

CONTINUE WITH DISCUSSION OFF CALENDAR to allow the applicant time to address the comments and concerns which are included in this staff report.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A City of sphere of influence,
 - b. The Stephens Kangaroo Rat Fee Area or Core Reserve Area,
 - c. California Gnatcatcher, Quino Checkerspot Butterfly habitat,
 - d. Fringe Toed Lizard sand source area,
 - e. A high fire area, or
 - f. An Area drainage plan or dam inundation area.
3. The project site is located within:
 - a. CSA #125 – Thermal-Street Lighting,
 - b. The boundaries of the Coachella Valley Unified School District,
 - c. The Coachella Valley Recreational Parks District, and,
 - d. A liquefaction area.
4. The subject site is currently designated as Assessor's Parcel Numbers 717-270-002, 717-270-003, 717-270-004, 717-270-007, 717-270-008, 717-270-011, 717-270-012-5, 717-270-013, 717-270-014, 757-342-004, 757-270-004.

FORM APPROVED COUNTY COUNSEL
 BY: *Minh C. Tran* 6/10/09
 DATE

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

919 B



FROM: TLMA- Planning

SUBMITTAL DATE:
 June 1, 2009

SUBJECT: RESOLUTION NO. 2009-118 - FIRST CYCLE OF GENERAL PLAN AMENDMENTS (LAND USE ELEMENT) FOR 2009 (GPA Nos. 826, 876, 881, 883, 912, 971, 1047 and 1073).

RECOMMENDED MOTION: ADOPTION of Resolution No. 2009-118 amending the Riverside County General Plan in accordance with the Board's actions taken on General Plan Amendment (GPA) Nos. 826, 876, 881, 883, 912, 971, 1047 and 1073.

BACKGROUND: Board of Supervisors Resolution No. 2009-118 for the first General Plan Amendment Cycle of 2009 is organized in numeric order. The table below groups the General Plan Amendments by Supervisorial District:

SUPERVISORIAL DISTRICT	AREA PLAN	CASE NO.	PAGE NO.	LETTER
Second	Jurupa Area Plan	GPA No. 912	12	E
Second	Eastvale Area Plan	GPA No. 971	15	F
Third	Southwest Area Plan	GPA No. 1047	18	G
Fourth	Eastern Coach. Valley Area Plan	GPA No. 826	1	A
Fourth	Western Coach. Valley Area Plan	GPA No. 876	4	B
Fourth	Western Coach. Valley Area Plan	GPA No. 881	7	C
County-Wide	County-Wide	GPA No. 883	10	D
County-Wide	County-Wide	GPA No. 1073	20	H

Ron Goldman
 Ron Goldman
 Planning Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
	Annual Net County Cost:	\$ 0	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30 <input type="checkbox"/>
APPROVE	Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:
 BY: *Tina Grande*
 Tina Grande
 County Executive Office Signature

Dep't Recomm.: Consent Policy
 Par Exec. Ofc.: Consent Policy

MINUTES OF THE BOARD OF SUPERVISORS
 On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried,
 IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone and Ashley
 Nays: None
 Absent: Tavaglione and Wilson
 Date: June 9, 2009
 xc: Planning, Co.Co., Applicant

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.: District: ALL Agenda Number: 3.48 a

INDIVIDUAL AMENDMENTS:

The General Plan Amendments comprising the first cycle of 2009 are described below:

GPA No. 826 affects the Eastern Coachella Valley Area Plan, and amends the designation on approximately 507 acres located northerly of Avenue 62, easterly of State Highway 86S, southerly of Avenue 60, and westerly of Lincoln Street from Agriculture and Commercial Retail to Specific Plan within the Community Development Foundation Component.

GPA No. 876 affects the Western Coachella Valley Area Plan, and amends the designation on approximately 4.5 acres located northerly of 41st Avenue, easterly of Washington Street and westerly of Yucca Lane from Very Low Density Residential to Commercial Office within the Community Development Foundation Component.

GPA No. 881 affects the Western Coachella Valley Area Plan, and amends the designation on approximately 55.13 acres located northerly of Interstate 10, southerly of 38th Street, and westerly of Washington Street from High Density Residential to Specific Plan within the Community Development Foundation Component.

GPA No. 883 is County-wide and amends to incorporate the provision of child care facilities (i.e., large family day care homes and child care centers) into the Riverside County General Plan Vision Statement and the Land Use Element in all five supervisorial districts. All five General Plan Land Use Foundation Components will be amended to allow for large family day care homes and/or child care centers. This amendment is associated with Ordinance Amendment No. 348-4596, which was considered concurrently with this amendment.

GPA No. 912 affects the Jurupa Area Plan, and amends the designation on approximately 0.36 acres located northerly of Mission Boulevard and westerly of La Rue Street from Highest Density Residential to Commercial Retail within the Community Development Foundation Component.

GPA No. 971 affects the Eastvale Area Plan, and amends the designation on approximately 5.53 acres located northerly of A Street, easterly of Raymond Drive, southerly of Schleisman Road and westerly of Hamner Avenue from Medium Density Residential to Commercial Retail within the Community Development Foundation Component.

GPA No. 1047 affects the Southwest Area Plan and amends the designation on approximately 10.12 acres located northerly of Robertson Way and westerly of Mesa Road from Rural Mountainous to Rural Residential within the Rural Foundation Component.

GPA No. 1073 is County-wide and amends the General Plan Policy LU-6.2 clarifying that although a Public Facilities land use designation exists, public facilities may be allowed in any land use designation except the Open Space-Conservation and the Open Space- Habitat land use designations. The purpose of the proposed amendment is to reconcile the General Plan and the Zoning Ordinance.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.48a

On motion of Supervisor Buster, seconded by Supervisor Wilson and duly carried, IT WAS ORDERED that the recommendation from the Planning Department regarding Adoption of Resolution 2009-118-First Cycle of General Plan Amendment (Land Use Element) for 2009 (GPA 826, 876, 881, 883, 912, 971, 1047 and 1073) is continued to Tuesday, June 9, 2009 at 1:30 p.m.

Roll Call:

Ayes: Buster, Stone and Ashley
Nays: None
Absent: Tavaglione and Wilson

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 9, 2009 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: June 9, 2009

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: Lana Schlemmer Deputy

AGENDA NO.
3.48a

Agenda Item No.: 2.1
Area Plan: Eastern Coachella Valley
Zoning District: Lower Coachella Valley
Supervisory District: Fourth
Project Planner: Matt Straite
Director's Hearing: Scoping Session
October 31, 2007

SPECIFIC PLAN NO. 369
GENERAL PLAN AMENDMENT NO. 846
CHANGE OF ZONE NO. 7481
E.A. Number: 41243
Applicant: Brookfield California Land Holdings
Engineer/Rep.: T&B Planning

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Specific Plan No. 369 (Thermal 551) proposes a master-planned community on 612.1 acres supporting traditional single-family and multi-family residential development, and open space land uses including recreational parks and drainage areas, including swales, water quality basins, and retention basins. The Specific Plan (SP) proposes 2,354 residential dwelling units on 436.9 acres, a private clubhouse on 2.6 acres, a lake on 21.4 acres, a 23.2 acre public park, additional open space, and 81.3 acres of private recreation area and drainage facilities. Single-family residential homes will range in lot size from 3,600 s.f. to 7,200 s.f., and attached single-family residential homes which will be on condominium lots. Residential zoning designations consist of Medium, Medium High and High Density Residential. The total proposed density for the project will be 3.8 dwelling units per acre. In addition to residential uses, the Specific Plan designates a parcel for a substation, a lake for drainage and recreational uses, public and private park space, open space/ retention, and major roadway improvements. Necessary infrastructure and other facilities are planned to accommodate the project at build out.

General Plan Amendment No. 846 would amend the Riverside County General Plan Land Use Element as it applies to the 612.1-acre project site by eliminating the land use designations of Agriculture (A) and Light Industrial (LI); and adding the land use designations of Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Public Facilities (PF), Open Space- Recreation (OS-R) and Open Space- Water (OS-W). The General Plan land use designations would reflect the land uses proposed by Specific Plan No. 369.

Additionally the applicant is filling for a Circulation General Plan Amendment. At the time this Staff Report was composed the application had not been filled. This will amend the designations of the General Plan roadways throughout the project to better serve the proposed community.

Change of Zone No. 7481 would redesignate the site's zoning designation from Heavy Agriculture (A-2-20), and Manufacturing-Service Commercial (M-SC) to Specific Plan (SP).

The project site is west of Fillmore Street, east of Polk Street, south of Avenue 58, and north of Avenue 60 in the Coachella Valley area of unincorporated Riverside County.

SUMMARY OF FINDINGS:

- | | |
|--------------------------|--|
| 1. Existing Land Use: | Vacant |
| 2. Surrounding Land Use: | To the north, south, and west
Vacant and the Coachella Valley Storm Water Channel to the east |
| 3. Proposed Zoning: | Specific Plan (SP). |
| 4. Surrounding Zoning: | Light Agriculture (A-1-10), Residential |

- | | |
|------------------------------------|--|
| 5. Proposed General Plan Land Use: | Agriculture (R-A-20), Rural Residential (R-R), Manufacturing Heavy (M-H), Heavy Agriculture (A-2-10 and A-2-20), Watercourse (W-1), Manufacturing-Service Commercial (M-SC), and Specific Plan (SP). |
| 6. Project Data: | Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Open Space- Recreation (OS-R) and Open Space- Water (OS-W) as reflected in the Land Use Plan
Total Acreage: 612.1 Acres
Residential Acreage: 436.9
Non Residential Acreage: 176 |
| 7. Environmental Concerns: | See attached environmental assessment |

PURPOSE OF SCOPING SESSION

The applicant's representative has requested a Scoping Session to brief the Director or the Director's representative in a Director's Hearing on the nature and extent of the proposed project, and to allow the Director or Director's representative and the public to identify issues that should be addressed by the project and its related Environmental Impact Report (EIR). The Scoping Session is not a public hearing on the merits of the proposed project and the Director or Directors representative will not be taking an action on the project. Additionally, the public will be asked to limit their testimony to identifying issues regarding the project and potential environmental impacts. The applicant will not be required to provide an immediate response to any concerns raised. The applicant will be requested to address any concerns expressed at the Scoping Session through revisions to the proposed project and/or completion of the Final Environmental Impact Report, prior to the formal public hearing on the proposed project.

Staff has identified the following potentially significant impacts which will be addressed in the EIR:

- | | |
|-------------------------------|---------------------------|
| Aesthetics | Land Use/Planning |
| Air Quality | Noise |
| Agriculture Resources | Population/Housing |
| Biological Resources | Public Services |
| Cultural Resources | Recreation |
| Geology/Soils | Transportation/Traffic |
| Hazards & Hazardous Materials | Utilities/Service Systems |
| Hydrology/Water Quality | |

PROJECT SUMMARY:

See previous description and attached table.

ENVIRONMENTAL IMPACT REPORT:

A Draft EIR will be prepared for Specific Plan No. 369. The Draft EIR will respond to comments received during the Notice of Preparation (NOP) Period including those made by reviewing agencies in

addition to those received at the Scoping Session. The Draft EIR will be circulated for Notice of Completion review and public comment period for at least 45 days. Comments received during that circulation period will be addressed in the Final EIR prior to scheduling a public hearing on this item.

PUBLIC HEARING ON SPECIFIC PLAN NO. 369

No public hearing on the proposed specific plan has been scheduled at this time. A public hearing on this matter will not be scheduled until after staff has concluded review of the zoning ordinance and verified that adequate and complete responses to comments have been incorporated in the Draft EIR.

INFORMATIONAL ITEMS:

1. As of this writing, 17 letters in response to the NOP have been received.
2. The project site is not located within:
 - a. A City of sphere of influence;
 - b. The Stephens Kangaroo Rat Fee Area or Core Reserve Area;
 - c. Fringe Toed Lizard sand source area;
 - d. A high fire area;
 - e. An area drainage plan or dam inundation area.
3. The project site is located within:
 - a. CSA #125 – Thermal-Street Lighting;
 - b. Coachella Valley Recreation and Parks District;
 - c. Coachella Valley Water District;
 - d. The boundaries of the Coachella Valley Unified School District; and,
 - e. An area of high liquefaction.
4. The subject site is currently designated as Assessor's Parcel Numbers 757-200- (001, 002, 003), 757-210- (003, 004, 005, 015, 017, 018, 020, 021, 022, 023, 024, 025, 026, 027)

Bob Buster
First District
Chairman

John Tavaglione
Second District
Vice-Chairman

Jeff Stone
Third District

John J. Benoit
Fourth District

Marion Ashley
Fifth District

TUESDAY, JULY 26, 2011
BOARD OF SUPERVISORS – COUNTY OF RIVERSIDE
1st FLOOR – COUNTY ADMINISTRATIVE CENTER
4080 Lemon Street, Riverside, California
(Clerk 951-955-1060)

8:30 A.M.

Presentation – National Health Center Week

Presentation – August as Breastfeeding Awareness Month

9:00 A.M.

Invocation by Karen Barton, Board Assistant, Clerk of the Board

Pledge of Allegiance to the Flag

OPENING COMMENTS:

BOARD MEMBERS

EXECUTIVE OFFICER

REDISTRICTING UPDATE

STATE BUDGET UPDATE

CLERK OF THE BOARD UPDATE

ADMINISTRATIVE ACTION:

1.1 CLERK OF THE BOARD: Proof of Publications.

The following items do not require specific Board action unless the matter is appealed.

- 1.2 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: TENTATIVE PARCEL MAP NO. 35808 – David Whittle/Megaland Engineers & Associates – Lakeland Village Zoning District – Elsinore Area Plan – 1st District, R-3 Zoning, Schedule "F". TPM 35808 is a Schedule "F" subdivision of a 0.43 net acre parcel into two (2) parcels. Parcel '1' consists of 0.18 net acres with an existing dwelling, and parcel '2' consists of 0.25 net acres, approved by the Planning Director.
-

CONSENT CALENDAR: Presented for Block Approval: Supervisors have the option of excluding discussion items from a master motion.

- 2.1 SUPERVISOR STONE: Renewal of the Revised Local Emergency Declaration for Riverside County due to the epidemic infestation of bark beetles in the Mountain Communities of Idyllwild and Pine Cove.
- 2.2 SUPERVISOR BENOIT: Reappointment of Maria Machuca to the Mecca Community Council.
- 2.3 SUPERVISOR BENOIT: Reappointment of Ernesto Rios to the Thermal Community Council.
- 2.4 AGRICULTURAL COMMISSIONER: Renewal of the Local Emergency Declaration for Riverside County due to the spread of Pierce's Disease in the Local Vineyards.
- 2.5 AUDITOR-CONTROLLER: Receive and File Internal Audit Report 2011-102: Review of "Statement of Assets Held By the County Treasury as of December 31, 2010".
- 2.6 AUDITOR-CONTROLLER: Receive and File Internal Audit Report 2010-019: Veterans' Services.
- 2.7 AUDITOR-CONTROLLER: Receive and File Internal Audit Report 2011-003: Riverside County Office on Aging.
- 2.8 COMMUNITY HEALTH AGENCY/PUBLIC HEALTH: Declare the Week of August 7, 2011 as National Health Center Week 2011.
- 2.9 COUNTY COUNSEL: ADOPTION OF ORDINANCE 348.4725, an Ordinance of the County of Riverside Amending Ordinance 348 relating to Zoning in the Rancho California Area (ZC 7720), 3rd District.
- 2.10 COUNTY COUNSEL/CODE ENFORCEMENT: Approval of Findings of Fact, Conclusions and Order to Abate on Public Nuisance Case No. CV 06-3828 located at 18663 Idaleona Rd., Perris; APN: 321-170-040, 1st District.
- 2.11 COUNTY COUNSEL/CODE ENFORCEMENT: Approval of Findings of Fact, Conclusions and Order to Abate on Public Nuisance Case No. CV 10-07493 located at 21060 Rider Street, Perris; APN: 318-171-027, 1st District.
- 2.12 COUNTY COUNSEL/CODE ENFORCEMENT: Approval of Findings of Fact, Conclusions and Order to Abate on Public Nuisance Case No. CV 09-04701 located at 43422 Dessie Way, Hemet; APN: 549-223-008, 3rd District.
- 2.13 COUNTY COUNSEL/CODE ENFORCEMENT: Approval of Findings of Fact, Conclusions and Order to Abate on Public Nuisance Case No. CV 10-08214 located at 73300 Dillon Road, Desert Hot Springs; APN: 645-291-013, 4th District.
- 2.14 PUBLIC SOCIAL SERVICES: Receive and File the Riverside County In-Home Supportive Services Public Authority and Advisory Committee Fiscal Year 2009-2010 Annual Report. (See item 7.1)

- 2.15 PUBLIC SOCIAL SERVICES: Approval of the U.S. Department of Housing and Urban Development Grant Agreements.
- 2.16 REGISTRAR OF VOTERS: Approval of Election Services and Consolidation of Elections.
- 2.17 REGISTRAR OF VOTERS: Appointment of Special District Directors.
- 2.18 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Approval of Proposed Amendment to the 2011-2012 Medical Staff Bylaws Rules and Regulations.
- 2.19 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Approval of Medical Staff Appointments, Reappointments and Clinical Privileges.
- 2.20 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: TRACT MAP 31210– Temescal Canyon Area – 1st District, Schedule A. Release of Lien – Subdivision Improvement Security Lien Agreement.
- 2.21 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: TRACT MAP 31210-1– Temescal Canyon Area – 1st District, Schedule A. Release of Lien – Subdivision Improvement Security Lien Agreement.
- 2.22 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: TRACT MAP 31210-2– Temescal Canyon Area – 1st District, Schedule A. Release of Lien – Subdivision Improvement Security Lien Agreement.
- 2.23 TRANSPORTATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: TRACT MAP 31485 (and Miscellaneous Cases 4060 and 4141)–Temescal Canyon Area – 1st District, Schedule A. Release of Lien – Subdivision Improvement Security Lien Agreement.
- 2.24 TREASURER & TAX COLLECTOR: Receive and File the Treasurer’s Monthly Statement of County and School Funds.
- 2.25 TREASURER & TAX COLLECTOR: Receive and File the Treasurer’s Purchase Detail Report.
- 2.26 TREASURER & TAX COLLECTOR: Receive and File the Treasurer’s Monthly Report on Investments.
- 2.27 TREASURER & TAX COLLECTOR: Adoption of Resolution 2011-177 approving the Intended Sealed Bid Tax Sale of Tax-Defaulted Real Property, Sale No. TC-191, scheduled for November 9, 2011; Approval and Adoption of the Provisions of the Revenue and Taxation Code Section 3692(c), 3698.5(b), and Section 4703(a).
- 2.28 SUPERVISOR BENOIT: Reappointment of Arthur Block to the Palm Springs International Airport Commission.

POLICY CALENDAR: Presented for Block Approval; Supervisors have the option of excluding discussion items from a master motion.

- 3.1 SUPERVISOR BUSTER: Evaluation of Riverside County’s Dispatch System for Medical Aid Calls.
- 3.2 EXECUTIVE OFFICE: Ratify the Third Party Administrator Agreement with Inland Empire Health Plan for the Low Income Health Program.
- 3.3 EXECUTIVE OFFICE: 2010-11 Grand Jury Report: Cooperative Extension Riverside County – Blythe, 4th

District.

- 3.4 EXECUTIVE OFFICE: 2010-11 Grand Jury Report: Riverside County Mental Health Detention Services. (3.3 of 05/24/2011)
- 3.5 EXECUTIVE OFFICE: Adoption of Resolution 2011-218 Authorizing and Approving the Substitution of CORAL Property financed through a Fourth Amendment to the Ground Lease and a Third Amendment to Amended and Restated Sublease and Option to Purchase relating to the County's Certificates of Participation 1985 Series (Riverside County Public Facilities Project), 2nd District.
- 3.6 EXECUTIVE OFFICE: Approval of Amendment No. 2 to the Agreement to Form the Lake Elsinore Canyon Lake TMDL Taskforce, 1st, 2nd, 3rd & 5th Districts.
- 3.7 EXECUTIVE OFFICE: Approval of the Salton Sea Authority Monetary Contribution for the Salton Sea Authority Project, 4th & 5th Districts.
- 3.8 EXECUTIVE OFFICE: Approval of Amended AB 2766 Memorandum of Understanding between the County of Riverside and the Coachella Valley Association of Governments (CVAG) for Funding the Regional PM10 Street Sweeping Program in Coachella Valley, 4th & 5th Districts.
- 3.9 EXECUTIVE OFFICE AND RIVERSIDE COUNTY INFORMATION TECHNOLOGY: Approval of the Public Safety Enterprise Communication (PSEC) Contract Amendments
- 3.10 AGRICULTURAL COMMISSIONER: Approval of Standard Agreement No. 11-0213 regarding the High Risk Pest Inspection Program.
- 3.11 AGRICULTURAL COMMISSIONER: Approval of Standard Agreement No. 11-0215-SA regarding Nursery Stock Inspections.
- 3.12 ASSESSOR-COUNTY CLERK-RECORDER/RECORDS MANAGEMENT ARCHIVES PROGRAM: Approval of Board Policy A-68 "Trustworthy Official Electronic Records Preservation". (4/5 vote required)
- 3.13 COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY: Ratify the Amendment #11 to the Low-Income Utility Bill Assistance Agreement with the City of Riverside for the Sharing Households Assist Riverside's Energy (SHARE) Program, 1st & 2nd Districts.
- 3.14 COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY: Ratify the Amendment #1 to the 2010 Community Services Block Grant, Discretionary Agreement #10F-4109 for the Food Security Project.
- 3.15 COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY: Approval of the Budget Adjustment – Community Services Block Grant Target Initiative and Innovative Agreement #11F-4309. (4/5 vote required)
- 3.16 COMMUNITY HEALTH AGENCY/ANIMAL SERVICES: Approval of Agreement #11-082 with Animal Behavior College, Inc. for the Veterinary Assistant Externship Program.
- 3.17 COMMUNITY HEALTH AGENCY/ANIMAL SERVICES: INTRODUCTION OF ORDINANCE 630.15, Amending Ordinance 630.14, an Ordinance of the County of Riverside Regulating Dogs and Cats & Suppression of Rabies. (Set for Hearing 08/16/2011 @ 9:30 a.m. – Clerk to advertise).
- 3.18 COMMUNITY HEALTH AGENCY/ANIMAL SERVICES: INTRODUCTION OF ORDINANCE 560.4, Amending Ordinance 560.3, an Ordinance of the County of Riverside Dogs & Cats: Spay & Neuter Clinic. (Set for Hearing 08/16/2011 @ 9:30 a.m. – Clerk to advertise).
- 3.19 COMMUNITY HEALTH AGENCY/PUBLIC HEALTH: Ratify Agreement 1032 OP-12 with Riverside County Children and Families Commission.
- 3.20 COMMUNITY HEALTH AGENCY/PUBLIC HEALTH: Ratify the Sixth Amendment to the Agreement with Desert AIDS Project for the provision of HIV Medical Support Services.

- 3.21 COMMUNITY HEALTH AGENCY/PUBLIC HEALTH: Ratify Award Letter FEDS29TASK from the California Department of Public Health; and Ratify the First Amendment to the Subcontract Agreement #10-051 with American Lung Association of California (ALAC). (4/5 vote required)
- 3.22 COUNTY COUNSEL: Adoption of Resolution 2011-219 Approving the Formation of Western Municipal Water District Assessment District No. 2011-1 (Van Buren Sewer) and the Associated Proposed Resolution of Intention, 1st District.
- 3.23 ECONOMIC DEVELOPMENT AGENCY: Acceptance of the Notice of Completion – Apron Rehabilitation Project at Hemet-Ryan Airport, Federal Grant AIP 3-06-0104-011, 3rd District.
- 3.24 ECONOMIC DEVELOPMENT AGENCY: Acceptance of the Notice of Completion – Riverside Sheriff's La Quinta Shooting Range Restroom Facility; and Authorization the Release of Retained Funds, 4th District.
- 3.25 ECONOMIC DEVELOPMENT AGENCY: Acceptance of the Notice of Completion – Job Order Contracts; and Authorize the Release of Retained Funds, 1st, 2nd, 4th & 5th Districts.
- 3.26 ECONOMIC DEVELOPMENT AGENCY: Approval of the Memorandum of Understanding with Riverside County Fire Department for the Continued Removal and Utilization of Woody Biomass.
- 3.27 ECONOMIC DEVELOPMENT AGENCY: Rejection of all Bids; and Approval of Revised Plans and Specifications for the Coachella Valley Volunteers in Medicine Facility, 4th District. (Clerk to advertise)
- 3.28 ECONOMIC DEVELOPMENT AGENCY: Approval of the Substantial Amendment to the 2011-2012 One Year Action Plan (NSP3 Target Areas); and Approval of the Notice of Funding Availability.
- 3.29 ECONOMIC DEVELOPMENT AGENCY: Approval of the Findings for the Mecca 18" Waterline Project; and Consent to the Payments by the Redevelopment Agency for the County of Riverside, 4th District. (See item 4.3) **(Take action at the end of the policy items)**
- 3.30 ECONOMIC DEVELOPMENT AGENCY: Approval of the Bid Documents for the French Valley Airport - North Apron Rehabilitation Project, 3rd District. (Clerk to advertise)
- 3.31 ECONOMIC DEVELOPMENT AGENCY: Adoption of the Sailplane Airport Operations Manual for the Hemet-Ryan Airport, 3rd District.
- 3.32 ECONOMIC DEVELOPMENT AGENCY: Approval of the Consent to the Assignment of Ground Lease, French Valley Airport (Jan DeJulio and Claudia DeJulio to Donald Chapton), 3rd District.
- 3.33 ECONOMIC DEVELOPMENT AGENCY: Approval of the Consent to the Aviation Ground Lease and Hangar Sale, Jacqueline Cochran Regional Airport (John and Betty Obradovich, Inc. to All Inside AV Storage, Inc. dba Thermal Aviation); and Consent to the Bill of Sale, 4th District.
- 3.34 ECONOMIC DEVELOPMENT AGENCY: Approval of the Consent to the Aviation Ground Lease and Hangar Sale, Jacqueline Cochran Regional Airport (John and Betty Obradovich, Inc. to Mark Jensen); and Consent to the Bill of Sale, 4th District.
- 3.35 ECONOMIC DEVELOPMENT AGENCY: Approval of the Consent to the Aviation Ground Lease and Hangar Sale, Jacqueline Cochran Regional Airport (John and Betty Obradovich, Inc. to Oliver and/or Elizabeth Avery); and Consent to the Bill of Sale, 4th District.
- 3.36 ECONOMIC DEVELOPMENT AGENCY: Approval of the Amendment to the Homelessness Prevention and Rapid Re-Housing (HPRP) – Substantial Amendment to the 2008-2009 One Year Action Plan of the 2004-2009 Five Year Consolidation Plan.

- 3.37 ECONOMIC DEVELOPMENT AGENCY: ADOPTION OF ORDINANCE 912, an Urgency Ordinance Authorizing Participation in the Alternative Voluntary Redevelopment Program. (4/5 vote required)
- 3.38 ECONOMIC DEVELOPMENT AGENCY/FACILITIES MANAGEMENT: Approval of the Fourth Amendment to Lease – Law Offices of Public Defender; and Approval of a Budget Adjustment, 2nd District. (4/5 vote required)
- 3.39. ECONOMIC DEVELOPMENT AGENCY/FACILITIES MANAGEMENT: Ratify the Lease Agreement with the City of Palm Desert; and Approval of a Budget Adjustment, 4th District.
- 3.40 ECONOMIC DEVELOPMENT AGENCY/FACILITIES MANAGEMENT: Approval of the Subordination, Non-Disturbance and Attornment Agreement – Department of Public Social Services, 1st District.
- 3.41 ECONOMIC DEVELOPMENT AGENCY/FACILITIES MANAGEMENT/TRANSPORATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Adoption of Resolution 2011-188, Notice of Intention to Purchase Real Property in the Unincorporated Area of Perris, 1st District.
- 3.42 ECONOMIC DEVELOPMENT AGENCY/FACILITIES MANAGEMENT/TRANSPORATION & LAND MANAGEMENT AGENCY/TRANSPORTATION: Approval of the Findings for the Temescal Canyon Road Improvement Project; Approval of the Cooperative Agreement by and between the Redevelopment Agency and the Riverside County Transportation Department; and Consent to the Payment of Funds, 1st District. (3.32 of 07/12/2011) **(Take action at the end of the policy items)**
- 3.43 FIRE: Approval to Set the Public Hearing on the Adoption of Resolution 2011-174, Confirming Special Assessments for the Cost of Abating Hazardous Weeds. (Set for Hearing 08/16/2011 @ 9:30 a.m. – Clerk to advertise)
- 3.44 FIRE: Approval to Set the Public Hearing on the Adoption of Resolution 2011-198, Confirming Special Assessments for the Cost of Abating Hazardous Orchards, Groves and Vineyards. (Set for Hearing 08/16/2011 @ 9:30 a.m. – Clerk to advertise)
- 3.45 FIRE: Approval of the Department Cost Allocation Plan for FY 2011/2012.
- 3.46 HUMAN RESOURCES: Approval of the Exclusive Care – New Exclusive Provider Option Medical Contractor Agreement with Aspen Medical Group.
- 3.47 HUMAN RESOURCES: Approval of the Exclusive Care – New Exclusive Provider Option Medical Contractor Agreement with Radiation Oncology Physicians, Inc.
- 3.48 HUMAN RESOURCES: Approval of the Exclusive Care – New Exclusive Provider Option Medical Contractor Agreement with Hoa Vu, M.D., Inc.
- 3.49 HUMAN RESOURCES: Approval of the Exclusive Care – New Exclusive Provider Option Medical Contractor Agreement with Nancy G. Larson, D.C., Chiropractic Professional Corporation.
- 3.50 HUMAN RESOURCES: Approval of the Exclusive Care – New Exclusive Provider Option Behavioral Contractor Agreement with Thomas M. Layte, doing business as Growth in Action Therapy Services.
- 3.51 HUMAN RESOURCES: Approval of the Increase in Appropriation and Estimated Revenue for the Human Resources Employee Assistance Fund. (4/5 vote required)
- 3.52 MENTAL HEALTH: Approval of the Professional Services Agreement Template for Community Capacity Building.
- 3.53 MENTAL HEALTH: Adoption of the Initiation of an Amendment to Ordinance 722 Fee Schedule for Mental Health Programs; and Ordinance 724 Mental Health – Clinic and Emergency Treatment Fees.

- 3.54 OFFICE ON AGING: Renewal of the 2011 SCAN Health Plan Community Giving Grant to the Aging and Disability Resource Connection to Establish a Basic Needs and Food Security Emergency Assistance Fund for FY 2011-2012; and Approval of a Budget Adjustment. (4/5 vote required)
- 3.55 OFFICE ON AGING: Approval of Standard Agreement Amendment #2 (AA-0910-21) – Senior Community Service Employment Program (SCSEP) FY 2010/2011 Appropriations Act contract extension.
- 3.56 PROBATION: Designation of the Department as the Riverside County Agency to Provide Post-Release Community Supervision (PRCS) pursuant to the provisions of AB 109, Criminal Justice Alignment; Approval to Establish a Special Interest Bearing Fund for AB 109/AB 118 Criminal Justice Alignment Program Allocations; Approval to Establish a Special Interest Bearing Fund for AB 109/AB 118 Criminal Justice Alignment One Time Hiring, Training, Retention Purposes Allocation Funds; Approval to Establish a Special Interest Bearing Fund for AB 109/AB 118 Criminal Justice Alignment One Time Community Corrections Partnership (CCP) Planning Allocation Funds. (4/5 vote required)
- 3.57 PUBLIC SOCIAL SERVICES: Approval of the Advance for Family Services of the Desert, 4th District.
- 3.58 PUBLIC SOCIAL SERVICES: Approval of the Request for Sole Source Procurement and Professional Service Contract with Path of Life Ministries, 1st District.
- 3.59 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Ratify the Amendment to the Professional Services Agreement with Hanger Prosthetics & Orthotics, Inc.
- 3.60 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Approval of Lexi-Comp, Inc. as the Sole Source Vendor to Provide Drug Information Resource Package.
- 3.61 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Approval of Foundation Systems, Inc. as the Sole Source Vendor to Provide Pharmacy Management System Support.
- 3.62 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Authorization for the Medically Indigent Services Program (MISP) to Pay for Medical Services without Securing Competitive Bids.
- 3.63 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Ratify the Second Amendment to the Professional Faculty Services Agreement with DeAnza Orthopaedic Medical Group, Inc.
- 3.64 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Acceptance of the Grant Award from Riverside County Children and Families Commission, also known as First 5 Riverside.
- 3.65 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Approval of the Professional Services Agreement with the County of Riverside and Provider Contract Food Service.
- 3.66 RIVERSIDE COUNTY REGIONAL MEDICAL CENTER: Approval of the Extension to the Prime Vendor Agreement with Amerisource Bergen Corporation.
- 3.67 SHERIFF-CORONER-PA: Approval of ICX Technologies/FLIR as the Sole Source Vendor for the Provision of a Mobile, Elevated Platform Surveillance Tower; and Approval of a Budget Adjustment. (4/5 vote required)
- 3.68 SHERIFF-CORONER-PA: Approval of the FY 2011-2012 School Resource Officers Agreement with the Lake Elsinore Unified School District, 1st District.
- 3.69 SHERIFF-CORONER-PA: Approval of the FY 2011-2012 Law Enforcement Services Agreement with the De Luz Community Services District, 3rd District.
- 3.70 SHERIFF-CORONER-PA: Approval of a Cooperative Law Enforcement Agreement with the U.S. Department of Agriculture, Forest Service and the FY 2010-11 Operating and Financial Plans, 1st & 3rd Districts.

- 3.71 SHERIFF-CORONER-PA: Approval of the Third Amendment to the Law Enforcement Services Agreement with the City of Norco; and Adoption of Resolution 440-8864, 2nd District.
- 3.72 SHERIFF-CORONER-PA: Approval of Agreement to Reimburse the County for the Provision of Simulator Training at the Sheriff's Ben Clark Public Safety Training Center.
- 3.73 SHERIFF-CORONER-PA: Approval of Agreement to Reimburse the County for the Provision of the Driver Training Emergency Vehicle Operations Course at the Sheriff's Ben Clark Public Safety Training Center.
- 3.74 TRANSPORTATION & LAND MANGEMENT AGENCY: ADOPTION OF ORDINANCE 875.1 an Ordinance of the County of Riverside Amending Ordinance 875 Establish a Local Development Mitigation Fee for Funding the Preservation of Natural Ecosystems in Accordance with the Coachella Valley Multiple Species Habitat Conservation Plan.
- 3.75 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Approval of the Plans and Specifications for the Construction of Traffic Signal at Magnolia Avenue Railroad grade crossing between Lincoln Street and Buchanan Street, in the City of Riverside, Home Gardens area, 2nd District.
- 3.76 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Approval of the On-Call Environmental Services Agreement with POWER Engineers, Inc.
- 3.77 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Acceptance of the Low Responsive Bid and Award of Contract to Hazard Construction Co. for the Construction of Street Improvements for the Mecca Streets Revitalization Project – Phase 3, including 66th Avenue, Dale Kiler Road and Home Avenue, in the unincorporated community of Mecca, 4th District.
- 3.78 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Acceptance of the Notice of Completion – Emergency Storm Damage Repair, Reche Canyon Road, North of the City of Moreno Valley, 5th District.
- 3.79 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Acceptance of the Notice of Completion – Paving on the entry drive to the Lake Skinner Recreation Area and Warren Road, 3rd District.
- 3.80 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Approval of the Agreement between the State of California Highway Patrol and the County of Riverside for Traffic Control Services for the Date Palm at Interstate 10 Interchange Project, 4th District.
- 3.81 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Approval of the Cooperative Agreement between the County of Riverside and the City of Blythe for new ramp improvements on Interstate 10 at Hobson Way west of Riviera Drive, 4th District.
- 3.82 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Approval of the Sub-Reimbursement Agreement between the County of Riverside, Coachella Valley Association of Governments (CVAG), City of Palm Springs, City of Cathedral City, City of Rancho Mirage and City of Desert Hot Springs for I-10 at Ramon Road/Bob Hope Drive Interchange, 4th District.
- 3.83 TRANSPORTATION & LAND MANGEMENT AGENCY/TRANSPORTATION: Approval of the Department's Annual Equipment Usage and Shop Rates for FY 2011/2012.
- 3.84 TRANSPORTATION & LAND MANGEMENT AGENCY: Adoption of an Order to Initiate an Amendment to Ordinance 659 Establishing a Development Impact Fee (DIF) Program, that would Extend the Temporary Reduction Period of the DIF.
- 3.85 TREASURER & TAX COLLECTOR: Approval of the Publication Agreements for the 2008 Published Delinquent List.

- 3.86 RIVERSIDE COUNTY INFORMATION TECHNOLOGY: Approval of the Information Technology (IT) Strategic Plan 2011-2014; and Approval of the Information Technology Governance Structure.
- 3.87 TRANSPORTATION & LAND MANAGEMENT AGENCY: Approval of Deposit Based Fee Productive Hourly Rates for FY 2011-2012.
- 3.88 SUPERVISOR TAVAGLIONE: Second District Use of Community Improvement Designation Funds to the Norco Fair; Corona-Norco YMCA; Lake Norconian Foundation; Norco Mounted Posse Rodeo; and Approval of Budget Adjustments. (4/5 vote required)
- 3.89 EXECUTIVE OFFICE: 2010-2011 Grand Jury Report: Riverside County Department of Public Social Services, Children's Service Division, Child Protective Services, Blythe, 4th District.
- 3.90 SUPERVISOR BENOIT: Adoption of Resolution 2011-221 Authorizing the Submittal of Expansion Proposals to the California Department of Housing and Community Development.
- 3.91 SUPERVISOR BENOIT: Support for California State Assembly Bill 939 (V. Manuel Perez).
- 3.92 EXECUTIVE OFFICE AND RIVERSIDE COUNTY INFORMATION TECHNOLOGY: Approval of the Cost of Radio Communication Improvements.

****PLEASE CONTINUE ALL REDEVELOPMENT MEETING ITEMS TO 1:30 P.M.**

REDEVELOPMENT AGENCY MEETING:

- 4.1 Approval of the Findings for the Temescal Canyon Road Improvement Project; Adoption of the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring Reporting Program – EA 1104100210; and Adoption of the Project, 1st District.
- 4.2 Adoption of RDA Resolution 2011-021, Adoption of the Relocation Plan for the Mission Plaza Project, 2nd District.
- 4.3 Approval of the Findings for the Agreement with Jones Bros. Construction for the Mecca 18" Waterline Extension Project; Find that the bid submitted by Gouin Excavating to be non-responsive; Accept and Award the Construction Contract to Jones Bros. Construction and Approval of the Project Budget, 4th District. (See item 3.29)
- 4.4 Adoption of RDA Resolution 2011-028, Authorization to Purchase in the Mid County Project Area; Find that the Project is Exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, Section 15061 (b)(3); Approval of the Purchase and Sale Agreement for APN 443-050-017, 443-050-018, 443-050-020, 443-050-033, and 443-050-039; and Authorization for the Agency to Expend funds for the property transaction costs and due diligence, 3rd District.
- 4.5 Public Hearing on the Approval of the Disposition and Development/Affordable Housing Agreement, Deed of Trust, Promissory Note with Workforce Homebuilders for Development of Highgrove Family Apartments (4.3 of 07/12/2011)
- 4.6 Public Hearing on the Rancho Jurupa Regional Sports Complex – Well Pumping Equipment Project; and Approval of the Reduction of the Contract Retention; Adoption of Negative Declaration for Environmental

Assessment No. ED1206005012; Adoption of RDA Resolution 2011-017, Authorization to Purchase Real Property for the Project – APN 181-190-018; Approval of the Purchase and Sale Agreement and Joint Escrow Instructions; Approval of the Specifications; and Approval of the Total Project Budget, 2nd District. (Clerk to advertise) (See item 9.31)

- 4.7 Approval of Addenda Nos. 1 through 4 to the Plans and Specifications for the Jurupa Valley Sheriff's Evidence Warehouse; and Award the Construction Contract to PCN3, Inc., 2nd District.

PUBLIC FINANCING CORPORATION:

5. (No Business)

INDUSTRIAL DEVELOPMENT AUTHORITY MEETING:

6. (No Business)

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY:

- 7.1 Receive and File the Riverside County In-Home Supportive Services Public Authority and Advisory Committee Fiscal Year 2009-2010 Annual Report. (See item 2.14)

COMMUNITY FACILITIES DISTRICT'S LEGISLATIVE BODY MEETING:

8. (No Business)

9:30 A.M. PUBLIC HEARINGS:

- 9.1 COMMUNITY HEALTH AGENCY/ENVIRONMENTAL HEALTH: Public Hearing on Special Assessments for Unpaid Trash Collection Fees. (3.14 of 06/14/2011)
- 9.2 COMMUNITY HEALTH AGENCY/ENVIRONMENTAL HEALTH: Public Hearing on the INTRODUCTION OF ORDINANCE NO. 907, an Ordinance of the County of Riverside Regulating Body Art Facilities, Permanent Cosmetics and Body Piercing Facilities. (9.2 of 06/28/2011)
- 9.3 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 00-2884, CV 07-4834, CV 08-03258 & CV 09-02771 located at 19755 Smith Road, Perris; APN: 285-190-014, 1st District.
- 9.4 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 04-0440 located at 20015 Plessner Way, Wildomar; APN: 370-330-025, 1st District.
- 9.5 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 06-7835, CV 08-10573 & CV 09-02418 located at 18554 Cedar Street, Perris; APN: 321-060-019,

1st District.

- 9.6 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 09-00031 located at 20523 Myron Street, Perris; APN: 319-151-001, 1st District.
- 9.7 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 09-12229 located at 18190 Grand Ave., Lake Elsinore; APN: 371-130-002, 1st District.
- 9.8 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 09-11303 located 1 Parcel N/E of 21210 Old Elsinore Road, Perris; APN: 322-160-006, 1st District. (9.5 of 06/28/2011)
- 9.9 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 04-3248, CV 07-5432 & CV 08-05059 located at 5115 and 5165 Green River Road in the unincorporated area of Riverside County; APN's: 101-200-004, 101-200-005, 101-200-006, 101-200-007, 101-200-008, 101-200-009, 101-200-010, 101-200-012, 101-210-011, 101-210-014, 101-210-017, 101-210-019 and 101-210-021, 2nd District.
- 9.10 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 08-02760 located at 7182 Paddlewheel Drive, Mira Loma; APN: 152-191-010, 2nd District.
- 9.11 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 09-03684 located at 4021 Campbell Street, Riverside; APN: 170-162-020, 2nd District.
- 9.12 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 00-0320, CV 07-4077 & CV 07-6789 located at 33043 Wesley Street, Winchester; APN: 463-117-057, 3rd District.
- 9.13 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 00-3816, CV 06-5352 & CV 07-7925 located at 36101 Glenoaks Road, Temecula; APN: 942-050-004, 3rd District.
- 9.14 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 07-1836 located at 44081 Sandstone, Aguanga; APN: 583-260-029, 3rd District.
- 9.15 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 07-3261, CV 07-3262 & CV 07-5923 located at 29660 Goetz Road, Canyon Lake; APN: 351-074-021, 3rd District.
- 9.16 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 08-04354 located Parcel on Beech Street, Hemet; APN: 432-170-006, 3rd District.
- 9.17 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 07-2662 located at 83115 Alvarado Avenue, Thermal; APN: 767-453-005 4th District.
- 9.18 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 07-2919 located at 14865 Kirkwood Street, Ripley; APN: 872-243-007, 4th District.
- 9.19 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 08-04489, CV 08-04490 & CV 08-04491 located at 18050 Rice Road, Desert Center; APN: 810-020-001, 4th District.
- 9.20 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 09-03702 & CV 09-03704 located at 18785 22nd Avenue, Blythe; APN: 879-130-021, 4th District.

- 9.21 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 98-1058 located at 66250 Martinez, Thermal; APN: 751-200-018, 4th District.
- 9.22 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 98-2891 & CV 08-04622 located at 88410 Avenue 77, Thermal; APN: 755-161-007, 4th District.
- 9.23 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 07-2410, CV 07-2426, CV 07-2428 & CV 07-2430 located at 28865 Watson Road, Romoland; APN: 329-090-067, 5th District.
- 9.24 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV 07-2562 located at 62950 Powerline Road, N. Palm Springs; APN: 668-140-007, 5th District.
- 9.25 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 07-3222, CV 07-6300 & CV 10-01233 located at 31383 Yucca Avenue, Nuevo; APN: 426-200-013, 5th District.
- 9.26 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 07-7355 & CV 07-7817 located at 62900 Powerline Road, Desert Hot Springs; APN: 668-140-006, 5th District.
- 9.27 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 08-04649, CV 08-08650, CV 08-08651 & CV 08-10823 located 1 Parcel N/O 18623 Lawton Blvd., Perris; APN: 343-020-018, 5th District.
- 9.28 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 08-06686 & CV 08-06688 located at 28281 Rostrata Ave., Lake Elsinore; APN: 347-150-079, 5th District.
- 9.29 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case No. CV10-02059 located at 23550 Meadow Lane, Perris; APN: 325-060-024, 5th District.
- 9.30 ECONOMIC DEVELOPMENT AGENCY: Public Hearing on the Adoption of Resolution 2011-182 Approving the Sale of Real Property by the Redevelopment Agency for the County of Riverside – APN 255-070-013, 5th District.
- 9.31 ECONOMIC DEVELOPMENT AGENCY: Public Hearing on the Findings for the Rancho Jurupa Regional Sports Complex – Well Pumping Equipment Project; and Consent to the Expenditure of Redevelopment Funds, 2nd District. (See item 4.6)
- 9.32 EXECUTIVE OFFICE: Public Hearing on Supervisorial Redistricting (9.1 of 07/12/2011)

- Part 1
- Part 2
- Part 3
- Part 4
- Part 5

- 9.33 COUNTY COUNSEL/CODE ENFORCEMENT: Public Hearing on Statement of Abatement Costs Case Nos. CV 08-04649, CV 08-08650, CV 08-08651 & CV 08-10823 located at 9840 Camulos Avenue, Montclair, 5th District.

ORAL COMMUNICATIONS FROM THE AUDIENCE ON ANY MATTER WHICH DOES NOT APPEAR ON THE BOARD'S AGENDA:

CONCURRENT EXECUTIVE SESSION-COUNTY OF RIVERSIDE, REDEVELOPMENT AGENCY, REGIONAL PARK AND OPEN SPACE DISTRICT, FLOOD CONTROL AND WATER CONSERVATION DISTRICT, WASTE RESOURCES MANAGEMENT DISTRICT, HOUSING AUTHORITY, PERRIS VALLEY CEMETERY DISTRICT, IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND COMMUNITY FACILITIES DISTRICTS:

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:

Conference with real property negotiator:

- A.1 Property - 105 parcels totaling 81.71 gross acres and 5 permanent easement parcels totaling 2.84 acres extending from near Alessandro Boulevard and Trautwein Road in the City of Riverside to just beyond McAllister Street in the unincorporated area of Riverside County and commonly known as the Box Springs

Feeder

Agency Negotiator - Scott Bangle

Negotiating Party - Scott Bangle

Under Negotiation - Price and Terms

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9:

Conference with legal counsel-existing litigation:

(Subdivision (a) of Government Code Section 54956.9)

- B.1 Barbara Bertrand, Candyce Flemister v. County of Riverside, et al. (Case No. RIC 499337)
- B.2 County of Riverside v. Anheuser-Busch, Inc. (Case No. RIC 530137)
- B.3 Riverside County Flood Control and Water Conservation District v. State of California, et al. (Case No. RIC 1110903)

Conference with legal counsel-anticipated litigation:

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9:

- C.1 One potential case

Conference with legal counsel-anticipated litigation:

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:

- D.1 Two potential cases

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957.6:

E.1 Conference with labor negotiator:

Agency Negotiator – Barbara Olivier

Employee organizations – Management/Confidential, Unrepresented, DDAA, RSA, SEIU, LIUNA, UDW and LEMU

RECESS TO LUNCH

HOUSING AUTHORITY MEETING:

- 10. (No Business)

1:30 P.M. FLOOD CONTROL AND WATER CONSERVATION DISTRICT MEETING:

- 11.1 Adoption of Resolution F2011-14 Confirmation of Fiscal Year 2011-2012 Benefit Assessments for the Santa Ana Watershed. (11.1 of 06/28/2011)
- 11.2 Adoption of Resolution F2011-15 Confirmation of Fiscal Year 2011-2012 Benefit Assessments for the Santa Margarita Watershed. (11.1 of 06/28/2011)
- 11.3 Adoption of Resolution F2011-16 Confirmation of Fiscal Year 2011-2012 Benefit Assessments for the Whitewater Watershed. (11.3 of 06/28/2011)
- 11.4 Adoption of Resolution F2011-17 Confirmation of Fiscal Year 2011-2012 Benefit Assessments for the Elsinore Valley Watershed. (11.4 of 06/28/2011)
- 11.5 Authorization to Pay for Removal of Hazardous Materials for the Hemet Channel, 3rd District.
- 11.6 Approval of the Selection of the Prequalification for On-Call Environmental/Regulatory Support and Ancillary Professional Services and Project Specific Environmental/Regulatory Professional Services.
- 11.7 Approval of the Sole Source Consulting Service Agreement between the District and Carmen Group, Inc.
- 11.8 Approval of the Consulting Services Agreement between the District and AMEC Earth and Environmental, Inc. for the San Jacinto River – Habitat Recovery Monitoring Plan, 3rd & 5th Districts.

1:30 P.M. COUNTY BOARD AND WASTE RESOURCES MANAGEMENT DISTRICT MEETING:

County:

- 12. (No Business)

District:

- 12. (No Business)

1:30 P.M. COUNTY BOARD AND REGIONAL PARK AND OPEN SPACE DISTRICT MEETING:

County:

- 13.1 SUPERVISOR STONE: Reappointment of Darrell Connection to the Regional Park and Open Space District.
- 13.2 SUPERVISOR BENOIT: Authorization for Reduction of Lake Cahuilla Park Fee for the Coachella Valley High School Cross Country Team.

District:

13. (No Business)

1:30 P.M. GENERAL PLAN AMENDMENT INITIATION PROCEEDINGS:

15. (No Business)

1:30 P.M. PUBLIC HEARINGS:

- 16.1 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on AGRICULTURAL PRESERVE NO. **1005** / CHANGE OF ZONE NO. **7744** / CONDITIONAL USE PERMIT NO. **3576** – Andre Hozen – Robert Tyler – Rancho California Zoning Area – Southwest County Area Plan – 1st District. Recommendation for Approval of Agricultural Preserve No. 1005 to cancel a Williamson Act Preserve contract and diminish a portion of the property from Rancho California No. 14; Approval of **Change of Zone No. 7744**, to change a portion of two existing lots from Light Agricultural – One Acre Minimum (A-1-1) to Rural Residential (RR); and Approval of **Conditional Use Permit No. 3576**, to legalize an existing private cemetery known as the Molokan Sanctuary (“the project”).
- 16.2 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on AGRICULTURAL PRESERVE NO. **1001** / AGRICULTURAL PRESERVE NO. **1002** / SPECIFIC PLAN NO. **369** / GENERAL PLAN AMENDMENT NO. **846** (Land Use) / GENERAL PLAN AMENDMENT NO. **889** (Circulation) / CHANGE OF ZONE NO. **7481** – Brookfield California Land Holdings – Lower Coachella Valley Zoning District – Eastern Coachella Valley Area Plan – 4th District. Recommendation for Approval of Agricultural Preserve No. 1001 to diminish Coachella Valley Agricultural Preserve No. 18 and cancel the associated land conservation contract on a portion of the site consisting of two parcels totaling 52 gross acres; Approval of Agricultural Preserve No. 1002, to disestablish Coachella Valley Agricultural Preserve No. 62 and cancel the associated land conservation contract on a portion of the project site consisting of three parcels totaling 131 gross acres; Tentative Approval of Specific Plan No. 369, which proposes a master-planned community on 612.1 acres supporting traditional single-family residential, multi-family residential, and open space land uses including recreational parks and drainage areas, and which also proposes 2,354 residential dwelling units, a 45.3 acre public park, a private clubhouse on 4 acres, a covered irrigation storage pond, and regional trails, and, designates 2.5 acres for an electrical substation and 46 acres for major roadway improvements; Tentative Certification of Environmental Impact Report No. 504; Tentative Approval of General Plan Amendment No. 846 (Land Use) to amend the Riverside County General Plan Land Use Element as it applies to the 612.1 acre project site by changing the Land Use from Agriculture (AG), Public Facility (PF), and Light Industrial (L1) to Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Open Space – Recreation (OS-R) and Open Space-Water (OS-W), as reflected on the proposed Land Use Plan; Tentative Approval of General Plan Amendment No. 889 (**Circulation**) to amend the Circulation Element of the General Plan to 1) downgrade 58th Avenue between Polk Street and Orange Avenue from a Major Highway (118’ right-of-way) to a Secondary Highway (100’ right-of-way), and 2) eliminate the segment of 58th Avenue from Orange Avenue to Fillmore Street from the General Plan Circulation Element entirely; and Tentative Approval of Change of Zone No. 7481, to change the zone from Heavy Agriculture (A-2-20) and Manufacturing-Service Commercial (M-SC) to Specific Plan (SP), and to amend Ordinance No. 348 to incorporate the Specific Plan zoning standards.

ADJOURNMENTS: