

**TRPA
GOVERNING BOARD
PACKETS**

**DECEMBER
1997**

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, December 17, 1997, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the South Lake Tahoe City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on December 17, 1997, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of November 1997 financial statement and check register; 3) policy discussion regarding use of water and air quality mitigation fund interest 4) amendment to TRPA/Caltrans Overall Work Program; 5) direction to staff regarding pursuit of administrative fee for mitigation fund management; and 6) member comments. (Committee: Neft, Heller, Galloway, Bresnick, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on December 17, 1997, commencing at 8:30 a.m. in the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) show cause hearing on Executive Director determination to use project security, Tahoe Mariner, litigation settlement, Washoe County; 3) Rafton, extension of statute of Limitations, Placer County APN 117-072-08; 4) Dauenhauer-Heck, resolution of enforcement, Placer County APN 83-172-04; 5) Lafferty, resolution of enforcement, El Dorado County APN 15-331-05; 6) consideration of the Rules of Procedure (Section 1.5) relating to the Legal Division; and 7) member comments. (Committee: Miner, Cronk, Sevison, Wynn, Chairman Waldie)

NOTICE IS FURTHER GIVEN that on December 17, 1997, commencing at 12:00 noon during the lunch recess at Passaretti's Restaurant, 1181 Emerald Bay Road, South Lake Tahoe, California, the Rules Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) amendment of Rule 2.5(b) of the Rules of Procedure pertaining to motions to reconsider; and 3) member comments. (Committee: Neft, Sevison, Bresnick, Heller, Chairman Galloway)

Date: December 8, 1997

By: 

Jerry Wells
Deputy Director

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe City Council Chambers
1900 Lake Tahoe Boulevard
South Lake Tahoe, California

December 17, 1997
9:30 a.m.

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

AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, RTPA, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, RTPA, Appeal, and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE GOVERNING BOARD IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. APPROVAL OF MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 3)
- VII. PROJECT REVIEW
 - A. Elk Point Country Club, Plan Revision to Existing Water Tank Facility, Elks Avenue Common Area, Douglas County APN 05-242-61 59
- VIII. PUBLIC HEARING (*items include action on the findings plus action on related ordinances, resolutions, environmental documents, and/or plans)
 - A. Amendment of Chapter 4, Project Review and Exempt Activities, to Amend Existing Sign MOU With Placer County* 79
 - B. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvements in Vicinity of Parcels in El Dorado and Placer Counties* 89
- IX. SHOW CAUSE HEARING
 - A. Executive Director Determination to Use Project Security, Tahoe Mariner, Litigation Settlement, Washoe County APNs 123-055-01, 123-062-01, and 123-071-24 109

X. PLANNING MATTERS

- A. Discussion on Streamlining Agency Programs and Activities 111
- B. Discussion and Policy Direction to Staff Regarding Modifications to New and Existing Shoreline Protective Structures 113
- C. Finding That The City of South Lake Tahoe, El Dorado County, Placer County, Carson City, Washoe County and Douglas County Have Demonstrated a Commitment to Assume Their Fair Share Responsibility to Provide Low and Very Low Income Housing 115
- D. Status Report on Audit of Residential Delegation MOUs 121
- E. Approval of Performance Review Committee Recommendations on 1998 Residential Allocations 131
- F. Status Report on Water Supply for Washoe County Portion of the Tahoe Basin 137

XI. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA) 153

- A. Resolution Approving the Social Services Transportation Updated Action Plan and Progress Report for the Tahoe Region (December 1997)

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee Report
 - 1. Policy Discussion Regarding Use of Water and Air Quality Mitigation Fund Interest 155
 - 2. Direction to Staff Regarding Pursuit of Administrative Fee for Mitigation Fund Management
- B. Environmental Improvement Program Implementation Committee
 - 1. Discussion on the Environmental Improvement Program, the 1998 Legislative Packet, and Scoping of the Regional Revenue Source Request for Proposals (RFP)
- C. Legal Committee Report
 - 1. Rafton, Extension of Statute of Limitations, Placer County APN 117-072-08 163
- D. Rules Committee

XIII. RESOLUTIONS

- A. Resolutions of Commendation for Assistance in Suitum v. TRPA for Amici and for Richard J. Lazarus
- B. Resolution Commending Accomplishments of Tahoe Mariner Demolition

XIV. REPORTS

A. Executive Director Monthly Status Report

- 1. Status Report on Project Applications
- 2. Status on Metropolitan Planning Organization Designation

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B. Legal Division Monthly Status Report

C. Governing Board Members

1. Request by Board Member Galloway to Discuss the Following:

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- a. Policy and Process Regarding Present or Future Consideration of Exemptions From the Ban on Two-Cycle Carburetted Engines
- b. Specific Temporary Exemptions, in the Form of Time Extensions, to the Effective Date of the Ban for the Following Categories of Use for Which the Governing Board has Already Received Some Public Input
 - i. Low Horsepower Engines
 - ii. Auxiliary Engines on Sailboats With Possible Horsepower Limit
 - iii. Engines on Craft Which Are the Essential Primary Access to Certain Lakefront Property, e.g., Echo Lake, With Possible Horsepower Limit

XV. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. November 1997 Financial Statement and November 1997 Check Register	Receipt	1
2. Lafferty, Resolution of Enforcement, El Dorado County APN 15-331-05	Approval	3
3. Dauenhauer/Heck, Resolution of Enforcement, Placer County APN 83-172-04	Approval	11
4. Redelberger, Land Capability Challenge, Placer County APN 085-301-05	Approval	29
5. Henn, Land Capability Challenge, Placer County APN 093-280-43	Approval	35
6. Resolution Approving Amendments to TRPA/Caltrans FY 1997-98 Overall Work Program (OWP)	Approval	39

7. Falcon Capital, Land Capability Challenge, Approval
Douglas County APN 005-230-11

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be require to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

November 19, 1997

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Vice Chairman Larry Sevison called the regular November 19, 1997, meeting of the Governing Board of the Tahoe Regional Planning Agency to order at 9:35 a.m., and explained that Chairman DeLanoy was absent due to a death in his family. Mr. Galloway led the Board in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. Waldie, Dr. Miner, Mr. Sevison, Mr. Heller, Mr. Cole, Mr. Plank (for Kay Bennett of Carson City), Mr. Cronk, Mr. Westergard, Ms. Neft, Mr. Galloway, Ms. Bresnick, Mr. Wynn, Mr. Montgomery (for John Upton of El Dorado County)

Members Absent: Mr. DeLanoy, Mr. Neumann

III. PUBLIC INTEREST COMMENTS

Mr. Don Kornreich, an Incline resident, commented on the need to know what local government claims would be for TRPA mitigation funds, the RFP draft to update the 1974 McDonald Smart Study, and the desire for establishment of a new transportation district in the North Shore/Truckee area.

IV. APPROVAL OF MINUTES

MOTION by Dr. Miner to approve the regular October 22, 1997, meeting minutes as presented. The motion carried unanimously.

V. APPROVAL OF AGENDA

VI. CONSENT CALENDAR

Deputy Director Jerry Wells noted there were no changes to the agenda. With regard to the consent calendar, item 4 (Falcon Capital, Land Capability Challenge) was to be continued to the December Board meeting. Mr. Galloway noted that the Finance Committee had recommended in favor of items 1., 2., and 3. on the consent calendar.

MOTION by Ms. Neft to approve the agenda as submitted and the consent calendar as proposed. The motion carried unanimously.

(Following are items approved on the consent calendar: 1. October 1997 Financial Statement and October 1997 Check Register; 2. Revisions to Overall Operating Budget FY 97-98; 3. Authorization to Open Payroll Bank Account and to Close Health Fund Account)

VII. PROJECT REVIEW

- A. Tuverson Shorezone Protective Structure Replacement, Special Use Determination, 200 West Lake Boulevard, Placer County APN 84-154-01

Associate Planner Paul Nielsen summarized the proposal and used overhead projections to describe the applicant's proposal and the staff-recommended option for the structure replacement. Issues of concern related to the fishery, the fish spawning area, and littoral drift and erosion. He responded to Board member questions regarding the structure design, the difference between the staff-recommended option and the applicant's design, mitigation to offset impacts on the spawning habitat, and staff's recommendation for the applicant to submit and implement a monitoring plan.

Associate Planner Coleen Shade presented an overview of the fish spawning study done in the summer of 1996 and described the limitation on spawning sites, the impact of mitigation, the cumulative impact on spawning habitat of pending shorezone applications, the precedent-setting nature of this application, the current unavailability of an off-site mitigation program for applicants, and the impact of disturbance on the fish habitat. She responded to Board member questions.

Mr. Gregg Lien, on behalf of the Tuversons, presented his client's request and suggested that any impacts to the environment were theoretical at this point. The applicant's intent was to make the situation better. He presented and described drawings of various proposals discussed with staff starting in May of 1997 with the initial emergency repair request. He responded to Board member questions.

Mr. Tuverson presented a procedural history of the application process and staff contacts since May 1997 with the original emergency request; his attempts to address staff concerns over time regarding littoral drift, fish habitat, and erosion; and his objection to the monitoring requirement. He favored a vertical wall with the aesthetics of the existing wall and placement of rocks at the base of that wall to deflect the wave action. He was willing to put gravel over the rocks if it would address the fish habitat issue. At most, only 20 square feet of fish habitat could potentially be taken away with his proposal - and then only at given times of the year.

Vice Chairman Sevison noted that the reason there was such extensive Board discussion on this application was because it was the first one of its kind, and the outcome could affect how the Board acted on other pending and similar applications.

Mr. Scott Noble, an expert in oceanographic engineering, suggested that many of the impacts on the beach adjacent to the wall resulted from the changing water level and the occurrence of storms. The situation was a dynamic one. The proposed wall would not have any additional impact on the shoreline sediment transport than the existing condition. Rocks in front of the wall would help dissipate energy against the wall. The wall itself did not cause last year's erosion on the property to the north. From the viewpoint of wave processes, he favored a vertical wall with sloping rock in front of it. The 1:1 option was pretty minimal and somewhat unstable; 2:1 was better. With

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such a design, there would still be reflection, even off a rock slope; it would not totally dissipate the energy but it would help. Mounded gravel on top of the rock would disappear, although it would not hurt.

The Board members discussed the need for a mitigation fund for fish habitat replacement/restoration, including the ability for applicants to replace habitat in kind, to restore other areas at a rate of 1.5:1, or to fund a portion of a spawning habitat restoration project at a ratio of 1.5:1; Mr. Tuverson's willingness to contribute 5 percent of the project's cost (\$5,000 in this case); monitoring; establishment of a Board policy for pre-existing structures and the impact on private property; and the fact the applicant had spent \$45,000 to date working with staff on this application process. The Board also addressed providing staff clear direction on how to proceed on similar applications in the future, the establishment of a general policy to protect lakefront properties impacted by changing lake level, and the public policy question dealing with whether TRPA would protect private lakefront properties by allowing structures to encroach further into the Lake.

MOTION by Mr. Galloway that the Board find that, in order to satisfy the considerations of finding 16 on page 9 of the staff report, the Board find that in replacing an existing structure it is permissible to extend revetments to that structure into the Lake and that, in considering such items as fish habitat, that will affect the length of such extension. Whether a revetment is required at all will take into consideration the history and specifics of the location.

Agency Legal Counsel Rachelle Nicolle reminded the Board that the packet materials contained a project description and findings for that specific project. If it wished, the Board could incorporate this proposed policy into the findings for this project. Staff could also take this as direction.

Vice Chairman Sevison suggested staff be directed to bring back a refined policy statement, much along the lines suggested by Mr. Galloway.

Mr. Galloway asked to incorporate his earlier statement into a motion to make the findings for approval of the Tuverson project as proposed by the applicant.

Mr. Westergard expressed concern with the effect of incorporating the policy statement into the motion. This was a significant enough policy that there needed to be more opportunity for public review and comment.

Mr. Galloway withdrew the policy portion of the motion and moved that the Board make the findings in the applicant's Environmental Assessment necessary to approve the Tuverson project as proposed by the applicant.

Ms. Bresnick suggested many points had been raised in the discussion that the Board needed to deal with as policy issues. One of the important things to take out of this as precedent setting was recognition that the Board may be approving the project as proposed by the applicant; there were reasons for doing so. The Board would continue to look at projects on a case-by-case basis with each request to be viewed on its own merit.

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Mr. Cole, a member of the Shorezone Policy Committee, noted that the Committee did previously set a policy which stated that a property could be protected in an emergency situation if it was being threatened. Protection of structures which pre-existed the Agency had previously been addressed as a policy.

Mr. Wells concurred the Committee had taken this up but it was for structures that were being threatened in emergency situations. This application was not in that category.

Mr. Wynn suggested the Committee had perhaps not stated this clearly enough so that staff would understand the direction. Where a person had property with structures in the Lake and the property, in spite of the structures, was being threatened by high Lake level, staff should allow the property to remain in existence without shrinking the property. If this required compromising fish spawning area or other environmental thresholds, he recommended that staff should make its best efforts to mitigate such situations but should protect the existing structure.

Vice Chairman Sevison suggested that, when the policy came back to the Board in December, it include a mitigation package or fund to offset impacts.

Mr. Waldie asked if Mr. Tuverson would contribute to a mitigation fund for loss of spawning habitat.

Mr. Lien responded that he was not sure Mr. Tuverson was ready to finetune the project to that extent. There was enough direction from the Board that the details could be worked out with staff. Mr. Tuverson had obviously paid a lot already. He was proposing now that spawning gravels not be placed on top of the revetment, since they would not do any good anyway. To the extent there was an encroachment into the spawning area, he would discuss this with staff and come up with a proportionate offset.

Mr. Galloway clarified that his motion was for the findings outlined in the applicant's EA and that these findings be incorporated by reference.

Mr. Nielsen asked if the intent was to include conditions A through F only and not conditions related to monitoring.

Mr. Galloway agreed this was his intent.

The motion on the findings carried unanimously.

Mr. Galloway asked if the Board wanted the project approval to include any mitigation.

Mr. Sevison suggested the Board should consider the \$45,000 package that had already been put together as a source of mitigation.

Ms. Bresnick suggested that for purposes of this project and what it had gone through the Board would not want to impose additional fees on the applicant. Again, the public was to know for the future that the idea of a mitigation fund for this type of activity was something the Board needed to consider.

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MOTION by Galloway to approve the Tuverson project as submitted with the rock but no gravel nourishment and without the mitigation. The motion carried unanimously.

The meeting recessed for a lunch break from 11:55 a.m. to 1:10 p.m. The Environmental Improvement Program Implementation Committee met during the lunch recess.

Mr. Heller was absent until 1:15 for the initial discussion on the following agenda item.

- B. Brugger Corporation, New 24-Unit Multi-Family and Subdivision, 977 Lake Tahoe Boulevard, Washoe County APNs 127-030-04 and 24

Associate Planner Paul Nielsen presented the summary of the proposed project, noting that many of the issues that had been raised in December when the matter was before the Board had been addressed. The proposed density was to be reduced from 33 units to 24 units, and concerns with water quality and the lot and block configuration of the units had been addressed through redesign and density reduction. The applicant had provided confirmation that water rights were available to serve the project.

Mr. Phil Gilanfarr, representing the project, spoke in favor of the staff conditions, noting that the project was a better one than what was presented last year. The proponents would be meeting with neighboring property owners on December 10 to discuss concerns regarding parking, landscaping, and the visual aspects of the project.

Mr. Westergard noted that there were not currently five members from Nevada in attendance who would support the project; he was opposed to the two-step process, as he had stated previously. He felt the proposal before the Board was flawed, and for it to proceed it had to pursue the two-step subdivision process. The Code prohibited a project which resulted in more development potential than anticipated in the Regional Plan. He felt that this project fell in that category and he would normally vote against it. Although he had lost on this point in the past, there was no use to prolong this by requiring the applicants to wait 30 days if, in fact, having another Nevada member present would result in the project's approval. While he was opposed to the project, he would vote in favor, with the firm understanding that he would continue to oppose this kind of process in the future. He felt TRPA was vulnerable to a future challenge on this point.

MOTION by Dr. Miner to make the findings on the project.

Mr. Heller came into the meeting at 1:15 after the motion was made.

Vice Chairman Sevison advised Mr. Heller of the motion and asked if he had any questions about the staff summary in the packet materials.

Mr. Heller responded he had no concerns with the proposal.

Ms. Nicolle explained the two-step process and the fact that the Compact prohibited subdivisions. The Code, however, allowed for condominium

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subdivisions on the proviso that the development potential for other lots was retired and moved into the area. The Regional Plan contained a cap on development, and this subdivision would allow for the shuffling around of the units. The two-step process to insure there was no impact called for the project first to be approved as a multi-family project and then to be subdivided. The Board had approved these requests in the past.

Mr. Gilanfarr noted that he was retiring 24 development rights from other more sensitive areas in order to create this project. The Plan Area did permit the proposed use. He and several Board members thanked Mr. Westergard for his consideration and his comments.

The motion on the findings contained in the staff summary and a finding of no significant environmental effect for the construction of the project as modified by staff conditions carried with Mr. Westergard voting in opposition. (Members voting in favor: Cole, Wynn, Sevison, Galloway, Neft, Plank, Waldie, Heller, Cronk, Miner, Bresnick, Montgomery)

MOTION by Dr. Miner to approve the 24 unit multi-family dwelling project based on the staff summary subject to conditions 1 through 6 in the staff summary. The motion carried with Mr. Westergard voting in opposition.

MOTION by Mr. Cronk for the findings contained in the staff summary and a finding of no significant environmental effect for the condominium subdivision of the 24 residential units. The motion carried with Mr. Westergard voting in opposition.

MOTION by Mr. Cronk to approve the condominium subdivision of the 24 residential units based on the staff summary and subject to conditions 7 through 9 in the staff summary. The motion carried with Mr. Westergard voting in opposition.

(Mr. Wynn left the meeting at 1:20 p.m. Members present: Cole, Sevison, Galloway, Neft, Plank, Waldie, Cronk, Miner, Bresnick, Heller, Montgomery, Westergard)

- C. Timber Ridge Plaza Plan Revision, P and P Enterprises, Allocation of Commercial Floor Area, 940 Southwood Boulevard, Incline Village, Washoe County APN 132-231-12

Senior Planner Lyn Barnett noted this was a simple project and could have been placed on the Consent Calendar. At the time it was noticed, however, there was some controversy. This was addressed at the staff level. He presented a brief summary of the proposal.

Mr. Phil Gilanfarr, for the project, commented that he agreed with staff summary and recommended conditions.

No one in the audience wished to speak on the project.

MOTION by Dr. Miner to approve the findings for the Timber Ridge Plaza project. The motion carried unanimously.

MOTION by Dr. Miner to approve the project with conditions as proposed. The motion carried unanimously.

(Mr. Heller left the meeting at 1:25 p.m.)

VIII. PUBLIC HEARING

A. Designation of Special Area #5 (National Avenue) of the Tahoe Vista Community Plan as a Preferred Industrial Area

Associate Planner John Hitchcock advised the Board of an error on the map in the packet materials (page 59). Two parcels not shown in the special area should be included in the special area.

Mr. Sevison commented that, based on this correction, he had a conflict and would chair the hearing but abstain on the vote. He owned property in the area under discussion.

Mr. Hitchcock explained the amendment to designate an area in the Tahoe Vista Community Plan as a preferred industrial area. The Board in May amended the Code (Section 32.3.B.(5)) to provide an incentive for additional commercial square footage in areas designated as preferred industrial areas. Square footage allocated in the special area or transferred in was doubled. For an area to qualify for special designation, the Board needed to find that areawide BMPs had been implemented or that the local jurisdiction had committed to implementing the areawide BMPs on the 5-year capital improvements project list. In this case, Placer County had made the commitment in its CIP list, although the project would be funded by a private developer. The APC recommended unanimously that the amendment be approved.

Mr. Jeff Cutler, for the League to Save Lake Tahoe, suggested there was some concern at the APC level that Placer County or the project proponent offer some security as a commitment that the BMPs would be implemented, as required in the Code. He asked that the Board get this commitment prior to granting the amendment.

Mr. Hitchcock advised that because the project was being implemented by a private party Placer County would not make such a commitment. Some BMPs were in place now, but staff felt additional BMPs were necessary. Both TRPA staff and Placer County concurred that runoff coming off the area did need treatment.

Executive Director Jim Baetge commented that the County had included areawide BMPs on its 5-year CIP list. Additionally, the performance review committee, which would be reviewing local government performance on environmental improvements, would be basing its recommendations on future allocations on county progress in implementing improvements. This provided some leverage. In the event counties did not perform, there would be a reduction in allocations.

Mr. Sevison suggested conditioning any project that came forward with a requirement to either put up a bond to have the improvements done or to pay for the improvements as part of the approval.

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Mr. Hitchcock responded that the developer, Mr. McClure, had indicated he would agree to insertion of language that as a condition of approval on his project he would be required to pay for his share of BMPs.

Agency Counsel Rachelle Nicolle explained that if the commitment to complete the improvements was inserted in the CIP list the Board could make the required finding. If the Board felt adequate commitment was not set forth, the Board could adopt the proposed Code amendment but condition it such that it would not take effect until a future time or a bond for improvements was posted.

Mr. Sevison suggested that, if it appeared this would address the concern, he would volunteer to try to get a letter from the County stipulating that any development would be required to do its share of improvements.

MOTION by Ms. Neft to make a finding of no significant effect and Chapter 6 findings for approval of the designation of Special Area #5 (National Avenue) of the Tahoe Vista CP as a preferred industrial area. The motion carried with Mr. Sevison abstaining. (Members voting in favor: Westergard, Cole, Galloway, Neft, Plank, Waldie, Cronk, Miner, Bresnick, Montgomery)

Mr. Gordon Barrett, Chief of Long Range Planning, explained that this was the first time the Code provisions for preferred industrial area incentives had been implemented. If the Board favored the policy as discussed, he asked that before any projects were approved in reliance on the 2:1 bonus the proponent put up a fair share commitment to the estimated cost of improvements (\$50,000 in this case) or the County provide a commitment beyond a listing on the CIP list. This could be accomplished through a special policy insertion in the Plan Area Statement. It was important to have this clearly set forth so there would be no confusion in the future on how to apply pertinent sections of the Code or the Plan Area Statement. He asked for a brief delay to draft some clarifying language for the Plan Area Statement.

Vice Chairman Sevison directed that this matter be tabled for ten minutes.

Mr. Dave McClure, one of the affected property owners, explained that he currently had a project in the review process in the same industrial area. The environmental improvements for the upper National Avenue area targeted for \$50,000 was located between his additional parcels in the industrial area and the concrete company. What he wanted to do was develop that portion as well. He was willing to pay for environmental improvements for upper National if he could develop in a lower area that he owned. Because the Tahoe Vista CP was currently over-subscribed for commercial allocation, he intended to apply to TRPA for additional commercial square footage allocation by having his project designated a special project status and by completing environmental improvements south of the property.

Dr. Miner commented that the Board was now discussing two methods for obtaining additional commercial square footage: 1) the special project designation and completion of additional environmental mitigation and 2) the 2:1 bonus in the preferred industrial area and a commitment for completion of areawide BMPs.