

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on December 8, 1999, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

November 29, 1999



Jerry Wells
Deputy Executive Director

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

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

December 8, 1999
9:30 a.m.

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

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

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

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS
 - A. Adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements
 - 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, El Dorado and Placer Counties
- VI. PLANNING MATTERS
 - A. Movement of the Individual Parcel Evaluation System (IPES) Line
 - B. 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
- VII. ADMINISTRATIVE MATTERS
 - A. The Role of the Advisory Planning Commission

- B. Election of Chairman and Vice Chairman for 2000 and 2001
- C. Report on Process for Selection of New Executive Director
- D. Streamlining Update – 11:30 a.m.

VIII. REPORTS

- A. Executive Director
- B. Legal Counsel
- C. APC Members

IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau
955 Fairway Boulevard
Incline Village, Nevada

July 14, 1999

REGULAR MEETING MINUTES

Chairperson Bob Jepsen called the regular July 14, 1999, meeting of the Advisory Planning Commission ("APC") to order at 9:40 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Kehne (arrived at 9:44 a.m.), Mr. Lohman, Mr. Doughty (arrived at 9:55 a.m.), Ms. Baldrice, Mr. Westerdahl, Mr. McDowell, Mr. Porta, Mr. Lane, Mr. Poppoff, Mr. Lawrence, Mr. Morgan, Mr. Harper, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Cole, Ms. Kemper, Mr. Joiner, Mr. Haen, Mr. Combs

II. APPROVAL OF THE AGENDA

MOTION by Ms. Baldrice, with a second by Mr. Marchio, to approve the agenda as presented. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

MOTION by Mr. Morgan, with a second by Ms. Baldrice, to approve the June 9, 1999, APC minutes as presented. The motion carried with Mr. Harper abstaining.

V. PUBLIC HEARINGS

- A. Amendment of Chapter 91, Air Quality Control, by Deleting Subsection 91.8 and Removing the Winter Time Motor Vehicle Fuel Oxygenate Requirement

Associate Planner Jim Allison presented the staff summary amending Chapter 91, Air Quality Control, by deleting Subsection 91.8 and Removing the Wintertime Motor Oxygenated Fuel Requirement.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Poppoff, with a second by Ms. Baldrice, to recommend approval to the Governing Board to amend Chapter 91, Air Quality Control, by deleting Subsection 91.8 and

APC REGULAR MEETING MINUTES JULY 14, 1999

removing the Wintertime Motor Oxygenated Fuel Requirement. The motion carried unanimously.

B. Amendment of Chapter 4, Project Review and Exempt Activities to Amend An MOU between TRPA and the California Tahoe Conservancy

Chief of Project Review Rick Angelocci presented the staff summary amending Chapter 4, Project Review and Exempt Activities to Amend an MOU between TRPA and the California Tahoe Conservancy.

Mr. Morgan voiced his concern that 24 hours was not enough notice for the closing or obliteration and restoration of roads or trails and conversion of roads.

Ms. Baldrice commented that there are some historical roads and trails that she would not want to see obliterated without some sort of provisions to identify and treat them in some fashion. She believed that 24 hours was a short period of time in which to notify TRPA.

Mr. Bruce Eisner, with the California Tahoe Conservancy, stated that the item that has been added to the MOU is an item that the California Tahoe Conservancy has been undertaking for the last dozen years, consistent with an exempt activity. For the most part, what they have been doing is closing a 100 foot section of road through an urban lot that goes to the back of somebody's backyard to the back of their property. This is typically the kind of thing they are closing. In areas where there are larger ownerships, they have been cooperating with those owners in terms of a road network so any restoration work that they are doing is part of a consultation period. Normally, we will post a sign if it is a public trail that people are using all the time.

Ms. Baldrice questioned how the Conservancy identifies whether or not they are historic trails or parts of historical railroad grades. Mr. Eisner replied that they work with the California Department of Forestry and Fire Protection who are trained in archeological procedures, and we will use them to help evaluate them. We have access to records that might show these sorts of things. When we are dealing with subdivisions that are 30 years old and clearly the use is not going out into the general forest and is not part of some broader network, the Conservancy's assumption has been that we are dealing with something that is not historical.

Ms. Baldrice stated that Forest Service has undertaken a study of the road system of Lake Tahoe, and she hoped that the Conservancy was looking at that particular work and talking to the Forest Service Archeologist here as well, just to see if there is the potential for the impact of any historical resources.

A discussion ensued.

Mr. Harper stated that he would be more comfortable with adding 24 hours prior notice before closing or obliteration and restoration of roads or trails and conversion of roads to trails, except for weekends or either weekend work is prohibited or there is a 72-hour notification that will occur over a weekend. He understands the trust level, but the problem is that it could vary amongst different types of people. Someone will look at this language and say "you made this decision because of a trust level you have with certain people at a certain time. Don't I have this trust level with you because I am with such-and-such county or such-and-such city." He believed that this was a little risky.

APC REGULAR MEETING MINUTES JULY 14, 1999

Mr. Doughty questioned what constitutes notification, and Deputy Director Jerry Wells replied that something in writing sent to TRPA by fax would constitute notification.

Chairperson Jepsen opened the meeting up to a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Harper, with a second by Mr. Morgan, to recommend approval to the Governing Board with the change to C.2. that includes language requiring a 72-hour notice for any work that is contemplated over the weekend.

Mr. Angelocci questioned Mr. Harper if he agreed with adding in parentheses the words "72 hours for weekend work", and Mr. Harper agreed.

The motion carried unanimously.

C. Amendment of the Boundary Between the Incline Commercial Community Plan And Plan Area Statement 047, Incline Village Residential, in the Area of Cottonwood Court

Associate Planner John Hitchcock presented the staff summary amending the boundary between the Incline Commercial Community Plan and PAS 046, Incline Village Residential in the area of Cottonwood Court.

Mr. Harper stated that the current boundary would have to be amended at the County level and that requires a Comprehensive Plan Amendment, which is between a three and sixth month process. He commented that whatever action the APC takes would not necessarily drive the position of the County. There is recognition for the need of affordable housing also. The planning action we are contemplating here ought to be based on a good planning principle and a need not based on a property owner's desire. His understanding of the reason this is being proposed is because the applicant does not want to be in a position of having to provide affordable housing if they decide at some future time to convert.

Mr. Hitchcock stated that he did inform the applicant that he would also have to go through the County for approval.

A discussion ensued.

Mr. Morgan suggested that TRPA and Washoe County have a meeting to resolve these issues.

Mr. Harper stated that decision on this project would not be at staff level. This requires an amendment to their Comprehensive Plan, which defines certain uses within a specific zoning category that the County has. He recommended that the applicant be required to file the appropriate Comprehensive Plan Amendment with Washoe County, direct the County and TRPA to work together to schedule the appropriate hearings so that they fall within the same timeframe, and we come forward with a joint recommendation. He stated that nothing changes; the only thing that occurs that concerns the applicant is the fact that if they want to convert this to a condominium, they would have to indicate that one of them would be at an affordable market rate. He didn't know if the County would agree that that is the appropriate place or not. They are not prepared to make a decision without doing a more comprehensive evaluation at this point in time.

APC REGULAR MEETING MINUTES JULY 14, 1999

Mr. Lane stated that there should be a dialogue between the County and TRPA. He has experienced that sometimes if you go to the County first, their requirements for an application are so cumbersome in terms of what you have to provide, and turns out to be very costly. Then in turn, you still don't know what TRPA is going to require. He didn't believe that we should approve something without the two jurisdictions talking to the Agency to see if it can be approved.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Hal Sorenson believed that TRPA should make their decision, subject to approval by the County. His experience has been that you have to go to the TRPA, the Fire Department, the architect; all before you go to the County.

Mr. Harper responded that this is not an application for a project; it is a policy issue to deal with what type of land uses is appropriate on the property. This application would be sufficient as documentation, plus a response to the County's application, for the Comprehensive Plan Amendment. He stated that the real issue here is TRPA's Plan Area Requirement that a percentage of the units would have to be devoted to affordable housing, which the County has adopted.

Mr. Sorenson questioned if the APC could make a decision, subject to the County's action on it. Chairperson Jepsen stated that is a possibility.

Mr. Peter Damco, owner of Cottonwood Court Properties and the primary applicant of the project, apologized for Mr. Gilanfar's inability to attend the meeting. He had a conflicting appointment today. Mr. Damco spoke with Mr. Gilanfar about this issue, and Mr. Gilanfar has been in touch with the County. After speaking with Ms. Sharon Kvas of the County, it was his understanding that the process needed to be approved by TRPA first before being presented to the County. That is the reason this item was brought before the APC meeting today. Mr. Damco commented that if there were a problem with the procedural aspect of this, then he would go back and start over again.

Mr. Harper responded that he is Ms. Kvas' supervisor, and Ms. Kvas did visit with him last week, which was the first notification that this was moving forward. Mr. Harper commented that Mr. Gilanfar was advised at that point in time that the County's preference was that he would make an application to the County first before proceeding with this. The letter of notification that Mr. Gilanfar gave to Mr. Damco indicating that the County was suggesting that this item go through the TRPA process was incorrect.

Mr. Damco stated that there is a small circular driveway on Cottonwood Court, and in that vicinity all of the other units have been converted from multi-family rentals into condominiums at this point; his is the only unit that hasn't. For the benefit of that portion of the community -- and I have lived as a tenant in that unit for many years -- my mother still lives there, and I know that the units that were converted were fixed up and made to be a higher standard of quality units in that area for purposes of sale. It has also made those people who own their units now in that area more concerned about his unit, and most of those owners were in favor because they like the things that have happened in the area. Those units are not inexpensive and there are a lot of working class people that live in that area. On the other hand, when I went to purchase my first home, it seems to be that the glut in Incline Village is really for the first-time home buyer finding an affordable place to live. The only real market is condominiums because no one is building affordable units for first-time homebuyers.

APC REGULAR MEETING MINUTES JULY 14, 1999

Mr. Harper explained to Mr. Damco that he could file a condominium map tomorrow. He stated that there was nothing in the current TRPA or County Code preventing him from turning these from rentals into individual sale units. Mr. Damco replied that he understood he could but believed that there would be some type of restrictions. Mr. Harper said that one of them would have to be offered at an affordable market rate. Mr. Harper did not know if the offer at an affordable market rate occurred after a unit becomes vacant, even if you first convert the project into a condominium, or would you have to go in and offer an affordable market to one of the current tenants now. He suggested that Mr. Damco explore this issue and make an appointment with the County to sit down and discuss the options available to him.

Mr. Damco stated that he believed that maybe we are going beyond the application and the purpose because the other aspect of this is that area he is in and the other homeowners that own their separate condominiums are in a commercial area that appears to make very little sense in that area. It is intensely residential and there isn't any potential at all that anybody would accept in that area for some time of commercial activity going on amongst their kids, their dog, and their yards, and everything else.

Mr. Doughty questioned that in terms of the affordability and the first-time home buyer, had Mr. Damco's agent looked into what exactly the affordability issue would do in terms of the requirements and what that would result in, particularly given what the values of property in Incline, what the medium income in the area is, and all those aspects of. Mr. Doughty commented that the frustration he was having sitting here is that this is the second time we have backed ourselves out of a project in which we could have gotten affordable housing. He voted not and the APC voted no on a Borelli project, and he believed that was a good decision. It was overridden ultimately by the Governing Board. We are now being asked again to override the requirements for affordable housing to look at this issue. He commented that we are either going to get out of affordable housing and not state anything about it and take it out of our Code of Ordinances or we are going to do something about it. He believed he was stuck in the middle of this issue. He suggested that the Agency either be in the affordable housing or they should get out of it entirely, and we need to have a discussion about this issue. He asked if Mr. Damco had looked at the issue of what affordable means and what that would mean in terms of the actual price of the unit and what he could sell the unit as. Mr. Doughty was of the opinion that before the APC takes any action, they should address this and start looking at this issue.

Mr. Damco replied that he had not specifically looked at this issue, and his understanding was that affordable housing would limit significantly his ability to sell it in the future.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Harper commented that the County has a big problem in providing affordable housing and identifying where that ought to be located, which also has financial impacts to the applicant. He stated that any decisions made on this item that has an affect on any other property owner in a similar situation, saying "Wait a minute, if you are going to do it for this person, why don't you do it for us also." We need to look at this issue regarding affordable housing. The timing is fortuitous for the fact that the County is completing their housing element, which is required under State law, and therefore making a decision on this issue prior to that does seem to be wrong. He recommended that the item be continued until such time that the property owners involved and any other property owners that may need to be contacted and made an application for a Comprehensive Plan Amendment, that staff be directed to put together a joint response so that both decision making bodies have an opportunity to see a joint review.

APC REGULAR MEETING MINUTES JULY 14, 1999

MOTION by Mr. Harper, with a second by Mr. Morgan, that the item be tabled until such time as this can be scheduled at the same time that a Comprehensive Plan Amendment is being processed by Washoe County.

Mr. Doughty questioned Mr. Wells if we had the authority to continue the item or is there a mandate that the item be forwarded if it is an application. Mr. Wells commented that if the Agency is not comfortable moving an item forward, we have the authority to continue the item. Mr. Wells agreed with the APC on their decision, and believed that the Agency would need 30 days to resolve the issues.

Mr. Harper suggested a meeting be set up between Mr. Gilanfarr and the County to discuss solutions to the unresolved issues.

The motion carried unanimously.

(Break taken at 11:00 a.m.)

(Reconvened at 11:12 a.m.)

D. Public Scoping for 64-Acre Tract Intermodal Transit Center EIR/EIS

Associate Planner Jim Allison presented the scope of impacts for an Environmental Impact Statement (EIS) for proposed 64-Acre Tract Intermodal Transit Center, APN 94-180-65.

Mr. Jim Jordan, consultant for the project from the firm of Ballofett & Associates, presented an overall view of the 64-Acre Tract Intermodal Center EIR/EIS.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Will Gardner, the Transit Manager with Placer County Public Works, explained the County's role in the project and the traffic control problem. He stated that the proposal that is moving forward now that is most prevalent is a man traffic control operation instead of a signal. The County has talked to CalTrans and so far they have not supported putting a signal at the intersection.

Ms. Jennifer Merchant, with the Truckee-North Tahoe Transportation Management Association, wanted to point out the parking on behalf of the business owners in the area. She stated that the key point here is remembering that this is an intermodal transit facility; we are not just talking about people arriving to Tahoe City on a bus and walking or leaving Tahoe City on a bus. This is a recreation and tourism area where people might be arriving in Tahoe City in a car and getting out at this point and getting on rollerblades because we are at the intersection of a 400,000 person-user per year bike trail, and maybe they are getting on rollerblades or getting on their bike or walking into town, or possibly rafting. Ms. Merchant stated there are certainly opportunities beyond just TART buses and safety issues, and we are looking at expanding a ski shuttle system, and putting all of the local ski areas in one ski shuttle system, which would be a key point for people driving to this location. They can get on a shuttle that goes to Squaw Valley or North Star. In addition, we are looking at an airport shuttle service. Ms. Merchant commented that the 130 spaces stated in the EA include replacement of about 50 or so spaces

APC REGULAR MEETING MINUTES JULY 14, 1999

that would be taken away because of TRPA guidelines. This would be a loss of parking in an area where we need more parking in an effort to get people out of their cars.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

VI. REPORTS

A. Legal Counsel

Agency Counsel John Marshall commented that TRPA would be filing in the Ninth Circuit their opening briefs in the TSPC appeal this week. Earlier this month, TRPA made the final payments in the Suitum case. Mr. Marshall stated that the results of that case are yet to be determined at this point. The Legal Division is in the process of hiring a second attorney. He stated that he may have one hired by the next APC meeting or thereafter.

B. Executive Director

Deputy Director Jerry Wells stated that Shorezone EIS has been in circulation and the comment period has ended. On the 22nd of July at 2:00 p.m., at the Kings Beach facility, a workshop will be held on the EIS and encouraged many of the APC members to attend. Then from 7:00 – 9:00, Dr. Oris, who has been working on the PAH issue relative to motorized watercraft emissions, will be speaking. In addition, Executive Director Jim Baetge has been on vacation and is due back on Monday, July 19, 1999.

A. APC Members

Mr. Lane stated that it is difficult for anybody to understand the rules and mission of the TRPA. He believed that there should be some sort of summary when an EIR or EIS is presented to the APC that is easier and shorter to understand; such as a 15 or 20 page summary with categories along the lines of TRPA's environmental checklist would be valuable to the APC and the general public.

Mr. McDowell stated that on Monday afternoon, Mr. Juan Palma, the Forest Supervisor in Lake Tahoe, announced that he had taken another job. He has been in the Basin for about 27 months and has been a real mover and shaker and leader in the Lake Tahoe community. The Forest Service will miss him a lot. He stated that he was happy for him but sad for the Forest Service. Mr. Palma would be in for another five or six weeks before he goes to Eastern Oregon with the Bureau of Land Management as a lateral position as far as pay scale goes.

Mr. Porta stated that long-time APC member, Wendell McCurry's cancer has returned and he is going through treatment. His goal is to try to return to work.

Mr. Doughty has a concern over the role of the APC and he believes that it has become a little unclear. He stated that something that concerned him occurred a couple of months at the Governing Board meeting in which the Governing Board members had a discussion on the urban boundary and an amendment. The APC was not brought into that discussion and had not been party to that, and that is a basic element of the Advisory Planning Commission. In general, Mr. Doughty has questioned over the last couple of years the role of the APC and why they are even here. It seems to him that the Governing Board does generally what they wish to do, regardless of what the APC recommends. The APC is simply a dress rehearsal for staff for the Governing Board meeting. He questions why the APC is even here and whether they are

APC REGULAR MEETING MINUTES-JULY 14, 1999

really being given any credence to what they do. He would like agendaized for the September APC meeting a general discussion as to what the APC' role is, what the APC needs to redefine what their role is, and whether the APC needs to take that forward to the Governing Board and ask for their assistance. He was of the opinion that what the APC does doesn't make much difference because the Governing Board is going to do what they want to do anyway.

Chairperson Jepsen, along with Mr. Marchio concurred with this issue. Another item Mr. Marchio would like to discuss is the difference between what is a local issue and what is a regional issue.

Mr. Morgan brought up the 4th of July fireworks issue; he would like to know how many pounds and/or tons of nitrogen and phosphorous and other metals are being dumped into the Lake from those fireworks. He believed that TRPA should address this question.

Mr. Lohman stated that the County is trying to figure how to pay for the person that would need to be hired to do those duties with regards to the MOU expansion. At this point, the County has not forwarded the MOU to the County Board of Supervisors.

Mr. Poppoff supports Mr. Doughty's suggestions. The APC has had this quandary for years, and it has never been satisfactorily resolved, and he would like to see it resolved. In addition, he supported Mr. Morgan's suggestion about looking into the amount of nitrogen and phosphorus polluting the Lake.

Mr. Harper commented that when he was the APC Chairperson from '81-84, the same issue was raised about the APC roles. At the time, he stated that the APC was very successful in formulating an understanding of what their role was and then having the Chairperson go and talk to the Chairperson of the Governing Board with the staff and lay out what was desired. For a time, the APC had a good sense and things were being referred to the APC normally had not been, although there were some Compact issues that one had to be aware of that prevented the APC from operating along the lines of what traditional planning commissions do. Mr. Harper stated that what was being conveyed to the Governing Board was not done very well or was not accepted by the Governing Board as important. He encouraged the APC to discuss this issue and use their Chair as the focal point and work with Agency staff. He also encouraged the APC to discuss the issue of local vs. regional issues.

Mr. Jim Jordan, taking off his consultant hat and putting on another, commented that when he was on the APC years ago, they were very vital to the staff. It was a dress rehearsal for everything that staff brought forward to the Governing Board. Mr. Jordan stated that many times things did not go to the Governing Board because they were sent back for further work by the APC. And because the TRPA staff had two hats, they were able to convey exactly what the APC had done. He believes that the APC is a very valuable organization and they should not get down on themselves but they should exert themselves because their role to staff can be very valuable, as well as their role to the Agency.

APC REGULAR MEETING MINUTES JULY 14, 1999

VIII. ADJOURNMENT - The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Sue Mikanovich

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

October 13, 1999

MEETING MINUTES

Vice-Chairperson Gary Marchio called the regular October 13, 1999, meeting of the Advisory Planning Commission ("APC") to order at 9:35 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Ms. Moss (arrived at 9:42 a.m.), Mr. Cole (arrived at 9:43 a.m.), Ms. Baldrice, Mr. McDowell, Mr. Porta, Mr. Lane, Mr. Poppoff, Mr. McIntyre, Mr. Morgan, Mr. Tolhurst (arrived at 9:37 a.m.), Ms. Kvas, Mr. Marchio

Members Absent: Mr. Kehne, Mr. Westerdahl, Ms. Kemper, Mr. Joiner, Mr. Combs, Mr. Jepsen

II. APPROVAL OF THE AGENDA

Deputy Director Jerry Wells stated that there were no changes to the agenda.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

MOTION by Mr. Poppoff, with a second by Ms. Baldrice, to approve the September 8, 1999, APC minutes as presented. The motion carried with Mr. Morgan abstaining.

V. PUBLIC HEARINGS

- A. Amendment of Plan Area Statement 171, Tavern Heights, to Allow Government Offices (Restricted to Regional Post Office Only) as a Special Use In Special Area #1

Associate Transportation Planner Jim Allison presented the staff summary proposing to amend Plan Area Statement 171, Tavern Heights, to designate Special Area #1 as an area eligible for Government Offices (restricted to regional post office only) use.

A discussion ensued.

Mr. McIntyre questioned that when and if a project comes forward, they would be required to do a traffic analysis, and Mr. Allison replied yes.

In addition, Mr. McIntyre asked if this proposal would advance home delivery, and Mr. Allison stated yes, and to his knowledge this project would not move forward if there were not carrier service with this facility. Also, Mr. McIntyre inquired if the Postal Service has committed to home delivery in this area, and Mr. Allison replied that they would commit to home delivery in

APC REGULAR MEETING MINUTES OCTOBER 13, 1999

this area because of what is required if they were to build a project. He stated that the Postal Service is interested in implementing that service.

Mr. Allison commented that in Special Policy No. 3, this project is tied to the Postal Service Master Plan, and we did put some language there at the end of Special Policy No. 3 stating that if the Plan isn't adopted, that whatever we do decide upon based on the data, that it would be binding to the Master Plan.

Mr. Poppoff did not understand the urgency of doing this amendment now before the Master Plan is complete. Mr. Allison believed that the urgency is that the Postal Service understands that they need to implement carrier service and without having this zoning change, it doesn't present to them an opportunity to do that, and they have been searching for about a year or two for appropriate sites to implement this postal office plan. Mr. Allison stated that TRPA felt that it was a consistent project with the advancement of the Postal Service plan.

Mr. Poppoff stated that we have not seen the plan, and felt it was putting the cart before the horse. Mr. Allison replied that in TRPA's review of what information has come forward, staff does not feel that it is inconsistent to move forward with this plan area statement amendment. We may, based on the information that we have already pulled off on approving the project, if we learn information from the data that has been gathered that we should discuss or delay some implementation of the project because of disputes over the number of postal boxes or something of that nature. The idea of providing carrier service is one that is already consistent with what the Postal Service and we wants to do in the Tahoe City area. It is at a site that is close to the service area the Postal Service wishes to serve, and Mr. Allison did not believe that it jeopardizes any commitments that TRPA would be making.

Mr. Poppoff commented that in another part of the agenda, we will be discussing the problem of not being enough multi-residential areas available in the basin, and yet we are proposing to use most of an area that is already zoned for multi-residential to use for the Postal Service. He questioned how that priority play out. Mr. Allison replied that he had not heard of the different needs that are in Placer County vs. where we are going to be talking about later today. He discussed this plan area amendment with Mr. Bill Combs of Placer County and there was no indication from them that this would be inconsistent with any affordable housing or multi-family plans that they have for the area. Mr. Allison had not heard that moving forward with this action would be inconsistent with that. He believed that the discussion was more along the lines of the Kings Beach area and not so much the Tahoe City area.

Ms. Kvas stated that it had been her experience that it is difficult to keep one's mail delivery box in working order; it is easier to go to the post office. She stated that every year she has to replace her mailbox and get out in the middle of a storm and dig it out. She asked if this proposal would make it easier for people to have boxes rather than push them into the direction of putting in the effort for home delivery. Mr. Allison stated that this has been a concern of the Postal Service because snow removal or snow falling on them damages the mailboxes. The group is working on that and is aware of that problem. The issue of delivering to businesses is a very high priority and has been identified by business owners in the Tahoe City area, so that presents less of a problem than implementing home mail delivery with that concern of the mail boxes getting destroyed. At this point, it is on a voluntary basis for homeowners to have home mail delivery.

Mr. Marchio questioned the hours of operation, and Mr. Allison stated that it was not project specific to that. He believed that it would be consistent with other postal service operations

APC REGULAR MEETING MINUTES OCTOBER 13, 1999

where the post office boxes would be available on a 24-hour basis, but the post office itself would run from 8:30 – 4:00.

Vice-Chairperson Marchio opened the meeting up for a public hearing.

Ms. Sue Rae Ireland, Project Consultant for the United States Postal Service and also for the Master Plan, gave a brief history of how the project proponents had gotten to the point they are at today in the last 15 years in Tahoe City. In addition, Ms. Ireland commented that since she is having a baby in November, Mr. Gordan Shaw of Leigh, Scott & Cleary, would be taking over her duties.

A discussion ensued.

Since no one else wished to comment, Vice-Chairperson Marchio closed the public hearing.

MOTION by Mr. Cole, with a second by Mr. Porta, to recommend approval to the Governing Board to amend Plan Area Statement 171, Tavern Heights, to designate Special Area #1 as an area eligible for Government Offices (restricted to regional post office only) use. The motion carried unanimously.

- B. Adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 2, Definitions, and Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements.

Associate Planner/Water Quality Program Manager Jon Paul Kiel presented the adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements. In addition, Mr. Kiel presented a slide show.

Mr. Tolhurst stated that one of his concerns over this project was in order to get a permit, one would have to go to at least six different agencies who seem to have jurisdiction over groundwater protection already. Mr. Tolhurst questioned if we were adding another permitting process or are we eliminating a few by TRPA taking the lead on this issue. Mr. Kiel replied that this Ordinance would notify property owners that a project is proposed near a well that is operated by the South Tahoe Public Utility District ("STPUD") and so STPUD would be notified that this project would be proposed and this would give them an opportunity to review the project and if they have any concerns, they would come to the table and speak with the Agencies and project planners to make sure their concerns are addressed.

Mr. Poppoff stated that with regards to lake intakes, he did not think Mr. Kiel specified how that source would be protected. Mr. Kiel stated that in Table A there were a number of uses related to the shorezone. In addition, the initial map in laying out protection zones is primarily looking at land uses and a handful of uses that occur in the shorezone. In putting together the assessment information, Mr. Kiel stated that one of the exercises that TRPA went through was to identify the multitude of types of locational data that we received. In some cases TRPA received a dot on a Triple A map and in other cases TRPA received just a parcel number, and with respect to lake intakes, TRPA received intake length depth and bearing. But not in all cases. So at this point in time it is difficult to be very detailed with respect to how one would delineate a protection zone; particularly out in the lake and shorezone.

APC REGULAR MEETING MINUTES OCTOBER 13, 1999

Mr. Kiel continued that since the Agency has recently adopted ordinances, which have gone a long ways towards protecting drinking water sources; i.e., the motorized watercraft ordinances; TRPA is not necessarily proposing to delineate a buffer zone out in the water.

(Mr. Morgan left at 11:00 a.m.)

A discussion ensued.

Vice-Chairperson Marchio opened the meeting up for a public hearing.

Mr. Brian Marsh, a business owner, questioned if this amendment would be a duplication of what is already being required of us by Lahontan Regional Water Quality Board and the State Water Resources Control Board. He questioned if it was going to create another set of competing rules that we have between all these different agencies that one agency wants you to do one thing one way and another agency wants you to accomplish the same thing but under a different set of rules and then you are stuck between competing agencies. He questioned if TRPA's BMP program was going to be substantially different than what the State Water Resources Control Board and Lahontan Water Quality requires. In terms of spill plans, Mr. Marsh stated those people who have industrial activities in the area are already required by the different departments and environmental health to have hazardous material plans and other plans in place. So is this going to be a creating of another plan, which has a slightly different twist to it?

Mr. Marsh stated that the big issue comes to reporting all this information. At this point in time, he has to report similar information to Lahontan Water Quality Board, as well as the State Water Resources Control Board. They all want their information on different timelines. He was of the opinion that it was a duplication and waste of business owner's time and money. He questioned why TRPA would want to step into this arena when there is someone else doing the work. If this is the ultimate goal to bring a single water quality agency for a given area into the process that will make the process better, then Mr. Marsh felt it was a good idea. But to create another set of rules that has the potential to grow and become competing in interest with what currently exists from the state and the local level, then it should be a big concern of the Committee.

Mr. Kiel stated that the BMP program exists, and this ordinance really does not substantially alter or change how the BMP retrofit plan of the program would be implemented at all. With respect to the submittal of a duplicate spill control plan, the Source Water Group discussed that at great length and the way the elements of the spill control plan were laid out, we are purposely duplicating what the environmental health departments require so that that property owner can simply take a copy of the document that they have prepared for the health department and give it to TRPA. TRPA does not think this is too much of a problem with respect to duplication of effort.

Mr. Kiel commented that in terms of Lahontan's requirements, he did not see any reporting requirements with respect to this ordinance or the BMP retrofit program, which requires additional work. TPRA purposely crafted this ordinance so that if there was duplication, it would be to the point that it would be a matter of simply providing the same information rather than having to produce a second set of information.

Mr. John Hassenplug, General Manager of the North Tahoe Public Utility District, commented that as a member of the committee and as a water purveyor here, he would make one comment for all the water purveyors here at Lake Tahoe; one of the key elements in meeting the safe

APC REGULAR MEETING MINUTES OCTOBER 13, 1999

drinking water act or any of the requirements we have, there are constant references to how will the water quality be, be it groundwater or be it surface water, in the future because this is what both the federal and state people look at. Anything that will continue to protect these sources will enable us to more efficiently and effectively meet those safe drinking water requirements. As we proposed different treatment processes, we are asked to say if this process works today, will it work tomorrow? If we know if the sources are protected, we can unequivocally say yes, this will work today, and it will work tomorrow. This becomes important to the purveyors in their planning and their implementation of the safe drinking water act.

Mr. Poppoff asked Mr. Hassenplug how the ordinance would protect source water better than is already being done by Lahontan and Nevada. Mr. Hassenplug replied that he could not tell him that. He stated that he believed that Mr. Kiel could answer that question. He believed that the best answer to the question is we will, in making our application to the Department of Health Services, be required to provide them with what are the protective measures being taken. He could not say that the ordinance would provide more protection than the current Department of Health Services and Lahontan regulations. He agreed with Mr. Marsh that if it becomes a burden for the provider to provide an inordinate amount of additional information, that probably is not cost effective, but that doesn't sound like that would be the case.

Mr. Tolhurst questioned if there was a way to deal with the MTBE problem. Mr. Hassenplug stated that he believed the steps that had been taken in California to say we are not going to use this as an oxygenation agent in our fuels is probably the best approach.

Since no one else wished to comment, Co-chairperson Marchio closed the public hearing.

Mr. McDowell questioned if this Code was redundant. Mr. Kiel responded that he did not believe that it was redundant because the requirements of the Safe Drinking Water Act with respect to protection measures are totally voluntary. The purpose of the new Safe Drinking Water Acts, which requires the states to prepare these assessments and put together protection plans, are to inform the public. That is the purpose of the assessments. Beyond that, EPA does not require the states to do anything else other than to suggest that protection programs be developed at a grass roots level from the community on up. This is all voluntary.

Mr. Poppoff questioned how this Code would add or enhance the protection of drinking water. Mr. Kiel stated that this proposed ordinance comes at the protection of source water from the project end rather than from the well end or intake end. It comes at it from a different approach that otherwise wouldn't take place. Mr. Kiel stated that there are many projects that come across TRPA's desk that are not seen at all by Lahontan or the California Department of Health Services. This ordinance would at least get the local Health Department involved minimally in terms of being notified that a specific project type is being proposed.

Mr. Lohman stated that he got the impression that this ordinance was redundant and the ordinance was just stating that it would make things better but we don't know how. Mr. Kiel stated that TRPA has struggled in terms of finding a specific BMP that would be applicable to a particular problem area. However, he still believed that there are simple measures that can be taken within a project proposal which will make the project have less impact or less potential for impact on source water. But if there is never an opportunity for the purveyors to become involved or the Health Department to even suggest some of those simple measures such as how a project might actually be located within a parcel; how it might be located with respect to the topography of the parcel; without that opportunity, those simple questions won't even be asked. One might find themselves in a situation where a well could become contaminated. Mr.

APC REGULAR MEETING MINUTES OCTOBER 13, 1999

Kiel continued that these larger wells that are contaminated could cost the public dearly in terms of trying to find an alternative source of drinking water if that existing well groundwater cannot be remedied.

Agency Counsel John Marshall stated that an example would be a project such as an automobile repair, and the question is "what permitting scheme applies to that new business located within 600 feet of a well". It is not necessarily looking at the well itself, but the new land use activity that is taking place. If it is under an acre, it doesn't require a Lahontan permit. It might require a DHS permit. This ordinance looks at how the project is actually designed and whether it would be a source water. If the designers look at the project and determine it is better to do this or that, then there may be some improvements made to avoid contamination in the future. Also, if there is a project that doesn't require other permitting from those other agencies, this ordinance fills the gap that no other permitting agency looks at.

Mr. Marchio stated that in terms of streamlining, TRPA might look at making it simpler on the applicant to avoid duplication and make streamlining that process. Mr. Wells replied that TRPA has an MOU with Lahontan that gets at that point and maybe this is one area where when we adopt this ordinance, we try to separate out those duties so that we are not overlapping where we might be.

Mr. Poppoff replied that if someone were putting up a new auto repair show, TRPA's requirements would be BMP's as we now enforce them; nothing new or different. This ordinance would not require anything special or different than what is required now. Mr. Marshall stated that he saw two differences; one procedural and one substantive. Procedurally, they have to contact a purveyor to make sure that the purveyor is involved in the process so if there is any special input the purveyor would like to give TRPA, we will consider that. Second, substantively, there may be BMPs that are, in fact, different than our normal BMPs that are directed towards protecting source water. But we haven't heard exactly what those are because there are no generic ones that are going to be spelled out in the ordinance. There may be design changes that are looking just at the source water issue that would not have been brought up but for protection of the source water.

In addition, Mr. Wells stated that right now, TRPA does not look at wells in terms of their location when we review projects. This ordinance would require TRPA to adopt another map that would identify where these wells are and if anything comes up within a 600-foot radius, it raises a red flag saying TRPA should look at this relative to source water.

Mr. Cole did not believe that the proposed ordinance was a duplication of effort. He stated that the duplication comes from the necessity of giving some of the same documentation to another agency. This is an effort to protect groundwater in a way that has never been addressed before.

MOTION by Mr. Porta, with a second by Ms. Kvas, to recommend adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 2, Definitions, and Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements, with the addition of ensuring that the link is there for existing facilities and spill plan requirements versus the proposed new projects.

Mr. Marshall stated that TRPA was not asking for recommendation on the ordinance itself; TRPA is asking if the APC believes that this is a valuable effort to continue will working on the ordinance and further refining it in light of their comments today.

APC REGULAR MEETING MINUTES OCTOBER 13, 1999

MOTION by Mr. Porta, with a second by Ms. Baldrice, recommending that TRPA continue with this process and gather further comments. The motion carried with Mr. McIntyre opposing.

Mr. McIntyre commented that he voted no because he saw this as a problem that is covered in many different areas, and until he believes that we would streamline this to conform with other regulatory agencies that are already in place, it is too big of a redundancy. If we would condition this to absolutely streamlining this to meet all of the other agency's' restrictions, he would not have a problem with the ordinance.

Mr. Lohman believed that this was a step backwards.

Ms. Moss commented that in terms of monitoring, once a business is established and it is approved subject to conditions, are we going to look at monitoring the business a year or two years down the road; checking with the state agencies to make sure they are in compliance and then updating the map if there are any problems with contamination. Mr. Kiel stated that the ordinance states that the maps would be updated.

Ms. Kvas stated that she is confused as to what agency is responsible for what in each state. Mr. Marshall stated that TPRA would present a chart demonstrating if there is redundancy, how the ordinance has been amended to change that, or whether there is no redundancy and who is responsible for what.

A discussion ensued.

Mr. Wells stated that the time certain item regarding the Status Report on Streamlining Activities would be continued until November.

(Break taken at 11:59 a.m.)

(Reconvened at 12:04 p.m.)

VI. PLANNING MATTERS

A. Determination of Lands and Parcels Suitable for Multi-Residential Development in Douglas County

Mr. Peter Eichar, Associate Planner with the Long Range Planning Division, presented the determination of lands and parcels suitable for multi-residential development in Douglas County, along with a slide show explaining the different parcels that either are or are not acceptable for multi-residential development.

(Mr. Lane stepped down from the dais due to a conflict of interest.)

Vice-Chairperson Marchio opened the meeting for a public hearing.

Mr. Patrick Conway, Housing & Economic Development Coordinator for the City of South Lake Tahoe, stated that the City of South Lake Tahoe had been mentioned as a possible alternative to providing fair share housing for Douglas County. This initially came up specifically as it related to the 180-unit apartment complex that was going to be removed. This is something that is not looked at, at this particular time, favorably by our City Council members as an approach.

APC REGULAR MEETING MINUTES OCTOBER 13, 1999

The City of South Lake Tahoe has been very active, and they have their own affordable housing programs and our own fair needs that we are trying to accomplish with our programs. To say that our jurisdiction is a solution to Douglas County is not an acceptable alternative. The whole idea of fair share was that each jurisdiction would participate in the process. When you talk about another jurisdiction providing somebody else's fair share, that completely baffles me as to how that is consistent with the concept of fair share to begin with.

There also is a problem in terms of funding sources. The City of South Lake Tahoe has their own funding sources, and they will maximize those funding sources to provide affordable housing. Also, by saying that Douglas County would somehow participate in assisting the City in providing the affordable housing, there is no way to feasibly take grant funds that are dedicated to say South Lake Tahoe or El Dorado County and move those funds around. For example, if Nevada had an allocation of HUD funds that could be used to develop affordable housing on the Douglas County side, those funds could not be moved over to California to develop the housing in that particular side.

Again, Mr. Conway emphasized that the City is going through and developing as much affordable housing as they can, in conjunction with their own programs. The City has legal requirements both with the Redevelopment Agency, as well as California State Laws that relate to housing element. So to consider this as a viable alternative, Mr. Conway didn't believe that they would get the support from the City of South Lake Tahoe in proceeding with it. He stated that he had read some of the letters that were attached to the staff report, such as the scenic quality and traffic concerns that would be raised. The most recent project that the City has done is the Tahoe Senior Plaza Project, which very much fits in within the community that the City has developed as alpine, rustic, and attractive looking. The argument he hears is "this type of housing just isn't compatible with the mountain community", which just doesn't make sense. As long as these projects are well designed, they fit in. Traffic is identified as a problem by developing multi-family housing. He believed that the traffic issue seems to be greater if the housing is farther away. People would have to commute into the Basin to work at the jobs that are in the casino core. The jobs are not going to go away. If you have the housing located in closer proximity, you will reduce the amount of traffic as opposed to having the housing not even available in that particular location.

One of the things that was mentioned is the first-time home buyer program. That is definitely a possibility. There are single-family homes that are available, and those programs can be governmentally subsidized through various other types of programs. Mr. Conway believed that this would be a possible solution, which may also free up rental units as well within the existing Douglas County market. If someone would qualify as a first-time home buyer and is currently renting a house in one of the 500 or so multi-family housing units and is able to move out, there is an assumption that another person who is also equally in the same income quality would be able to backfill that unit.

In terms of rehabilitation, the one project that is in significant need of rehabilitation is the one that is going to be demolished. Of all the other housing projects put together, there is probably a vacancy rate of three percent in them, which means that all those units have a very high occupancy rate. Usually when one is talking about doing a housing rehabilitation project, one would look for projects that have a vacancy rate of 35 to 20 percent and you are fixing it back up and providing an affordable housing and you are providing that as a solution. But you don't have that sort of vacancy rate in the multi-family stock. Mr. Conway didn't think you could bank on many units being developed through housing rehabilitation.

—
—
—
—

APC REGULAR MEETING MINUTES OCTOBER 13, 1999

The main point Mr. Conway wanted to get across was the idea of considering the City of South Lake Tahoe as a solution just does not seem like it is getting close to the fair share concept as it was originally proposed when these discussions started back in 1996.

Mr. Tolhurst questioned if government grants had been explored, and Mr. Conway did not know as to what extent the County had explored this. He stated that the U.S. Department of Urban Housing Development has programs in Nevada, which would be the source they could tap into to get a lot of the funds. The City of South Lake Tahoe has been successful in getting programs through HUD and getting funding through HUD to implement various programs.

Mr. Michael Rosher, a resident who has lived in Round Hill since 1982, stated that there is a lot of concern by Round Hill residents as far as construction in that area is concerned in terms of large apartment buildings to house numerous people. One of the inferences he wanted to address, which he believed had been quoted in the newspaper as recent as yesterday by the developer, is the sense that the people in Round Hill are concerned solely for the economic situation of affordable housing. In other words, we don't want people in our backyard that cannot afford to live supposedly the same way we live. He believed that was throwing the emphasis of what was going on here away from what is really happening here and having the developer try to come forward and put themselves in a place which is really not what's going on.

Mr. Rosher stated that when he first moved into Round Hill, the residents paid the highest property taxes in the state. The reason for the high property tax rate was some bonds that they were obligated to pay off, which were originally issued when the mall was sold by the Bournes. There was a proposal by the Chapman Hospital in Southern California to build condominiums on the 12-acre site which is next to the six acres that was mentioned earlier behind the Shell Station, and also over at the Gun Club. They were going to be very expensive units. They were not going to be affordable housing units; they were projected at that point in time to be up in the range of \$300,000 per condominium. Eventually, as opposition in the community mounted, that proposal was changed to make 8 single-family residences and those houses would probably would have been priced between \$500,000 and \$600,000. The Board of Directors for the Round Hill Improvement District was unanimously in favor of this project and worked with the developer to try to get it through TRPA. The citizens of Round Hill did not know the extent of the proposed project and how it was going to impact the quality of life they had in Round Hill.

So a number of people, including myself and my wife and a number of people at today's meeting, and unfortunately Hans and Pat Rolf who were killed on the way up to the last APC meeting, went through the neighborhood to have petitions signed to gage from the people how they felt about this expensive project. The vast majority of individuals who saw the site maps and realized the extent of the project were opposed to it. They favored paying off the bonds; they favored keeping the high property taxes the Round Hill residents were paying rather than to allow this development to come through. He believed that was still the sentiment today in Round Hill with the citizens of Round Hill. He believed that was the sentiment he wanted the APC members to understand when they look at the statements as to why they are opposed to affordable housing. We are not opposing affordable housing; we are opposing development; we are opposing the change in the urban boundary, and the reason for that is that we have a quality of life that we chose. We did not end up in Round Hill by inadvertence or mistake. We have chosen to be in that place because we wanted to have the quality of life for our families and for ourselves, which would be the open spaces that they enjoyed.

There is a certain amount of feelings among the people who were involved in Round Hill in opposing these proposed projects. To back up, about two years ago, there was a meeting at