

**TRPA  
APC  
PACKETS**

**FEBRUARY  
2001**

*Council*

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 February 14, 2001, 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.

February 6, 2001



---

Juan Palma  
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and AI 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

February 14, 2001  
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. Amendment of Chapter 4, Project Review and Exempt Activities, Relative to MOU Between TRPA and the City of South Lake Tahoe Public Works Department Page 1
  - B. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Chapter 37 Page 11
  - C. Recommendation on Certification of Incline Park Environmental Impact Statement Page 25
- VI. PLANNING MATTERS
  - A. Presentation on Tahoe Yellow Cress (TYC) Conservation Study Page 27
  - B. Report on 2001 Threshold Review Assumptions Page 29

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

1. CEQA/NEPA/TRPA Environmental Documentation Training

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

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

December 13, 2000

MEETING MINUTES

Chairperson Gary Marchio called the regular December 13, 2000, 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: Mr. Kehne (arrived at 9:50 a.m.), Mr. Lohman, Ms. Moss, Mr. Cole (arrived at 9:40 a.m.), Ms. Baldrice, Mr. Honcoop, Ms. Kemper (arrived at 9:55 a.m.), Mr. Lane, Mr. Poppoff, Mr. McIntyre, Mr. Morgan, Mr. Tolhurst, Ms. Kvas, Mr. Combs, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. McDowell, Mr. Porta, Mr. Horton

II. APPROVAL OF THE AGENDA

Mr. Marchio approved the agenda as presented.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

Ms. Baldrice made the following corrections: On page 1, Ms. Laurie should read "Ms. Kemper"; on page 3, the third paragraph, the word "severally" should be changed to read "severely"; on page 5, under the EIP Update/Overview, the words "could be impacted by EIP projects" should be replaced with the words "were not on the list"; the word "that" should be replaced with the words "posed by" in the next line; on page 6, under Executive Director Reports, the fourth paragraph, the words "to discuss the Glenbrook project" should be included; and, on page 7, under Legal Counsel Reports, the word "decent" should be "descent".

MOTION by Ms. Baldrice, with a second by Mr. Morgan, to approve the November 8, 2000, as amended. The motion carried unanimously.

V. PUBLIC HEARINGS

- A. University of California at Davis, Tahoe Research Group, Scoping of an Environmental Impact Statement for an Expanded Research Facility to Be Located in a Stream Environment Zone.

Chief of Project Review Lyn Barnett presented the staff summary, which was the Notice

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

of Preparation (NOP) and Determination of Scope for University of California Davis Tahoe Environmental Research Center Environmental Impact Statement.

Ms. Baldrice commented that in terms of the scoping, she noticed that the applicant made reference to cultural historic resources and that they have conducted some surveys, but she didn't see anything about consultation with the Washoe Indian Tribe. She stated that given some of the problems we have had with other projects, she believed that this would be critical to the project. Mr. Barnett stated that they were included in the distribution list. Secondly, Ms. Baldrice replied that this is a historic site, eligible for the National Register, and as part of the scoping of the document, she wanted to see some sort of designs for this facility, if the alternative is placing this near the fish hatchery, because this looks to be a very historic area: caretaker's residence; the garage; the fish hatchery. She was curious if it is just the building itself that is eligible for the National State Register's or if this is landscape that needs to be considered as a whole. If that is the case, then this very large structure that may be inappropriate for that particular location. Mr. Barnett replied that he understood that John Steinbeck once worked there, and this is the fish hatchery that overflowed one day and allowed the release of Kokanee Salmon into Lake Tahoe. Ms. Baldrice stated that within the scoping, she would like to see it expanded to consider design elements, and if there is some sort of an alternative which considers rehabilitation of the existing historic fish hatchery, that those rehabilitation's should conform to somebody's standards; be it the Secretary of Interior's standards for habitation or whatever else is available on the California side.

Mr. Lew Feldman, appearing on behalf of U.C. Davis and the proponent of the project, commented that this is not a perfect location for this activity. He is not here proposing to develop a research facility because we think that given all the available sites, the campground site is the best, most high capability site in the Basin; we know that it is not, and we are here in the context that this is a process of elimination. We are also here in a context that the University, in connection with the Plan Area Amendment and in connection with this process and whatever processes unfold, simply wants to comply with the existing rules and they are not asking for any form of special dispensation whatsoever. So the document that is going to be created is going to be an objective document; it is going to examine the impacts of this proposal under the existing rules that would permit this to go forward if the impacts can be mitigated. Having said that, the parcel that is across the street, which is Conservancy owned land, was the subject of over a year of friendly and hard fought debate and discussion. Everything they could do to find a site that seems to be better capable, better suited, has been exhaustively negotiated and discussed and considered and rejected. Any time you look at multi-acre parcels remaining within the Basin to fulfill a need, one will find that there is a very limited supply and the choices are very, very narrow. Disturbed stream zones have been used for other projects on the South Shore, such as the Fantasy Inn, which is a redevelopment project that was constructed on a disturbed stream zone by relocating coverage and resulted in net environmental benefits. This opportunity presents a much greater opportunity for net environmental benefits, but the purpose that we want to accomplish is to make sure that this document is complete and that the comments are incorporated into the document. Mr. Feldman clarified that the Regents are the lead agency under CEQA, and the alternatives discussion is required under CEQA as well, and the agency here is the lead agency under the TRPA EIS review, so it will be a joint document. In addition, Mr. Feldman commented that this project had received a lot of

public comments.

Mr. Dave Roberts, appearing on behalf of the League to Save Lake Tahoe, stated that the League supports and encourages the development of a permanent research facility in Lake Tahoe. It is their belief and hope that such a facility would be able to fortify the critical link between science, sound policy and future development in Lake Tahoe. The next several years are going to be very critical to Lake Tahoe's future, and the success is going to be dependent in part upon future monitoring and research within the Tahoe Basin. Also, linked to the success is the type and appropriateness of development that occurs in the Tahoe Basin. As such, the development of this research facility can, and should, provide a model that sets the standard for future projects. This can only be accomplished by development of thorough and comprehensive alternatives that include the alternate locations suggested by staff for development proposed in SEZ's and other sensitive areas and low capability land areas. The League strongly supports TRPA's staff recommendations as outlined in the staff summary, and encouraged U.C. Davis to pursue and implement these suggestions to the fullest extent possible. In doing so, it is the League's belief that U.C. Davis would better fulfill its responsibility to provide much needed science, practice development techniques that reflect the science, and champion the preservation and restoration of Lake Tahoe.

Mr. Roberts also commented that the League had several specific comments in relation to scoping for this document. The League believed that a modify development alternative should be provided where development occurs on high capability land. The League would like to see a detailed matrix that would illustrate where coverage exists, the type of coverage it is; whether it is hard or soft; whether it is permanent; how much would be used and where; the amount of soft coverage converted to hard coverage and then that reduction in coverage itemized by soft and hard coverage; they would like to see a comparison of SEZ restoration potential for each alternative, including those recommended by TRPA's staff; detailed characterization of existing and proposed coverage; again, whether it be hard, soft, permanent; whether it is actually vegetated at this point or not; the ability of wetlands remaining after project completion to provide remediation of water quality impacts between the project area and the Lake; a detailed explanation of how effectiveness of BMPs would be evaluated and corrected steps that would be taken if BMPs prove to be ineffective; a provision of a comprehensive assessment by alternative of conversion of soft coverage into permanent hard coverage within SEZ's; an evaluation of the effectiveness of proposed BMPs; alternative BMPs that are available, but not selected for this project; a detailed monitoring plan that identifies responsible parties, monitoring schedules, monitoring protocols and the parameters that will be monitored should be included and analyzed in the EIS. The League would also like to see an explanation of who it is that is going to be developing the proposed action alternative; whether it is going to be the consultant, U.C. Davis or what type of joint effort is going to be made to develop that alternative. In addition, the League is concerned about the unnecessarily limiting parameters that have been provided thus far for alternative site searches. It is their belief that could be broadened, and the proponent could find alternative sites more easily and a less restrictive approach to trying to find alternative sites. The League encourages and would be more than willing to help in any way they could to provide assistance in locating additional sites or to present alternative sites to U.C. Davis and TRPA.

Mr. Cole believed that Mr. Robert's suggestions were very valuable and all need to be

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

included and considered.

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

Chief of Project Review Lyn Barnett read Mr. Gary Midkiff's December 9, 2000, letter into the record (a copy is attached).

Mr. Honcoop commented that he was uncomfortable with approving a project in a stream environment zone because of the fact that it may set a precedent.

Mr. Cole agreed with Mr. Honcoop's comment about approving a project in a stream environment zone.

Mr. Poppoff didn't see how one could study the impacts of an alternative site if one had not already been picked out.

Mr. Lohman didn't see this project as precedent setting because he has approved projects in stream environment zones on a single-family residential level. At all different levels, these projects do get approved. If they followed the rules as these individuals do, they should certainly have the same development rights. One thing he hoped would be addressed in the EIR/EIS is how many other research facilities there are around the Lake, and are there any others proposed in the near future.

Ms. Kvas stated that she would like to see the alternatives be included in the EIS that Mr. Barnett suggested.

Mr. Morgan stressed that this is a chance for the university to not just spend their money building a facility, but build one that has all of the capabilities they need, and there is a strong possibility that there are better sites for this facility and they should make a strong effort to find them.

Mr. Honcoop asked Agency Counsel John Marshall if there was a means or the possibility for withdrawing the NOP and reissuing it with the kind of information that has been discussed today; the discussion of alternatives.

Mr. Marshall replied that his comments are two fold; one, was just on reinforcing where we are in the process; that is on scoping the document; we do not have the final document that we are discussing the adequacy of. So we are not discussing whether or not the range of alternatives that we are proposing here is adequate but rather whether or not there are other alternatives that we may want to include in the document for an analysis. We are still preliminary in the process of determining what is a reasonable range of alternatives that have to be included in an EIS, and that is engaged by consideration of feasibility. Feasibility can include desires, but one must consider economics and other availability of other sites, etc. That is the analysis that one undertakes when going through the compilation of an environmental document, which is then put out for review in draft stage to make sure that there are an appropriate range of alternatives to be considered. What we are doing today is making sure that the range of alternatives that we are scoping is at a reasonable range to scope for the scoping process. Then when we get into the process, we take an intensive look at other offsite properties and whether they are available, feasible, and if they pass that test, then



APC REGULAR MEETING MINUTES DECEMBER 13, 2000

further examination of the relative environmental benefits of the alternatives compared against one another. He didn't think that it was necessarily a fatality of the Notice of Preparation that staff had additional comments that were not included because there will be more that come out of the scoping process.

Ms. Kemper suggested that an offsite location be considered, and she would like to see an alternative that looked at a reduced amount of development in the SEZ and not involve an additional crossing of the creek.

Ms. Baldrice stated that she would be supportive of any alternative development that included rehabilitation of the existing historic fish hatchery buildings. There is a threat that once the work is completed, and U.C. Davis finds a new facility someplace, the building would fall into greater disrepair and eventually just go away, as so many of our historic structures around the Lake have.

(Break taken at 11:40 a.m.)

(Reconvened at 11:47 a.m.)

- B. Amendment of Plan Area Statement 008, Lake Forest, to Add Personal Services as Special Use, Create a Special Area in Which This Use Will be Permissible, and Add Special Use Language to the Plan Area Statement

Senior Planner Coleen Shade presented the amendment of Plan Area Statement 008, Lake Forest, to add personal services as a Special Use, create a Special Area in which this use will be permissible; and add Special Use language to the Plan Area Statement.

Chairperson Marchio opened the hearing up to public comment.

Ms. Leah Kaufman, the planning consultant for Linda Catron, the applicant, and the deacon of the church, Tom Salter, stated that there are not very many people who are willing to take a historic structure and rehabilitate it. One of the motivations for the bed and breakfast was the weddings, and the weddings that they can offer would be very limited. Ms. Catron wanted this home to be exposed to the public, and Ms. Kaufman believed that she would be willing to have a limit put on the number of weddings performed, based on the parking. The church has 35 spaces now, and as part of the BMPs, they have compacted parking that will be required to be paved and infiltrated, and Ms. Catron would be willing to pay for that and have it go through TRPA's verification. The area is a mixed use area; there is a commercial building on the corner of Bristlecone Street; there are all kinds of different uses in Lake Forest and it has always been that way. The church has been there 31 years and it is on three acres, and Ms. Catron's acre is on an acre and a half, so there is a lot of area that can accommodate this type of use. They are extremely sensitive to the neighbors and their privacy.

Ms. Jennifer Wolf, who works for Leah Kaufman, stated that if this home were restored, more people would be able to see a historical house, and it is has been preserved to the way it was in the 1920's. She believed that Ms. Catron would be willing to decorate the home in a 1920's theme, so people would be able to see what homes were like in that era.

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

Mr. Tom Salter, Pastor of the Tahoe Christian Center, commented that his church is 31 years, and they have a keen interest in their neighbors on the Eastern boarder. Ms. Catron's property begins not more than about 20 - 25 feet from the edge of the church's building. The church does outdoor services all summer long and they have an outdoor amphitheater, which is ideally suited for weddings; they have done some weddings already. It is very important for the church to have a cooperative neighbor to the east. Mr. Salter stated that he believes that Ms. Catron has proven to be that kind of neighbor for the church. The church would like to assist her in whatever way they can. He commented that Ms. Catron owns some other properties around the North Shore; he has another ministry that he runs for the encouragement of pastors, and Ms. Catron has made some housing opportunities for this special ministry. The two of them have a very cooperative relationship. Nevertheless, he believed that it is incumbent to have everything in writing, and the church is having a parking agreement drawn up by legal counsel, which will codify all the necessary self-interests of both parties. Since he has not seen the exact wording of the parking agreement yet, he commented that the church feels that it has sufficient guarantees for their rights to enter into this agreement. Mr. Salter believed that it was to the church's advantage to have a very cooperative relationship with their neighbors; especially to the east.

Ms. Kvas asked Mr. Salter how people accessed his property, and Mr. Salter demonstrated on the map on the wall.

Mr. Cole questioned of Mr. Salter currently held weddings and outdoor services on his property, and Mr. Salter replied yes.

Ms. Eva Riva, who lives on 85 Bristlecone in Lake Forest, commented that Lake Forest is a very unique area that it is very quiet and contains a large mix of residents. She believed that consideration needs to given to the fact that there are a lot of full-time residents that live here, and there seems to be more coming in. The Lake Forest is a mixture of both commercial and residential. The commercial portion of Lake Forest generally runs around the Lake Forest Road. Her concerns are traffic; traffic on Bristlecone, as well as the general amount of traffic coming into the Lake Forest area. Ms. Riva questioned that in terms of the traffic coming through Bristlecone, when talking about the parking lot if there will access through 60 Bristlecone to the church parking so that people would still come down Bristlecone, and she wonders about people setting up bands and caterers, etc., and how they would be accessing the property; whether they would be coming through Bristlecone or would they be coming down the other road that goes down into the church area. Ms. Riva is also concerned about overflow parking and questioned how many more new parking spaces were being proposed. The noise from the church is also a concern. In addition, Ms. Riva was concerned about the impact on their water system because they are on one of the worst water systems that exists. Ms. Riva requested that someone check the water system out, as well as how it relates to the fire standards. She questioned how many other neighbors were noticed because some of her neighbors were not. There are other people who wanted to attend today's meeting in opposition to the project, but they were not able to attend. They are willing to write letters against the project, and she inquired as to where those letters could be presented.

Mr. Marchio commented that most of the issues Ms. Riva raised were project specific.

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

His understanding of the TRPA process is that when a project goes forward for the special use permit, there will be another hearing. At that time, those issues would be brought up dealing with parking and noise, and start to identify the issues that she has. That would be the appropriate place to state those concerns. Today, we are just trying to make a decision as to whether or not this wedding use is an appropriate use at this location. This is basically the function today of the APC's review and without getting into the other project-specific issues.

Mr. McIntyre stated that the wedding use described has parking on the other piece of property. The question needs to be answered whether there is going to be access across the Green property to the church property for the purpose of parking or is the access still going to remain through the church easement.

Ms. Shade stated that the only access to the church parking is through the easement on the North. If there were to be a change sometime in the future, it provided two accesses; one through Linda's property and one from the church parking. If there were to be a change in the future, that would require a permit. In addition, they would need additional coverage to create that access.

To answer Ms. Riva's question about the process, Ms. Shade explained that the plan area amendment would be brought before the Governing Board next Wednesday on the land use amendment adding this use to the plan area. Adjoining property owners would be noticed for a project-specific approval.

Mr. Combs questioned if the property owners were properly notified, and Ms. Shade stated that they had, although she did receive some returned notices.

Ms. Marina Roberts, who owns the property adjacent to the proposed site, stated that she was not notified of this meeting, along with two other people who were not notified. She is concerned with the access to the property because her backyard backs up to it. The proposed additional paving would greatly affect her property because during the floods of 1997, her property had problems draining because of the access road that was there. It tended to drain towards the area that she believed would be paved and then drained out to the lake. If this is going to be paved, she didn't believe that her property would have adequate drainage. Ms. Roberts commented that her concerns may be project specific, but she wanted to bring them up at this time. The increased traffic because of the weddings will also cause a problem to her backyard. She wanted to make sure she would be noticed about the next meeting on this project.

Ms. Roberts stated that another property owner by the name of Vera Maroni wanted her to read a letter to the APC in regards to her concerns about the proposal, but the concerns were more project specific. Ms. Maroni is very concerned about adding weddings as a special use to the area. She is concerned about fire safety, the time of day that the parties would be held, the number of people, the traffic, etc. Ms. Roberts questioned when the appropriate time would be to present these concerns, and Mr. Machio stated that when the project-specific use permit was being proposed.

Ms. Molina Wagner, Vera Maroni's granddaughter, stated that she lived on the property and shared the same driveway as the church. She is concerned about alcohol and people hurting themselves if they stumble down towards the lake where there are rocks

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

or fall on the barbed wire fence.

Mr. Gabby Barrett clarified the process for the people in the audience by stating that the APC may take an action today, and if they do, it would be heard next Wednesday at the Horizon at the TRPA Governing Board meeting. The meeting starts at 9:30 a.m. It would be heard, and the Governing Board would take final action as far as the TRPA is concerned on approving this proposal. Then it would have to go to the County through their Planning Commission and through the Board of Commissioners. After those processes are completed, sometime in the Spring, a project would be submitted to TRPA, then to the County, as a special use, that requires property notification. Finally, TRPA would get into the details that have been discussed.

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

Ms. Baldrice commented that there are very few incentives in Lake Tahoe for preserving the historic environment. They are often targeted for demolition because of coverage issues. It is easier to tear down something like this and put up something bigger. It is very unusual for her to be looking at a project here where somebody is actually planning on doing some rehabilitation work that it is going to be open to the public where people can walk into the door and see how people used to live in the Tahoe Basin. She understands the neighbor's concerns and doesn't know quite what to do about that. That is something that will have to be addressed at the project level. Hopefully, they can find some means of addressing those issues and dealing with them. But this is a really neat project that she certainly would be supportive of. She encouraged the property owner to look into receiving historic tax credits if she hadn't already done so. Ms. Baldrice stated that those people who are working at the state level are struggling with the National Trust right now to find ways of preserving more of what is historic. It is a real struggle, and she wanted to be supportive of this plan area amendment. After the APC's discussion, she would make a motion to support the staff's recommendation.

Mr. Combs stated that in terms of the land use change, a bed and breakfast is a minor step away from residential and he sees the wedding chapel as a minor step away from the bed and breakfast. He doesn't see this as a huge leap in terms of land use for the area. But what concerns him is that it is a neighborhood sensitive issue, and he is not comfortable that all the legal notifications were done. For that reason, he suggested that the TRPA renote this item for a public hearing for the North Shore venue so it is convenient for Placer County residents to attend. He suggested that the Governing Board hear this item on the North Shore, as well. He believed that it would be very helpful for public input.

Mr. McIntyre was sympathetic to the residents on Bristlecone, and worried about the access to the church being off of this street. He said that if there was some way to prevent this from occurring, that would solve a lot of problems.

Mr. Cole commented that all of the concerns are project related, and he thinks that in terms of noticing to the neighbors, their concerns are also project related. So he was not of the mind to continue this item. He believed that we should be more attentive to the notice in the future, especially as it relates to the project when it comes. Most of these issues need to be addressed at that forum. He wanted to continue moving forward with this item rather than have it stalled.

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

Ms. Baldrice agreed with Mr. Cole's comments, and also stated that one of the things that is a problem in historic preservation is finding uses for historic buildings that may seem outdated, and to find a potential use here is something that can be made to work. It goes a long ways towards preserving historic buildings.

MOTION by Ms. Baldrice, with a second by Mr. Poppoff, to recommend approval to the Governing Board to amend the Plan Area Statement 008, Lake Forest, to add personal services as a Special Use, create a Special Use in which this use will be permissible and add special policy language to the Plan Area Statement. The motion carried with Messrs. Lohman, Honcoop and Jepsen and Ms. Kvas voting no. Mr. Combs abstained.

(Ms. Moss and Mr. McIntyre left the meeting at 1:05 p.m.)

(Lunch break taken at 1:05 p.m.)

(Reconvened at 2:15 p.m.)

Mr. Marchio stated due to the length of the agenda, we may not be able to hear all the items on the agenda, and questioned whether Agenda Items A, B under Planning Matters could be moved over to the next month's agenda.

Mr. Barrett stated that since they were not publicly noticed, they could be properly noticed and brought back to the APC in January. Mr. Marchio also inquired if there were any audience members here for Agenda Item VI.C., and seeing none, he suggested bring this item back in January also.

- C. City of South Lake Tahoe Amendments to Stateline/Ski Run Community Plan:
  - 1. Amendment of Stateline/Ski Run Community Plan Boundary to Add a Parcel Currently Adjacent in Plan Area Statement 093
  - 2. Replace the Stateline/Ski Run Community Plan Design Standards, Section 5-4F, Items 1 & 2, Lower Ski Run South, With a Paragraph Requiring Public Plazas to be Developed
  - 3. Amendment of the Permissible Uses List in District 1b, Stateline/Ski Run Community Plan to Add Special Uses; General Merchandise, Amusement and Recreation Services, Food and Beverage Retail Services, Personal Services, Outdoor Retail Sales, Health Care Services, and Professional Offices.
  - 4. Amendment of the Permissible Uses List in District 2a, Stateline/Ski Run Community Plan to Add Professional Offices as a Special Use

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

Senior Planner Coleen Shade presented the staff summary presenting the City of South Lake Tahoe Amendments to the Stateline/Ski Run Community Plan.

Mr. Cole questioned as this relates to bike trails along Ski Run and the proposal for those, would this facilitate that because if you have a commercial development up against the highway, there may be additional conflicts. He inquired as to whether there was a relationship there. Ms. Shade stated that Ms. Lisa O'Daly with the City of South Lake Tahoe would be a better person to answer this question.

Chairperson Marchio opened the meeting for a public hearing.

Ms. Lisa O'Daly, Associate Planner with the City of South Lake Tahoe, stated that this project is actually Gary Marchio's project, and her impression of this project is that it is an area where there is development along Ski Run Boulevard on all fronts. It is one big vacant lot. It is not a make or break situation with regards to the bike trail. It should have a negligible affect on the bike trails.

Mr. Cole commented that should this amendment not be approved, and someone came in and put development on the parcel that is closest to Ski Run Boulevard, would that have an affect. Ms. O'Daly could not see that happening.

Ms. O'Daly handed out a summary to the APC members, and commented that the City Council and Planning both have approved all of these amendments, so the City is bringing them to the APC as the last step in the process; not the first step. In addition, she wanted the APC to be aware that as the staff made the initial recommendation, there was one change. That change relates to District 1b proposed amendment, which is the one that has the list of permissible uses for redevelopment. The City has applied to TRPA and has initially recommended that all of these uses be added as special uses. The Planning Commission and City Council have approved General Merchandise stores as an allowed use. This was in response to public comment, along with the desire to be consistent with the matrix in the redevelopment for District 2a. There is one slight modification in what the City is proposing.

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

MOTION by Mr. Jepsen, with a second by Mr. Kehne, to recommend approval to the Governing Board of the City of South Lake Tahoe amendments to Stateline/Ski Run Community Plan, with the change to approve General Merchandise stores as an allowed use. The motion carried unanimously.

- D. Adoption of the United States Postal Service Tahoe Regional Master Plan, Including Related Amendments to the Transportation Elements of the Tahoe Regional Planning Agency Goals and Policies; and Goals, Policies and Objectives; and Data Inventory and Action Elements of the 1992 Regional Transportation Plan

Associate Planner Nick Haven presented the staff summary adoption of the United States Postal Service Tahoe Regional Master Plan, including related amendments to the transportation elements of the Tahoe Regional Planning Agency Goals and Policies; and Goals, Policies and Objectives; and Data Inventory and Action elements of the 1992

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

Regional Transportation Plan.

Ms. Sue Rae Irelan, planning consultant for the United States Postal Service Tahoe Regional Master Plan, presented a slide show of the master plan, along with the regional elements.

Ms. Becky Bernard, from Reno and the boss of all of the Postmasters in Tahoe, recognized the work that Sue Rae has done on this project. She has kept us on track in really moving forward, and Gordon Shaw, who came up with the box management plan that Ms. Bernard didn't like at first, but this is what really brought everything together. Ms. Bernard also wanted to recognize the working group, and particularly to those who stayed with it until the end. There were a lot of obstacles and at times when we thought that we were not moving along and making progress.

Ms. Alice Ynchausti, the Postmaster in South Lake Tahoe, stated that the post office is starting to move towards what they feel is a reasonable effort on their part to try to make some moves in the way of educating their customers. We have home delivery available to their customers, but it is just that a lot of their South Lake Tahoe customers still don't totally understand how to come on line or they don't know that they can come on line with home delivery. Ms. Ynchausti stated that South Lake Tahoe just recently celebrated their 10th anniversary in October for home delivery. The post office provided a celebration; they had rural carriers in each one of their stations that explained to everyone who came into the post office about home delivery. That was their kick off effort to start educating their customers on home delivery. The post office intends to follow up on further educational efforts, and they want to do some educational displays in the lobbies of the post offices so people can actually pick up a brochure and see something that relates to home delivery right in the lobby so that they can become more aware that home delivery is available to everyone in South Lake Tahoe. That brochure will explain to the customers how to go about receiving home mail delivery. She stated that the post office is hoping that will continue to increase the interest in South Lake Tahoe on home delivery.

Mr. Morgan commented that he believed this is a very good program and it is about time. He was of the opinion that there were a lot of obstacles to getting home mail. He made the statement that when he was in the post office recently and saw customers going into the post office inquiring about the mail services available, no one told them that they could receive home mail delivery. That is because it costs the post office more money. When he went through the process of receiving home mail delivery, it took him four trips to the post office and two visits with the County Public Works people, plus having a survey done by USAD in order to get that accomplished. It shouldn't take that long to get home mail delivery. Then, when you get the post office box assigned to you, you receive a letter from Memphis, Tennessee, telling you what your new address is. Then when you go to the box, there isn't anything in there. In order to receive the paperwork to get home mail delivery, you have to see, at a minimum, the Assistant Postmaster to make these communications to fill out the paperwork. You can't get it from a supervisor or a counter person. So when he received the address in the letter from Memphis, Tennessee, he didn't receive any mail. He went to see a supervisor and found out that all of his mail was being transported from Reno to Incline, then turned around and sent back to Reno for someone to put a stamp on it in Reno telling him what the new address is. He knew what his new address was. So all that mail is transported from Reno to

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

Incline, back to Reno, back to Incline, and finally in his box. If you wanted to simplify this process, somebody could be making those stamps and delivering them to Incline. When he asked the person at the post office while this was occurring, he was told "that's the system". Mr. Morgan believed that we needed to take a good look at what the system is. There are a lot of VMTs that are not being counted for in the survey.

Ms. Irelan stated that when we initially started this process, we were initially trying to find the parts of the U.S. Postal Service system where we could articulate what they were to try to provide a group carrier service here, and the pieces of their system which we had some control over. We started out with a clear concept that if we tried to change policies that are established at a national level, we would be at the same place we are now. Likewise, we started out knowing that we would not be bringing a plan back to this body that did not implement the requirements established in 1972, 1982, and 1992; that we had to bring a plan back that implemented those things. We were not going to try and change the TRPA requirements either. The experience that Mr. Morgan had she wished she could say was completely unique and is sure no one else had that experience. This is not a particularly easy process. Both the postmasters in Incline and South Lake Tahoe have, in the past, tried to coordinate with the County or City people to develop standard requirements for where mailboxes could be placed and how that has to happen. We can't do anything about the requirement that you can't dig a post hole without approvals or telling you whether you are going to hit a gas line. You would have to do the same thing if you wanted to put a fence out there. The postmasters have tried to make the requirements as similar as possible between the different jurisdictions. There has been some success on that. But as Mr. Morgan has experienced, the success does not make the difference between a completely easy process and the process that does not work. One of the things that has come about because of this master plan and the postal service over the last year is that we are getting an increased awareness throughout the employees and all the different postal service people involved so hopefully there will be fewer instances of getting different pieces of information. Ms. Irelan stated that this was disturbing that Mr. Morgan received different information from the postal service people, and it certainly was their responsibility that all of their staff knew all of the answers. She believed that the process would continue to improve as these issues keep coming up.

Mr. Cole questioned if there had been attempt to identify the impacts on air quality because of the widely recognized fact that emissions are increased substantially by an engine being turned off and turned on versus just traveling down the road.

Mr. Gordon Shaw, with Leigh, Scott & Cleary, stated that the quick answer is that they didn't do a lot of detailed analysis other than to say that let's reduce VMT by 13%, or maybe we should be reducing it by more than 13%. The flip of what Mr. Cole is saying is that warm starts cause a lot less air pollution emissions than cold starts are. So if one would assign blame to air pollution emissions from say a linked trip – you leave your house; you go to work, and on the way home you go by the post office, you will start up that engine from cold to hot and there are numbers that say what percentage of your trip emissions happen as the engine is warming up. There is a relatively low proportion of air pollution emissions.

Mr. Honcoop questioned if the Tahoe situation is unique within the postal service in that there is such a high percentage of people having boxes and no home delivery, or having



APC REGULAR MEETING MINUTES DECEMBER 13, 2000

both. Ms. Bernard responded that when the postal service establishes delivery, they take a look at the density, and then they establish a mode of delivery. Almost all of rural America is served by either a post office box if it is rural America that is clustered, or if it is rural America that is farmland, and true farmland like in Montana, those people do get delivery but they get it three times a week. In some cases, only once a week. A mode is established to try to fit within a community when the delivery is established. If you build a small post office in Glenbrook, for instance, that mode was established as a P.O. box. When delivery was established in San Francisco, it was established as city carrier, door-to-door delivery. Once it is established, it seldom changes. It takes a lot to change the mode of delivery. Actually, what it does take is a real change in the density in the area, as well as the needs of the area. In addition, it takes a cooperative effort. So, to say that Tahoe is unique is probably a fair statement.

Ms. Baldrice noted that there were a number of comments about the replacement or renovation of older post offices, and there may be some historic buildings there. The post office may be dealing with some historic buildings, and she wanted to remind the postal service, although they are under federal constraints as well, we like to maintain those historic post offices as well if we can.

Ms. Kvas pointed out a change on page 5-14, where it discusses increased participation with cluster boxes, and it is indicated that the Building Department helps in all of these new subdivision residential developments, showing where to place the cluster boxes. She commented that it is the Community Development Department that is responsible for this, and would appreciate the acknowledgment.

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

Mr. Haven commented that there are amendments to the Goals and Policies, as well as the Regional Transportation Plan, and these amendments are updating those documents; adding information and adding goals that the master plan hopes to accomplish. The RTP has been amended as well, because we are embarking on developing a new RTP and TRPA will incorporate this into that.

Ms. Kemper stated that she has home mail delivery and is very satisfied with it. She hasn't been to the post office in over two years because she purchases her stamps through her mailbox; writes a check and puts it into the mailbox and they deliver the stamps the next day. She puts ten boxes out around her mailbox at this time of year with a check and her mail carrier will pick them up and mail them, in addition to giving her change or telling her how much she owes. She loves it.

MOTION by Ms. Kemper, with a second by Mr. McIntyre, to recommend to the Governing Board adoption of the United States Postal Service Tahoe Regional Master Plan, including related amendments to the Transportation Elements of the Tahoe Regional Planning Agency Goals and Policies; and Goals, Policies and Objectives; and Data Inventory and Action Elements of the 1992 Regional Transportation Plan. The motion carried unanimously.

Mr. Juan Palma, the Executive Director for TRPA, acknowledged Becky for her hard work

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

E. Approval of Distribution of 2001 and 2002 Residential Allocations

Senior Planner Paul Nielsen presented the staff summary approving the distribution of 2001 and 2002 residential allocations. He explained the process for the distribution of allocations.

Mr. Tolhurst stated that some of the counties are giving allocations back at the end of the year, and he questioned if they were being used at all. Mr. Nielsen said that yes, they are being used. In 1997, a residential allocation pool was established whereby those allocations that were not being used by the local jurisdictions would go into a pool. The way you can get allocations out of the pool -- you, being the member of the public -- is if you want to wait in line for a year or two, the normal time it takes to get an allocation, you can purchase a sensitive lot in the Basin and retire it; permanently restrict it to open space, donate it to the Conservancy or the Forest Service. TRPA would then issue that person a residential allocation that they can use to build. This is a way to encourage retirement of sensitive lots in the Basin. It is also a way to get the IPES line lowered in California. Last year, two people took advantage of that program, and this year the number is around five or six. The pool is quite large.

Mr. Cole stated that the waiting lists in the Counties are getting longer and longer.

Ms. Kemper stated that on the water quality criteria, she is concerned that the submission of a five-year list, which constitutes showing that local governments are making adequate progress on water quality projects. There are a number of these projects that get delayed for a variety of reasons. The submission of a list does not really constitute a commitment to construct. Mr. Nielsen stated that this point is well taken. If the Counties demonstrate that they are making sufficient progress towards meeting the goals on their five-year list, TRPA will give them additional allocations. This is a topic that Mr. Nielsen hoped to take up with the PRC to establish criteria that would be used to decide when we should reward the local jurisdictions with more allocations.

Mr. Palma commended Ms. Kvas on Washoe County's job in terms of performance of the audit.

Mr. Marchio stated that he assumed that the real time monitoring program should be coming shortly and would solve some of the paperwork problems. Mr. Nielsen hoped that it would. Mr. Rick Angelocci, TRPA's Special Project person, has retained a consultant to look at what it would take to create all of these links between the jurisdictions so that the computers would start talking to each other instead of sending paperwork back and forth.

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

MOTION by Mr. Combs, with a second by Ms. Baldrice, to recommend approval to the Governing Board to approve distribution of 2001 and 2002 residential allocations. The motion carried unanimously.

(Mr. Kehne left the meeting at 3:00 p.m.)

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

- F. Amendment of Code Sub-section 33.4 to Establish Criteria to be used in the Distribution of 100 Tourist Accommodation Units from the Special Projects Allocation Pool

(Due to a vested interest in the project, Mr. Lane stepped down from the dais.)

Senior Planner Paul Nielsen presented the staff summary amending Code Sub-section 33.4 to establish criteria to be used in the distribution of 100 tourist accommodation units from the Special Projects Allocation Pool.

Mr. Lohman believed that we were going to try to come up with 100 points, and Mr. Nielsen stated that 100 points was the goal, but it is 105 in his staff summary, which is an error.

Chairperson Marchio opened the meeting up for a public hearing.

Mr. Lew Feldman, representing Falcon Capital, stated that this is a project-driven amendment. As the amendment is drafted, someone may interpret his projects as not being eligible for what we were the champions for. He wanted to make everyone clear that this project which was submitted under the Code intending to apply for these tourist accommodations, even though some of the permit has been acknowledged and some construction has commended, we are moving forward even, although we have not been able to get this before the APC for adoption and recommendation. As long as staff is comfortable and clear on that, we are thrilled to be here and endorse this wholeheartedly, and can't wait to hopefully receive a unanimous recommendation from the Governing Board.

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

MOTION by Ms. Baldrice, with a second by Mr. Morgan, to recommend to the Governing Board approval of the amendment of Code Sub-section 33.4 to establish criteria to be used in the distribution of 100 tourist accommodation units from the Special Projects Allocation Pool. The motion carried unanimously.

(Mr. Lane returned to the dais.)

VII. REPORTS

1. Executive Director
  1. Report on Governing Board Actions Relative to APC Recommendations

Mr. Palma presented a quick review of his five point agenda: 1) business-like approach that we at TRPA are focusing on; 2) EIP implementation; 3) 2007 regional plan revision; 4) an aggressive public information strategy is critical; and 5) organization alignment so that we can achieve these agenda points. TRPA is in the mist of implementing a Business Operations Division, with a vacancy that would focus on the business side of the organization. In that Business Operations Division, we would have the following components: A Finance Director which is being advertised right now; a Human

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

Resources Division; an Office Manager, which was vacant but just recently filled; Information Systems; we need to become part of the technological world, so we are looking for someone to come help us with our software, hardware, and network which will enable us to communicate with the outside world more efficiently. This will be the beginnings of our Business Operations Division, which is being implemented as we speak. The Deputy Director position is on the street right now, and if anyone knows of qualified candidates, the position is being advertised and please let us know. The focus and duties of the Deputy Director have been changed. Mr. Palma commented that he wanted a Deputy Director to work on his behalf, as well as work on the Executive Director's behalf. I want our positions to be interchangeable so we don't become bottlenecks for the organization. The Public Affairs Division would report directly to me. Julie Frame is retiring and takes with her a wealth of information and knowledge, and will no longer be with the Agency as of Monday, December 18th. Sue will be replacing Julie and, her responsibilities will be focused in this order of priority: 1) Executive Director; 2) Deputy Director; 3) Public Affairs; 4) Governing Board and then the APC. She will continue to serve the APC until further notice. We are looking into other possibilities. In the future, there are a couple of areas that he wanted to let the APC what his thinking is for the future. Mr. Palma stated that he has attended several meetings in the last couple of weeks, and he has found that one of the skills TRPA needs is strong, facilitated skills so that our objectives are well stated and become more effective. He believes that we need more implementation skills to carry out the functions of the EIP. The ideas that have been stated will be documented and outlined in the next few weeks.

Mr. Poppoff stated that he liked Mr. Palma's ideas. One of the reasons the EIP is going nowhere fast is because there are not enough people involved. He asked if Mr. Palma planned to expand that significantly so that we can get it moving.

Mr. Palma reiterated that he had proposed additional staff during this coming year's budget; 11 additional positions. We got four. Some of those positions that both California and Nevada agreed to fund are not part of the EIP. One of the difficulties that we are having right now is articulating to an outsider clearly what it is that we need to implement the EIP. It is an abstract, conceptual idea to those on the outside. To those on the inside, we agree; we understand; we talk the lingo and the acronyms in the EIP, but to an outsider, we have to be able to do a better job articulating exactly what are needs are. That will be one of his focuses for the EIP. We have our foot into the door, and the states asked us to tell them more about why we need these new positions. So we are going back again and articulate our needs with more data and information. Out of the four positions that we getting from the States of California and Nevada, unfortunately, those are not going to be focused on the EIP, specifically.

Mr. Poppoff believed that the EIP should be a high priority. Carl Hasty cannot get it going because it is just too big for one person to handle. Mr. Palma stated he has been having several meetings with the engineering firm for EH2M Hill, who have the knowledge, skills and the ability to implement large projects that are involved in the EIP from the technical side. We are looking into whether we should contract out for the financial, educational and political skills needed to carry out the EIP.

Mr. Cole commented that a lot of the EIP is becoming the responsibility of the local jurisdictions, but that is taking time for this to happen. Mr. Poppoff said that we need to have some way to prioritize those EIP projects.

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

Mr. Marchio questioned if there were any actions that the APC took regarding our recommendations to the Governing Board. Mr. Barrett replied that the TOD findings were put off until January.

B. Legal Counsel

Agency Counsel John Marshall reported that the only action since last month is we are battling it out with Glenbrook Preservation Association over what they view as TRPA favoring the wealthy and influential in Glenbrook. In addition, we are doing a lot of appeals in the Ninth Circuit on the TSPC case.

C. APC Members

Mr. Lane stated that he has had the opportunity to work with Gabby, Juan, and John Marshall regarding some of his projects. He didn't think some of the members of the APC saw the clerical and administrative side of what TRPA does. As a project proponent, he sees it everyday. At times, Mr. Lane said that he has been very critical of it; it is slow, it is arduous; costly; all of those things which have been said numerous times. But he wanted to compliment Juan and the staff that their biggest fault is one of not having enough people to do the job. He complimented Juan for his direction as far as this is concerned. He also thinks that we miss opportunities sometimes from an EIP standpoint from the private sector's involvement. If one wants to do an EIP project that requires both private and public cooperation, the only part that gets publicized is the development side and everybody's either against it or for it, but most people are against it. There are a lot of times these large projects are funded by private contributions. His point is, we should not have to apologize for projects that are good for the environment.

Mr. Lohman stated that the Board of Supervisors signed the expanded MOU agreement with TRPA and that his staff will be taking on more of the scenic review responsibilities for residential projects.

Ms. Kemper was happy to report that her Board didn't lose their quorum. At the last minute, the Governor made appointments to her Board and reappointed two of their previous Board members, so they now have a quorum for their meeting in January.

Mr. Cole said that at a recent TRPA retirement dinner, Jerry Waldie questioned what was going on at the APC meetings and remarked that it would be nice to know what's going on with the APC as it relates to the actions they take. Mr. Cole replied that this has been a sore subject that we've gone over many times. Mr. Cole told Mr. Waldie he was under the impression that the Governing Board was receiving copies of the APC minutes. Mr. Cole stated that he would like to be reassured that the Governing Board members are receiving input on the actions that the APC is taking, as well as the comments that are made. Also, he will no longer be the liaison between the APC and the California Tahoe Conservancy because he was replaced by someone else on that Governing Board last night.

Mr. Marchio shares Mr. Lane's concerns about private contributions that are invested into projects that the public are not aware of such as the new Safeway project. He wished everyone a Merry Christmas and Happy New Year.

APC REGULAR MEETING MINUTES DECEMBER 13, 2000

IV. ADJOURNMENT - The meeting was adjourned at 4:40 p.m.

Respectfully submitted,

---

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.

APC REGULAR MEETING MINUTES JANUARY 10, 2001

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

Horizon Casino Resort  
Highway 50  
Stateline, Nevada

January 10, 2001

MEETING MINUTES

Chairperson Gary Marchio called the regular January 10, 2001, meeting of the Advisory Planning Commission ("APC") to order at 9:32 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Lohman (arrived at 9:37 a.m.), Mr. Wysocki, Mr. Cole, Ms. Baldrica, Mr. Honcoop, Mr. McDowell, Ms. Kemper, Mr. Lane, Mr. Morgan, Mr. Tolhurst, Ms. Kvas, Mr. Combs, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Kehne, Mr. Porta, Mr. Poppoff, Mr. Horton, Mr. McIntyre

II. APPROVAL OF THE AGENDA

Mr. Gordon Barrett reviewed the length he envisioned each agenda item would take to complete. Chairperson Marchio polled the audience to see who was here for which items.

MOTION by Mr. Cole, with a second by Mr. Morgan, to approve the agenda as presented. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

There were no minutes for the January 10, 2001, meeting.

V. PUBLIC HEARINGS

A. Discussion of Incline Village General Improvement District, Incline Park Draft Environmental Impact Study

Senior Planner Kathy Canfield presented the staff summary discussing the Incline Village General Improvement District, Incline Park Draft Environmental Impact Study. Mr. Marvin Tebeau, the consultant on the project with Resource Concepts Incorporated, passed out a summary of alternatives and reviewed each of them for the APC.

Mr. Morgan questioned the summary on page 3.l., specifically, alternative one, whether the1518

APC REGULAR MEETING MINUTES JANUARY 10, 2001

daily vehicle trips took into account the previous vehicle trips and they deduct those from the ones that have facilities already in Incline or in the North Shore? Mr. Tebeau replied no it does not; those are all considered to be new trips. We are not subtracting out the existing trips; and there are obviously some existing trips occurring at the non-profit center, as well as existing trips that are occurring to the Incline Administrative Building. The 1518 new trips is a worst-case scenario, and it also includes peak events, in addition to typical events that would be occurring. Mr. Morgan believed that it was unfair not to credit those. Mr. Tebeau remarked that it may be unfair, but it is customary not to subtract out existing uses when you conduct a traffic analysis in the Basin. The TRPA staff could speak better on that issue than he could.

On Figure 3.7., Mr. Morgan believed that an item was missing there; 11,200 doesn't point to anything. Mr. Tebeau noted that correction and thanked Mr. Morgan.

In Chapter 3, page 35, on the bottom paragraph, Mr. Morgan stated that "Woodcreek" should be "Rosewood Creek". In Chapter 4, page 8, Item 4.2.2., mitigation measure HR1, the last sentence has "contacted by prior", and the word "by" should be erased.

With regards to the traffic analysis, Mr. Morgan asked if Sierra College was considered when it was done. Mr. Tebeau stated that the traffic analysis considered the cumulative increase in traffic in Incline for the next 15 to 20 years. What we have done under the cumulative aspects of this, is we have added these projects to what is projected into the future. Again, providing the worst-case scenario of the consequences. On table 4.2. on page 68, Chapter 4, Mr. Morgan pointed out that it shows Country Club Way at Incline Way having far less traffic then the South. There is going to be two parking facilities at the Sierra College; one on Incline Way and on the other on Country Club Way. There are several hundred students and several hundred staff and maintenance people. He can't see that those numbers reflect the college. Mr. Tebeau replied that he would look into that and try to make sure he understands exactly what that figure is trying to present. Again, Mr. Morgan did not believe that the traffic analysis took into consideration the college.

On table 4.2.1. on page 70 of Chapter 4, on Country Club Way and Incline Way, the report has Incline Way Northbound left, the typical use has 7.7 for alternative one, and for alternative two, it says 7.8. In every other case, it has been reduced in alternative two, except that one. Mr. Morgan suggested that these figures be checked to see if there is a typographical error. Chapter 4, page 90, in the second to last paragraph, it talks about trees being planted in the islands. He stated that there are already trees in the island; are trees being cut down and new ones planted or do you plan on leaving the existing trees? Mr. Tebeau replied that some of the trees would have to be removed. Table 2 notes the number of trees that would have to be removed for each facility. This is part of their plan to help screen the building once it is constructed. But Mr. Morgan noted that these are already matured trees that would be cut down. It seems that they should take cognizance of where the island is going to be and leave the trees there. As Mr. Tebeau understood the original plan, they did a survey in the location of all the trees, and the idea is to avoid cutting any trees that they don't have to.

In terms of the ice center, Mr. Morgan remarked that there had been some rather negative editorials in the local paper, the Bonanza, and yet at this late date, the ice center now proposes a complete change in the structure, with a vinyl roof, and with the snow loads in Incline Village, that area today is predicted to get one foot at lake level, and two feet at 7,200 feet and up. He wondered about the ability to put in such a structure. He has seen structures like this being reported to be knocked down by snow loads in other parts of the country, and he wondered how much consideration is being given to that. Secondly, this will cause some changes in the impact statement because it is a completely different structure of what has been proposed in here and



APC REGULAR MEETING MINUTES JANUARY 10, 2001

what has been evaluated. He didn't want to see this held up so he suggested that it be dealt with in an amendment to the EIS. He doesn't want to see the rest of these structures for the Parasol Foundation, in particular, to be held up because of the changes in the ice center. Mr. Tebeau replied that when they started this project, the ice center was involved. Several months ago, as he understood it, they tentatively withdrew from the project. The decision was made to maintain the building and evaluate the impacts of the building, the parking, and the traffic so when a new or an evolved facility was brought forth, we would tier off of this document and supplement it and not hold up any of the other proponents.

Ms. Canfield thanked Mr. Morgan for his comments. He hit the nail on the head with his comments. There have been many entities involved in this project trying to pin down exactly what they wanted to do; their ideas and their funding availability. The idea of the ice rink that Mr. Morgan brought up is correct in that the new proponent would have to tier off of this document.

Mr. McDowell asked Ms. Canfield to characterize the responses from the public that she had received so far on the draft document. Ms. Canfield replied that she had received four letters from one individual, and his comments are more concerned with the cumulative affects of what is actually out there, and what is being added to the site. His feelings are that there shouldn't be anything added to the site. This person is also concerned with the ice rink, in particular, and the fact that they keep changing their mind as to what they want to do.

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

Ms. Kvas believed that the APC should proceed with the document, including the ice rink, because we have a couple of projects that have been waiting a very long time to be constructed; especially, Parasol. They do have funding, which is from private sources. The longer it takes for their approvals, the more the funding prevents them from doing the project. Ms. Kvas stated that there is a comment about flood plains, and she encouraged TRPA to proceed forward with a resolution of the Army Corps and FEMA maps. In terms of the ice rank, the people who are constructing that have changed their ideas on several occasions. Right now they are on a soft structure. Washoe County Building Department has told them it has to meet structural snow level. So the ball is in their court for them to figure out how that is going to work. Ms. Kvas thanked the consultant for doing such a great job on the transportation component of the EIS.

Executive Director Juan Palma stated that the flood plain topic is something he has been involved with since coming on board at TRPA. He has discussed this with IVGID employees, and as well as the ice rink issue, who came to meet with him on flood plains. This is a critical issue for TRPA. Flood plains come from the FEMA maps and from the Army Crops maps. Once those flood plains are delineated on the map, then TRPA uses them for planning purposes. We are working on creating a challenge process, which probably won't be in place until the spring or early summer.

In addition, Mr. Palma remarked that he is cognizant and aware what he says and the words that he says are sometimes measured by what people want to hear and what they want to see. He fully acknowledged this. Mr. Palma stated that he had two individuals who came to meet with him who were from the ice rink, questioning whether it was inside the flood plain; a corner of it does, but not the majority of it. He heard later on from others that he was approving the ice rink, and it certainly was not even part of the discussion we were having. We were simply talking about flood plains. He wanted the APC and the record to reflect that he made no such agreement that TRPA would approve the ice rink; only that it looked like the corner of the ice rink was touching the flood plain.

APC REGULAR MEETING MINUTES JANUARY 10, 2001

Ms. Kemper asked Mr. Palma if under the current policy the ice rink was within the flood plain, even a corner of it, would that be permitted under TRPA's regulations. Mr. Palma answered under the current policy, that is correct. If we were to resolve this challenge process and move the lines, then under that future process, it could.

Ms. Canfield questioned if the APC wanted to see the project application before it is taken to the Governing Board. Ms. Baldrice commented that it has been requested in the past but that doesn't necessarily mean we have to. The APC can request that the project application be brought back to the APC.

Both Messrs. McDowell and Morgan suggested that we move forward with the plans. Mr. Morgan wanted to look at the project plans for the ice rink when the changes are made.

Chairperson Marchio informed Ms. Canfield that the APC would like to see the ice rink EIR/EIS come back for their review.

B. Public Hearing and Workshop on Environmental Improvement Program (EIP) Documents

EIP Coordinator Carl Hasty presented a workshop on the Environmental Improvement Program (EIP) documents. Mr. Hasty thanked the many members of the TRPA staff for the long hours of hard work they contributed to putting these documents together.

Mr. John Van Etten, TRPA's Manager of Finance for the EIP, presented a slide show and explained all the various documents.

Ms. Kvas believed that the license plate money was separate from the Tahoe Bond Act, and there is a statement that says "any Lake Tahoe license plate program funds that are used for EIP projects will correspondingly lower the funds used from AB285", and she was confused on that and wondered if that was the case.

Mr. Jim Lawrence, with Nevada State Lands, stated that at the last legislative session, Assembly Bill 285 was passed, which authorized 57 million dollars to broaden Nevada's 82 million dollar commitment to fruition. One of the provisions of that authorization bill is that if any other funds become available that are used for EIP implementation projects, then that 57 million dollars is lowered. If the license plate grant goes directly towards EIP project implementation, then that 57 million dollar authorization may be lowered. The license plate program is not directly earmarked for specific capital projects with EIP; we use that money to fund public education in Lake Tahoe; some research and monitoring; and some projects that Nevada State Lands feels are necessary to protect the environment that may or may not have been included in the EIP.

Mr. Combs commented that under the identified funding gaps, Section 8.19, it talks about the existing sources that provide a total of 743 million dollars of the targeted 908 million dollars, and then goes on to say that if the Tahoe Restoration Act is fully funded, it would close the gap. He thought that the 300 million dollars was a done deal, and if it is, it would put it over the top.

Mr. Hasty replied that there are a couple of caveats. The finance plan reflects projections; projections are based on a combination of information received by sources which were contacted and assumptions. How reliable are those projections is 50/50. They are a useful tool, but it doesn't tell us that we can count on that necessarily. The Restoration Act itself will be more than

APC REGULAR MEETING MINUTES JANUARY 10, 2001

164 million dollars. But the Restoration Act itself is not a dedicated funding source. It authorizes Congress to spend that money, but the Congress is still going to have to appropriate that kind of money. It is not a guarantee, and it is not a done deal. So that leaves us then those other sources to be looking at and not to ignore. We are hopeful, but we do not count on that authority supplying every dollar we need. If anything, it would go beyond whatever gap that we might perceive or project right now.

Mr. Wysocki had a question on the funding: On the local government, it says 101 million dollars. If this EIP is adopted, will that mandate local governments to contribute 101 million dollars for the next five years. Mr. Hasty stated that these dollar figures are reflected in the last adopted EIP in 1998. There have always been allocation targets. It is imperative that local governments do move forward after the revenue studies are completed. Is imperative that the local governments and business community move forward with helping to plug whatever funding gaps are there. The good news is that a large amount of that money is already there. The bigger question that has been out there for several years that has not been addressed is the maintenance side of this, and local governments have not done that much to have a dedicated revenue source for that. As far as the update, the pressure is still on for local governments to participate in helping finance this.

Mr. Wysocki commented that if local governments apply and receive grant funds for loans through some of the federal state programs, would that be counted as local government funding or would that be counted as state or federal funding. Mr. Hasty stated no, it would be counted as state funding.

Mr. Morgan complimented Mr. Hasty and all of this staff and all the people who contributed to the EIP. This is the best document that he has ever seen on the EIP. In particular, Volume 3, which identifies a lot of the other agencies who will be looking at this for the first time. A number of sources that perhaps others were not aware of can now see if it fits into their programs as another funding source. He has a number comments, but they are detailed, and in order to save time, he would call Mr. Hasty and to go over his questions. Mr. Hasty thanked him.

Ms. Kemper inquired, in terms of the finance plan, what was the status was of the local revenue study. Also, what happened to the use of local assessments or property assessments. Mr. Hasty stated that the local revenue study is complete, and moving forward in another arena. It is in the hands of the Steering Committee to come to some resolution on the proposed options. In terms of the assessment, those are still options that can be looked at.

Mr. Palma thanked Mr. Hasty and his staff for a wonderful product. He was of the opinion with the current transition in the administration; there should not be any changes in the support for Lake Tahoe. Mr. Palma stated that the Nevada License plate program is one of the most successful license plate programs in the country. Those states that have license plate programs get one percent or more of the population to purchase the license plates and are considered successful; Nevada has surpassed that already. These are indicators that we are on track.

Mr. Cole was pleased with this document and appreciates all of Carl's hard work over the years. He has dedicated his life to this for a long time. Mr. Cole was also pleased with the public comments and support. He hoped that we don't start tripping over our feet about specific projects and whether they are valuable resources.

Mr. Marchio believed that the hard part is going to be the actual construction of EIP projects.

Mr. Hasty would like to get the APC and Governing Board members in the process of making sure

APC REGULAR MEETING MINUTES JANUARY 10, 2001

EIP projects are actually constructed. Mr. Hasty stated that TRPA is putting together a task force and a consultant is available to facilitate this task force from local governments around the basin and to describe the existing processes today; not just review them.

Ms. Baldrice reminded Mr. Hasty to make sure all of the agencies are involved; i.e., her agency, because they are not a threshold. We find out about projects after they are implemented. Please make certain that the Washoe Tribe and your State Historic Preservation Offices are included somewhere in there so people know to contact them and get them involved. We are willing to work with everyone as long as we know up front what is going on. Mr. Hasty stated that this is the purpose for getting everyone involved in the process.

Mr. McDowell questioned if the task force was currently up and running, and Mr. Hasty replied that he had been on vacation and did not know, but would look into that.

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

Ms. Kemper thanked Mr. Hasty and his staff for their hard work and energy. She lobbied the agency members to support the increase in research and monitoring. She believed that this was a key element in making sure that EIP projects are successful. Ms. Kemper will be spending time with the TRPA staff to update some specific elements and also trying to acknowledge some of the other key partners in research and monitoring. She commented that one of the things now clear in the EIP is how BMP effectiveness is going to be handled and that really is tied to specific projects. The Conservancy included project monitoring as part of the project costs; there may need to be more descriptions about how that is going to happen. Ms. Kemper stated that research and monitoring is not in the EIP; the states are not ready to fund them. It is important to get all of our needs listed, and if there is any way to link all of those studies, that would be very beneficial. Another area that her agency is very concerned about is prioritization. We are still unhappy about the way this document is written now because the prioritization criteria that is identified has not been applied in the document. It is in the appendix. Ms. Kemper believed that it is very important that we commit to getting a list of prioritized projects, at least within each threshold, so that people can start to use those lists when they are making decisions about how project dollars will be spent. We may not have all the data to know what the best project is. But having the information is essential to prioritizing the projects. She will be recommending at next month's meeting that if projects have not been prioritized, the Governing Board include that in their resolution when they adopt the EIP; that it be done within a six-month period. Ms. Kemper believed it would be a good idea to try and quantify how much money has been spent so far by all the agencies and private citizens and groups because it is substantial, and she didn't see it documented. It is recognition that TRPA is acknowledging that all the agencies need more staffing to handle EIP beyond their base level. But it would be useful to have that information quantified in the document. That cost and value needs to be acknowledged because it is a huge amount. She feels optimistic that the document will be improved by next month. She would submit her concerns in writing within the next week to TRPA.

Mr. Hasty agreed with Ms. Kemper's idea of prioritization, and we will move forward on that. Mr. Marchio questioned if that was being looked into, and he responded yes.

Ms. Kvas shares the same concerns that Ms. Kemper has. She agrees that monitoring and research is important, but when we prioritize projects, make sure that it is flexible because as we get scientific data on the research, then we need to be able to switch the prioritization to concentrate on those areas where we know will make the difference.

APC REGULAR MEETING MINUTES JANUARY 10, 2001

(Recess taken at 11:15 a.m.)

(Reconvened at 11:25 a.m.)

C. Amendment to Chapter 20.5 Regarding Excess Mitigation Fees

Program Manager for Soil Conservation and Stream Environment Zone Tim Hagan presented the staff summary amending Chapter 20.5 excess coverage mitigation fees. He presented a slide show explaining how the current and proposed program works.

Ms. Kemper questioned why is it that the square foot factor that lowers the percentage; i.e., someone is going to have the ability to have 20,000 square feet of excess coverage but they are only required to pay for 3,000 square feet.

Mr. Gordan Barrett stated that this was a TRPA policy choice during the 1987 consensus process. The consensus was that we would do coverage reductions in increments, each time a project came in. TRPA uses the table to implement the agreement. If someone had to mitigate the entire amount of coverage for each project that would be a very significant amount. This table and these percentages require that when the project is completed, they have only mitigated X amount, and TRPA would keep track, and next time they came in with another project, they would mitigate more. The assumption is over ten or 20 years, the entire site coverage would have been mitigated by several project applications. This was a policy choice of the Governing Board.

Mr. Honcoop questioned if the TRPA staff had any sense of where the Basin is at in terms of how much has been mitigated; how much is still out there, and roughly how much time it would take to make up this deficit. Mr. Barrett stated that one of the jobs of the Soils Program Manager is every five years, TRPA should total up the amount of coverage that has been mitigated by project approvals. There are interim targets that we look at as part of our threshold review. This is a threshold-related item. We have targets to reduce excess.

Mr. Lane stated that he has a problem with a fixed formula. TRPA is going from one extreme to another. With a fixed price of \$21, you are going to preclude anyone from doing developing, except maybe in Incline Village. He would prefer to see some kind of system that floated.

Ms. Kvas thanked Mr. Hagan for soliciting comments from Washoe County prior to this presentation. She asked if he would do worksheets for her clients so that they could figure this out better, and he responded absolutely. After having talked to Mr. Barrett, Ms. Kvas stated that Agate Bay is a hydrographic basin; the Nevada portion is a political area and is called Crystal Bay. She suggested putting Crystal Bay in parentheses so people would know what TRPA was talking about. She questioned where driveways in new construction on County right-of-way fit in this mix. Mr. Barrett responded that this ordinance does not deal with that. It deals strictly with excess coverage.

Mr. Wysocki asked if the fee used by Nevada State Lands was a floating fee or set fee. Mr. Hagan stated that at this point in time, it is a set fee. It was supposed to be adjusted annually. Mr. Wysocki suggested looking at this option.

Ms. Kvas asked Mr. Hagan how he arrived at \$21. Mr. Hagan responded he contacted developers, Nevada State Lands, and the public. Under his watch of this program, TRPA would be reviewing this annually. These are not going to be fixed rates. They will be reviewed and possibly

APC REGULAR MEETING MINUTES JANUARY 10, 2001

adjusted annually as TRPA was initially obligated to do.

Chairperson Marchio opened the meeting up for a public hearing.

Mr. Jim Lawrence, with Nevada State Lands, stated for clarification, on the second page of the staff summary, third paragraph, it states the MOU with TRPA has been in place since 1986; actually, the MOU for excess coverage mitigation fees had been in place since 1994. TRPA has been collecting these excess coverage mitigation fees for about seven years, and then Nevada State Lands was handed a lump sum with the expectation to retire land coverage at \$5 a square foot. By that time, it was not available at \$5 a square foot on the Nevada side. Since then, we have been doing the best we can. We have been collecting fees; tracking them by hydrologic area; we have been able to collect money for these hydrologic areas; we targeted \$200,000 of land coverage for restoration in that area. But we have not been able to meet the expectation of \$5 a square foot. All of the fees that are collected go to an account that is specifically targeted for land coverage retirement. That's the only authority we have to spend the money on. There are administrative costs based on appraisers. All of the land coverage acquisitions are done with appraisers so we know that we are paying fair market value. Also, the person selling the land to us knows that they are getting fair market value for the sale of their land.

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

Ms. Kvas commented that if someone had a remodel in a community plan, the person has to deal with excess coverage; they tear up their parking lot and put in all their BMPs; they approve the visual component of what they are doing – there are a lot of different benefits we are getting. She suggested that this could be the balance.

Mr. Lane believed that there was a purpose why this was originally set up, and he was of the opinion that the Agency could come up with some other alternatives to find ways to purchase coverage. If the objective is to reduce coverage, then the focus needs to be on using those dollars to reduce coverage. If the coverage costs \$30, then that's what it costs. You can't force somebody that has coverage to sell it, and on the other hand, you can't force somebody to develop their land if they don't want to do it. So, what he is saying, is that before the Agency would ever abandon this concept, he would hope there would be a chance for input to come up with a system that accomplishes the environmental goals, as well as allows things to continue to happen if that is justified.

Mr. Marchio asked Mr. Lane if what he was saying is that at this point in time, the possibility of increasing the fees is appropriate to see how it goes but if it doesn't work, then let's come back with other alternatives at a later date, or does he want to see that alternative put in now as a part of the process. Mr. Lane believed that an alternative would be a good thing.

Mr. Barrett stated that this is an issue staff brought forward. There are other mechanisms to deal with this, and one of them is we have provisions to change the hydrological boundaries and change the type of coverage that can be used for mitigation. The issue of looking at other options and dealing with the shortfall from the last few years was to be looked at this Spring when we review the threshold study and then bring other options forward for review. For the time being, we either have to correct the numbers or we have to stop using this program because it is just not matching reality. So our speech to the APC and Board is to bring forth a quick fix to deal with the immediate situation and when we do our threshold review this Spring, we will look into other options.

APC REGULAR MEETING MINUTES JANUARY 10, 2001

Mr. Marchio questioned if the threshold review would be made public in the Spring or more like in the Winter of next year. Mr. Barrett replied that it is due to be drafted in March, but with other priorities such as shorezone, he could not guarantee that it would take place. By early Summer or late Spring, there will be a draft document out, and we will be talking about the allocations and commercial stuff again. Maybe by next Fall, if everything goes smoothing, we will be adopting ordinances that may change the hydrologic boundaries.

Mr. Wysocki believed that if the access coverage mitigation fees are raised, this will significantly raise the construction costs of affordable housing, this would be creating another level of impediment to construct affordable housing. He thought that some consideration and factor should be given to affordable housing projects.

Mr. Honcoop was of the opinion that there are a number of issues with this topic and they should come up sooner or later, depending on when the threshold comes back. We can't attempt to fix all the problems right now when you are only dealing with a portion of it. He hoped that when this issue comes back to the APC, it will not be too narrow, but it will have recognized a number of these issues and dealt with them and have some proposals that address each one of these concerns. There are a fair number of issues that need to be addressed.

Mr. Tolhurst stated that if this process has to come to a crisis before we do something about it, it would seem to him that we shouldn't be writing a new ordinance every time we get in these situations. There should be a mechanism where we could change the ordinance automatically each year instead of having to bring it back to the APC. In addition, Mr. Tolhurst requested that paragraph (c) be removed.

Mr. Lane respected Mr. Hagan's and Mr. Barrett's comments about having an annual review of the fees, but the numbers that are in the graph by county per square foot are correct in some areas, but wrong in others. He suggested that TRPA consultant with Johnson & Perkins, or some reputable appraising companying, to give the correct information, free of cost, on what the costs are for excess coverage fees. Mr. Lane was concerned that the numbers be accurate.

Mr. Jepsen questioned what the timeline was on this item, and Mr. Barrett replied that we need to fix this as soon as possible. His recommendation would be to give these suggestions to the Governing Board, adjust the fee table and consultant with appraisers, and then forward them on to the Governing Board.

MOTION by Mr. Lane, with a second by Mr. Cole, to recommend approval of the staff summary to the Governing Board, subject to the change that the dollar amount for each hydrologic district be confirmed by some source; be it the local appraiser or whatever; that the Agency can come up with an annual review, and some special consideration be given to affordable housing projects.

Ms. Kvas requested that the sentence on (b), page 12 of the staff summary, be added in, and on page 13, add the words "Crystal Bay" in parentheses after the words "Agate Bay".

Mr. Tolhurst suggested that the issues on affordable housing not be included in the motion because it may open up a can of worms, and we will never resolve the excess coverage fee issue.

The affordable housing issue didn't have to be included in the motion, Mr. Lane stated.

Mr. Cole was of the opinion that the affordable housing issue should be incorporated into the motion.

APC REGULAR MEETING MINUTES JANUARY 10, 2001

Mr. Barrett suggested perhaps the issue of the impact of these fees on affordable housing be included in the list of discussion items for the local government committee to look into.

Mr. Marchio asked Mr. Cole if this was acceptable to him, and Mr. Cole replied no. He believed that the affordable housing issue should be specifically addressed in this ordinance. He suggested the following language be included "staff should give consideration to waiver or reduction of excess mitigation fees when it comes to affordable housing."

Mr. Honcoop believed that adding the additional language regarding affordable housing was vague and didn't give any specificity to staff, and therefore, they could be subject to criticism if they pick different decisions for different projects.

Mr. McDowell suggested the Governing Board decide whether or not they wanted to include a caveat in the ordinance on affordable housing.

Mr. Cole commented that he didn't want this ordinance to be the straw that broke the camel's back when it comes to building affordable housing because the costs are too prohibitive.

MOTION by Ms. Kvas, with a second by Ms. Baldrice, to recommend approval of the staff summary to the Governing Board with the following changes in language: 1) removal of subparagraph (c); 2) the readdition of the sentence on page 12, the first paragraph, of the staff summary that states this program will be reviewed on a yearly basis; 3) addition of Crystal Bay as the political subdivision of Agate Bay; 4) the utilization of an appraiser as one of the sources of information for the dollar amount; and 5) the request to look at all of the fees, including this fee, in the local government committee to facilitate affordable house. The motion carried unanimously.

(Break taken for lunch at 12:30 p.m.)

(Ms. Baldrice left at 12:30 p.m.)

(Reconvened at 1:35 p.m.)

- D. Amend Chapter 14, Community Plans, to Add a Finding Allowing For the Amendment of a Community Plan Boundary When it is to Facilitate Affordable Housing Only

Senior Planner Coleen Shade presented the staff summary to amend Chapter 14, Community Plans, to Add a Finding Allowing for the Amendment of a Community Plan Boundary when it is to facilitate affordable housing only. For the record, Ms. Shade stated that this amendment would provide flexibility to amend the community plan in an area that would not have been allowed before for affordable housing. An applicant would have to come back in and get, through Chapter 13, the urban boundary amended as well. There would be two steps: Amend the Community Plan boundary and amend the Urban Boundary. Ms. Shade handed out an addendum to 14.3.A. to the Code of Ordinances. At the Committee of the Governing Board, there was full support to have this addendum forwarded to the APC with the changes from the Board members. However, the League to Save Lake Tahoe is not in favor of the amendment. They believed that this would provide the opportunity for unmitigated coverage and that TRPA, under the 208 Plan, cannot do this. TRPA has been struggling to come to an agreement to find a way to justify this amendment and make our findings.



## APC REGULAR MEETING MINUTES JANUARY 10, 2001

Ms. Kvas asked if we are going to allow affordable islands, or will they have to be contiguous with, or addition to, an existing boundary. Ms. Shade said that the intent is to have them contiguous with an existing boundary; we are amending an existing boundary. We can further clarify that in the ordinance language if you would feel more comfortable; i.e., contiguous with the existing boundary.

Chairperson Marchio opened the meeting up for a public hearing.

Ms. Lisa O'Daly, with the City of South Lake Tahoe, pointed out that Chapter 20 of the TRPA Code provides for up to 50% coverage within the Community Plan Areas for multi-family housing of five units or more. It does not specify that the housing be affordable; it specifies multi-family housing for five units or more.

Ms. Jennifer Wolf, who works for Leah Kaufman Planning Consultants, commented that her office is in support of the proposed amendment to Chapter 14. They have some clients, one of whom is here today, who are proposing to do affordable housing projects.

Ms. Helen Wallace, representing the Round Hill Homeowners and Elk Point Homeowners, has always been concerned about the urban boundary changes, and they are being told now that they can be one in the same. They support the League's position on this item. She didn't think there had been a survey made of the available housing, and she reiterated that rehabilitation is one TRPA's primary concerns in their fair share report that was made in 1997. On page three of this report, the Executive Summary states that "within these housing needs estimates – an estimate of how much housing is needed – there are priorities for rectifying this situation, and one of these is the rehabilitation of substandard units as clearly being the most important." On the next page, at the end of the Executive Summary, it says, "it is essential that the current housing stock in the area be put to the most efficient use and the rehabilitation of substandard housing and promoting more opportunities for homeownership are clearly the most important." She wanted to remind the APC of that. She has been a property owner for 30 years, and has seen the Lake deteriorate, and she doesn't want to see it deteriorate any more. Ms. Wallace said we know that more building does contribute to this. She and the homeowners feel strongly that we need to rehabilitate what we currently have. Within an 8th of a mile where she lives, there are three apartments that she believes are illegal, but she is sure there are many more. An inventory should be made, and perhaps there could be a community volunteer group that would do this because the TRPA staff did not give any support to this type of survey.

Mr. Andres Moraitis, the owner of Lakeshore Resort in Tahoe Vista, stated that there were three parcels he owns; one on the lake with 32 units; across the highway, there is another 6-acre parcel which used to be a motel, and he decided to turn it into permanent apartments, and he owns another property zoned as R1. He is in support of item D. He has been the owner of the three parcels for 23 years and has experienced the need for affordable housing. Mr. Moraitis has a strong feeling that there is a great need for affordable housing, and we should be serving the needs of the public. He believed that this concept should be given more attention.

Mr. Lew Feldman, an affordable housing advocate, believed that this was an important small, first step for affordable housing. He is confident that the framers of the community plans, had they been aware of the need for housing, would have certainly at that time permitted not only expansion for commercial use, but for the employees that make those commercial uses possible. Mr. Feldman commented that over the years, we have all seen a tremendous amount of acreage within the community plans acquired by Nevada State Lands or the Tahoe Conservancy or with Burton-Santini monies. We have had unexpected and dramatic reduction in thousands and

APC REGULAR MEETING MINUTES JANUARY 10, 2001

thousands of acres of coverage. The addition of an acre a year in terms of affordable housing in terms of coverage which will result from being transferred elsewhere to get the 50% bonus seems to be a need. He encouraged the APC to vote for the amendment.

Mr. Patrick Conway, Housing Coordinator for the City of South Lake Tahoe, supports the amendment as proposed. He is also happy to hear the terms of affordable housing, as well as employee housing, which is a private sector solution. The affordable housing to date has all come from governmental agencies. There is no way to solve the affordable housing issue through the government sector around the Lake. He didn't believe that rehabilitation is going to somehow solve all the problems in the community either. There definitely is a need for new construction for both affordable and employee housing in our community. There isn't solely the opportunity for deed restricted affordable housing. The idea of mixing affordable housing with market rate multi-family housing has been discussed at the local government meetings. TRPA may want to consider projects that have affordable housing components as a possibility to also benefit the 50% land coverage; not something that is solely deed restricted; to 100% affordable housing; this may make some of the projects more palatable.

Ms. O'Daly commented that this amendment was created in response to an application by the City of South Lake Tahoe. The City has someone who is interested in developing an affordable housing project. However, the possibility of mixed use is something that developers look at to make the projects more palatable. The Code, as currently written, applies to multi-family over 5 units, and this amendment narrows that to affordable housing. Perhaps there is a middle ground where we can say a project must have an affordable housing component to take advantage of this amendment.

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

A discussion ensued.

MOTION by Ms. Kvas, with a second by Mr. Jepsen, with a recommendation to the Governing Board to approve the amendment to Chapter 14, community plans, to add a finding allowing for the amendment of a community plan boundary when it is to facilitate affordable housing only, with the additional wording "where contiguous to a community plan."

Mr. McDowell questioned what would happen if there was a proposal to expand to public land, and Ms. Shade stated that if the person does not own the land, they would not be able to make that finding for a deed restricted affordable housing project, unless you are going to allow someone to build affordable housing on forest service property. She didn't see that happening. The finding that one would have to make in and of itself would not allow you to push out to someone else's property who is not applying for an affordable housing project.

The motion carried.

(Messrs. Combs & McDowell left at 2:45 p.m.)

E. Adoption of the Lake Tahoe Recreation Signage Guidelines and Amendment of Chapter 26 Signs.

Recreation Program Manager Peter Eichar presented the adoption of the Lake Tahoe Recreation Signage Guidelines and Amendment of Chapter 26 Signs.

## APC REGULAR MEETING MINUTES JANUARY 10, 2001

Mr. Tolhurst commented that whenever he runs into a guideline that says, "shall be", then it is not a guideline; it is a regulation; if he runs into one that says "should be", then it is something that if he feels like doing it, he does it. He reads the two sentences that are being incorporated into the document, and one of them says "shall" and the other says "should", and in Mr. Eichar's preference, he said it was optional. Mr. Tolhurst believed it was a good idea, but he thinks people who are paying money for signs, need to know whether they have to do it or they should do it or they are going to do it. He has trouble with guidelines.

Mr. Marchio agreed with Mr. Tolhurst's concerns. As an implementator, he needed to know what the difference is between a guideline and a standard. If people are going to do this, it should be a requirement, so he would call them standards and they "shall be implemented".

Mr. Morgan questioned if Mr. Eichar was planning on including these signs at the various counties and cities that have sign ordinances already, as an addendum to those. Mr. Eichar responded that these would be in addition to those ordinances. Mr. Morgan pointed out that on page 38, under "Maintenance" the word "be" should be "by".

Ms. Kemper pointed out that on page 60 of the Table of Contents, the letters are out of alphabetical order. In addition, she stated that some work that CalTrans and NDOT had done was not incorporated into these ordinances. There is an interagency road maintenance operations committee that has been meeting over the years, and a specific subcommittee of that group worked on standard sign details that was specific to the roadways. This is more for the recreation areas themselves, but this group actually agreed to and had consensuses about the mile marker program that goes around the Lake. Their detail looks almost identical to Mr. Eichar's except it has the additional engineering details for break-away roadside markers so if one of these wood pilings was being put in near the road, it had holes drilled in on the sides so that it would easily break off if somebody hit it so it would cause a safety problem. Ms. Kemper encouraged Mr. Eichar to get that into the amendment before the Governing Board adopts it.

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

MOTION by Mr. Jepsen, with a second by Mr. Morgan, to recommend approval to the Governing Board of the adoption of the Lake Tahoe Recreation Signage Guidelines and Amendment of Chapter 26, Signs, with the changes that the guidelines be adopted as "standards" instead of guidelines; that the words "should be implemented" be changed to "shall be implemented", and that staff contact CalTrans and NDOT to include their detail for road markers for a "break-away" roadside marker.

For clarification, Mr. Barrett stated that the intent of this amendment was to make the sign ordinance standards. To accomplish this, these standards would supersede any local standards in regards to recreation signage. He asked the APC if that was what they intended. Mr. Marchio replied yes.

The motion carried unanimously.

### VI. PLANNING MATTERS

Mr. Barrett stated there was a request by staff to hear Agenda Item B. first. Mr. Marchio polled the APC members to see if there were any objections to this request, and there were none.

APC REGULAR MEETING MINUTES JANUARY 10, 2001

B. Discussion of Transit Oriented Development Findings and Two-Step Subdivision Standards as They Pertain to Transit Oriented Development

Land Use Planner Peter Eichar presented the staff summary discussion the transit oriented development findings and two-step subdivision standards as they pertain to transit oriented development.

Mr. Wysocki asked Mr. Eichar to define a "good pedestrian bike connector". Mr. Eichar replied that a good connection would be connecting to existing bike paths; a bad connection would be a parcel where you put a bike path in front of a street. Mr. Wysocki commented that what is good for TRPA may not be good for the applicant. When they are preparing an application for a zoning change, Mr. Wysocki stated that the language is not very clear.

Mr. Tolhurst requested that TRPA change the words "dry cleaners" to "laundry".

Mr. Cole stated that this seemed fairly onerous to him. We are talking about an amendment to add multi-family as a permissible use, and then you have to find all of these items within a quarter of a mile or 10 minute walk; you have to have grocery and drug stores; medical services; retail stores; dry cleaners, and we have to have good pedestrian bike trails. This is impossible. From his perspective, there is no way to add multi-family as a permissible use to a plan area. He could not think of a single example where all of that can be found within a quarter of a mile or a 10-minute walk.

Mr. Eichar commented that the grocery stores and medical services are examples and not intended to be necessarily the exact amenities that we are looking for, but we are looking for types of facilities. This proposal is trying to clarify what is being meant by neighborhood services and public facilities. The number of opportunities to change the zoning to allow this high-density residential development to occur is limited. That is not necessarily a bad thing.

Mr. Cole stated that first of all, from the standpoint of trying to provide affordable housing, it is a bad thing. This list doesn't just limit, it precludes any opportunity for affordable housing. Mr. Cole didn't believe he was reading the list the same way as Mr. Eichar was. When he reads "the areas must have access to operational transit in neighborhood services within a 10 minute walk, including, but not limited to", then there is a list; those are not examples; those are specifics. He didn't believe that this was facilitating anything.

Mr. Eichar stated that right now, this is set up for one of those places where we are going to allow high density, residential development to occur. He would venture to say if all of these things come hand-in-hand -- if you are in close proximity to commercial services and public services -- you are likely to have transit as well. If you have one of these, you probably will have a number of the others by default because you are already in close proximity. Mr. Eichar stressed that affordable housing projects need these things the most. These people need to be close to the post office; close to a doctor; close to the bus stop. If they are not, we are doing them a more disservice by providing housing in such a location that they have no choice but to get into car a drive to work; drive to daycare; drive the kids to school. If you are locating these people in an area where they don't have to get into a car, you are halfway there.

Mr. Cole said but there are limited opportunities for affordable housing anyway. This is making it so limited, that it will be impossible for affordable housing. In the City of South Lake Tahoe, the affordable housing projects that have been built in the last few years don't qualify under these

APC REGULAR MEETING MINUTES JANUARY 10, 2001

criteria. The senior housing may come close, but Mr. Cole didn't believe that would make it either. This just doesn't work. He commented that he understands the philosophy and theory behind transit-oriented development, but these requirements don't allow for any development at all; affordable housing or any housing for that matter. If the goal is to eliminate high density, residential housing, then this proposal would do that.

Mr. Honcoop also believed that this was onerous, and listening to the discussion, he is hearing it go both ways and it is not clear to him whether this is something TRPA is trying to discourage or limit. Another part of his question is, has TRPA actually gone out and see if they can find an area or areas that can meet all of these criteria. The way he reads this, if you have language that says, "including but not limited to", you have to all of these items. He suggested that Mr. Eichar review some of the language because he didn't think TRPA was doing what it intended to do.

Mr. Tolhurst thought if we just put "such as" instead of "including", it would be much clearer to everyone.

Even with that change, Mr. Honcoop was not sure you could satisfy all of the five criteria.

Ms. Kemper stated that the way she understood it, section (e) just said "adequate public facilities"; it doesn't say anything about it being within a 10-minute walk. To her, it is just saying there are these services that have the capacity and nothing about proximity.

Ms. Kvas went on the record that Washoe County participated in all of these meetings and didn't consent to, and still has not consented, with this proposal for a variety of reasons. Sometimes when you want to exclude one use, you end up excluding something you never had the intent to exclude. She believed that we need to look at this very carefully for the affordable housing component. She does agree with Mr. Cole and thinks it is onerous. Also, she needs to caution the APC that there is this constant linkage of this to any multi-family projects. Even if the property has been zoned for 30 years to be multi-family, there is an intent to come back to the APC with a linkage to all multi-family zoned properties that do not make these findings. This is very important to Washoe County because we have 23 lots in the subdivisions that are zoned to put in duplexes.

Mr. Eichar made the statement that we do have an existing Code section. We can move forward with processing applications with the existing Code section, or we can try to move forward to what we have in front of us today, better or worse, adding some different language.

Chairperson Marchio opened the hearing up for a public hearing.

Mr. Lew Feldman, an affordable housing proponent, agrees with the APC that the proposal is very onerous. He feels strongly that having a 10-minute walk from amenities is absurd. This is closing the door on solving the affordable housing problem. We don't have the inventory to fill the housing needs of all of the people that work in South Lake Tahoe. He is frustrated that Ms. Kvas participated in countless meetings to try and move this thing forward. Mr. Feldman stated that he didn't have a simple solution to this problem except to say that this should be sent back to staff to try and fix because this amendment is driven by trying to accommodate affordable housing issues. We should deal with affordable housing instead of trying to eliminate it.

Alternatively, maybe this should be directed to the Governing Board subcommittee that is working on affordable housing because they reviewed Chapter 14 before it came to the APC with the unanimous recommendation. They are tuned into these issues and with a smaller group of people, we may be able to roll our sleeves up and get some work done. He is adamantly apposed

## APC REGULAR MEETING MINUTES JANUARY 10, 2001

to the recommendation as it stands because it is not accomplishing what we need to accomplish and it would send a very bad precedent.

Mr. Marchio reiterated that Mr. Feldman made the same comment last time about trying to put an urban solution on a rural problem. For clarification, he asked if what Mr. Feldman was saying now is maybe the TOD approach to dealing with rezonings for multi-family is not the way to go. Mr. Feldman stated that a transit component is certainly a legitimate topic of conversation, but if you filter the other items on this list, you can't do that in this town. Otherwise, it is status quo and we are stuck with what few areas that might be in a community plan or what few areas under Chapter 14 are available. There just isn't enough inventory to ever meet the demand or need and it is getting worse; not better.

Mr. Michael Donahoe, from Douglas County and was also part of the stakeholder group that has been working on these issues for the past year, stated that he too doesn't want to see affordable housing sacrificed to meet this particular finding. He commended Peter and Coleen for capturing the issues and for spending so much time in writing this recommendation. He thought that the timing may not be right. He said it sounds like we need to get the affordable housing and two-step issue decided first and then come back and look at the TOD findings as a supplement to what those other decisions might be as a way to get past this. He is concerned about the density and land use issues that come up. He urged this group not to talk about two-step today because there are a lot more people interested in that who are not here today, but that discussion do happen very soon. On page 67, it says that staff plans to bring the two-step subdivision discussion to the APC and Governing Board early in the new year. He urged staff to make that sooner rather than later. Maybe it should be prior to this discussion on TOD.

Mr. Patrick Conway, Housing Coordinator with the City of South Lake Tahoe, also attended some of the affordable housing meetings. One of the things he wanted to point out is that when you are dealing with subsidized affordable housing and applying for funding sources through grants and government sources, you are looking for projects that are in close proximity to services and also in close proximity to transportation, as projects that are the most competitive as far as receiving their funding. But certainly in our area we don't want to eliminate projects that may not have all the factors available. But you will never find the ideal location. We are running out of available lots to build projects in the City of South Lake Tahoe. He believed that the proposal limits development of affordable housing or the potential for affordable housing to be constructed as opposed to what he envisioned as the opposite of what was trying to occur, which was to preserve lots that would be available for affordable housing. He is concerned with the comments being made.

Ms. Shade stated that the reason why there was a stakeholders' group to look at TOD, two-step and urban boundaries is because we were spending many hours in front of this group, as well as the Governing Board, on projects because our Code was not specifically enough as to what we wanted to see in the proposals in order to make the findings. For example, one someone came in and they wanted to go through the two-step process – that is, they wanted to build a multi-family or they wanted that allowed in that area, and then have that multi-family project subdivided, if they were proposing a multi-family project in a plan area that did not allow multi-family, they had to make the TOD findings. This has never had anything to do with affordable housing. I know that Mr. Feldman came up here and spoke very strongly. This TOD issue did not come up because of affordable housing. Ms. Kvas made a good point. Sometimes when you are trying to clean up one area, you may actually create problems in other areas. TRPA wants to make sure that whatever we do with this TOD, we are not reducing our flexibility or opportunities for affordable housing.

APC REGULAR MEETING MINUTES JANUARY 10, 2001

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

Mr. Wysocki suggested that "a" should be replaced with "or" on page 72; have (a) or (b), but not (a) and (b). He stated that in paragraph (e), "adequate public facilities" should state water, gas, electricity, etc., not necessarily the services.

(Mr. Wysocki left the meeting at 3:55 p.m.)

Mr. Barrett reviewed the history of this amendment and the reason why TRPA was bringing this issue forward.

Mr. Cole stated that he is frustrated by the two-step process and what we are trying to accomplish. We need to be clearer as to the areas included and excluded from the amendment and what areas are going to be affected.

Mr. Honcoop suggested cleaning up some of the language that has caused confusion and not address the affordable housing issue the go forward.

Mr. Lane questioned why we just can't deal with the two-step subdivision issue. If someone wanted to do affordable housing, then they would have to deal with another set of issues. This issue is something that needs to be addressed and fixed one way or another. He appreciated the long hours Coleen and Peter had put in this amendment.

(Mr. Jepsen & Ms. Kvas left at 4:15 p.m.)

In conclusion, Mr. Barrett stated he would remove the affordable housing issue; look into the 10-minute walk issue and find better criteria and a way to make that work; change the "including but not limited" to "such as" and make it clearer on which areas apply and which ones don't; and, maybe if we had deed restricted affordable -- those circumstances for affordable -- then we could apply them. This was basically geared for two-step subdivisions and maybe we can have a different criterion that is more flexible and more focused on community plans. He would bring this item back to the APC with the changes.

Mr. Marchio thanked Mr. Barrett for his work.

(Mr. Honcoop left at 4:27 p.m.)

Mr. Marchio stated that due to time constraints, the Item VI.A., Presentation on Tahoe Yellow Cress (TYC) Conservation Study, would be postponed until February.

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Executive Director Juan Palma stated that we have received 90 + applications for the Deputy Director position, and the selection for that position will be within the next 30 days. He stated that he is trying to make a better connection between the Governing Board and APC; especially, our presentations.

APC REGULAR MEETING MINUTES JANUARY 10, 2001

B. Legal Counsel

Assistant Agency Counsel Jordan Kahn had no legal report this month.

C. APC Members

Mr. Morgan commended Pam Drum and the Bonanza for publishing a lead article entitled "Plan for Home Delivery Approved by TRPA", which is aimed right at the people in Incline Village.

Ms. Kemper suggested that we put an APC packet in a binder at the back of the room with a note saying "Please Do Not Remove" for the public. In addition, Lahanton mailed out yesterday a draft BMP manual that will be used as the core manual for TRPA. It is out for comment and 30-day review, and hoping to get comments from all the local governments.

IV. ADJOURNMENT - The meeting was adjourned at 4:28 p.m.

Respectfully submitted,

---

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

308 Dorla Court  
Elks Point, Nevada  
www.trpa.org

P.O.Box 1038  
Zephyr Cove, Nevada 89448-1038

Phone: (775) 588-4547  
Fax: (775) 588-4527  
Email: trpa@trpa.org

## MEMORANDUM

February 6, 2001

To: Advisory Planning Commission Members

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt A New Memorandum of Understanding Between TRPA and the City of South Lake Tahoe Regarding Certain Exempt and Qualified Exempt Activities

**Proposed Action:** As provided for in the Permit Integration Program Action Plan, TRPA staff is pursuing both the development of new Memoranda of Understanding (MOUs) as well as amendment of existing MOUs to improve coordination between certain governmental agencies, to provide clarification and expansion of certain exempt and qualified exempt activities, and to increase delegation responsibilities where appropriate. The APC is requested to consider a recommendation to the Governing Board on a new MOU with the City of South Lake Tahoe (see Attachment A), which exempts certain activities undertaken by the City of South Lake Tahoe from TRPA review.

**Staff Recommendation:** Staff recommends that the APC forward a recommendation to approve the adoption of the attached MOU to the Governing Board.

**Description and Discussion:** The City of South Lake Tahoe has requested that the TRPA enter into a Memorandum of Understanding exempting certain activities undertaken by the City from TRPA review.

**Required Findings:** Section 6.5 of the TRPA Code of Ordinances requires the following findings be made prior to Code amendments:

A. Chapter 6 Findings:

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOU with the City of South Lake Tahoe are minor in nature and are subject to all the provisions of the Regional Plan. The activities will be reviewed, approved and inspected by the City of South Lake Tahoe, consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the

Code. The MOU will allow for better utilization of City of South Lake Tahoe and TRPA staff. The proposed MOU is consistent with, and will not adversely affect, implementation of the Regional Plan.

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

Rationale: Activities undertaken pursuant to the proposed new MOU are subject to the provisions of the Regional Plan. The activities undertaken by City of South Lake Tahoe will be in accordance with all applicable TRPA regulations. Therefore, the activities listed in the new MOU will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: Activities undertaken pursuant to the proposed MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

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

Rationale: As explained under findings 1, 2, and 3, above, the Regional Plan will continue to attain and maintain the thresholds.

B. Article VI(a) Findings – Article VI(a) states:

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

As discussed above, all activities undertaken pursuant to this MOU will be implemented under the provisions of the Regional Plan package, including the TRPA Code, Plan Area Statements and applicable Community Plan. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, coupled with limitations elsewhere in the Code, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

C. Ordinance 87-8 Findings: Section 2.50 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies or ordinances designed to make existing policies and ordinances more effective. The proposed MOU will implement

Section 4.8 of the Code, which allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for the proposed MOU. Based on the checklist, staff recommends a finding of no significant effect on the environment for the proposed MOU.

If you have any questions regarding this staff summary, please contact Rick Angelocci at (775) 588-4547 or [Rangelocci@trpa.org](mailto:Rangelocci@trpa.org)

Attachment: Memorandum of Understanding.



MEMORANDUM OF UNDERSTANDING BETWEEN  
TAHOE REGIONAL PLANNING AGENCY AND  
CITY OF SOUTH LAKE TAHOE

This Memorandum of Understanding is entered in this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by its Governing Board, and the CITY OF SOUTH LAKE TAHOE (City) by and through its designated representative.

All activities described in this Memorandum of Understanding (MOU) are in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended. It is understood that activities exempt under this MOU shall not result in the creation of additional land coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Chapter 4 of the TRPA Code. It is also understood that all activities undertaken by the City of South Lake Tahoe pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA. It is also understood that any activity undertaken pursuant to this MOU must be deemed Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) as amended.

I. EXEMPT ACTIVITIES

The following City activities, in addition to those activities exempt pursuant to Section 4.2 of the TRPA Code, are not subject to review and approval by TRPA, provided that they do not result in the creation of additional land coverage or relocation of land coverage.

A. Streets, Parking Areas, Trails, Bridges, Traveled Ways

1. Skin Patching that covers up to one-half mile of roadway where existing asphalt is failing and rough areas that need a level course, generally 1-inch depth.
2. Overlays of approximately 1.5 inches thick of asphalt concrete over existing pavement to repair streets that are failing.
3. Fog Sealing - application of asphalt emulsion to surface of existing and new pavement.
4. Crack Sealing with an asphalt rubber mix to prevent water from getting into the cracks and causing a base failure and street failure.
5. Pavement grinding for profiling and complete pavement replacement.
6. Repairing asphalt and concrete curbs up to and including removal and replacement.
7. Striping and painting of pavement markings.
8. Patching of potholes, broken shoulders, etc.

## B. Water Quality

1. Dry wells - the excavation of up to 30 cubic yards of material directly into trucks and replacing with drain rock (typical dry well is three cubic yards) allowing water to infiltrate, provided the work occurs in Land capability Districts 4 - 7.
2. Shoulder work – placement of shoulder material to build up to the edge of asphalt to prevent asphalt from breaking and confining runoff to a channel. The material used shall meet all applicable TRPA standards.
3. Restoration of rock rip - rap drainage ditches including removal of sediment buildup.
4. Repair and maintenance of existing drainage facilities.
5. Cleaning of drainage systems including pre-treatment vaults, inlets, manholes, pipes and outfall structures.
6. Removal of sediment and overgrowth in drainage basins, drainage ways and inlets to establish original flow patterns, provided the vegetation is not the requirement of a permit.
7. Sweeping to remove sand, dirt, pine needles, etc. from road surfaces and to prevent them from going into drainage systems and Lake Tahoe. Collected material shall be transported to South Tahoe Refuse for disposal.
8. Watering areas that have been revegetated and must have water to become established.

## C. Snow Removal

1. Snow removal from City streets, bike trails, sidewalks, and parking lots.
2. Application of sand, cinders, and de-icers onto City streets to minimize the effect of ice during snow conditions, provided the source material meets TRPA standards.

## D. Sidewalks and Pedestrian Facilities

1. Replacing and repairing existing sidewalks and pedestrian facilities.
2. Handicapped accessibility improvement projects, including curb cuts and wheelchair ramps.

## E. Signs

The installation and maintenance of guide, regulatory, construction, and warning signs in compliance with all applicable sign standards. Installation and repair of roadside markers including snow poles, and other regulatory or directional signs (Speed Limit, No Parking, etc.), culvert markers, snow poles, etc.

F. Recreation Activities

1. Operation and maintenance of recreation sites and facilities: golf course, campground, beaches, boat ramp, recreation complex, Bijou park, mini-parks, athletic fields, bike trails and other recreation sites under the control of the city. Maintenance can include but is not limited to the repair, replacement and/or cleaning of accessory structures associated with public recreation facilities such as: picnic tables, barbecues, ballwashers, tee signs, playgrounds and playground equipment, bike trails vehicle barriers, fences, retaining walls, restrooms, grounds and parking facilities.
2. Landscaping and re-vegetation with TRPA-approved species, including installation, repair and replacement of irrigation systems. Renovation of turf areas and other landscape areas of one acre or less, provided such areas are located within Land Capability Districts 4 - 7.

G. Publicly Owned or Maintained Structures

Structural repair or remodeling less than \$50,000 per structure per year which does not result in excavation or backfilling in excess of that described in TRPA Code, Subparagraphs 4.2.A (6) and 4.3.A (6), additional land coverage, an increase in the dimensions of a structure (including height), a change of use, an increase in floor area, nor an increase in density.

H. Fish and Wildlife

Protection of wildlife habitat and fisheries provided there is no modification of streams. Stream modification shall include any alteration of a stream profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.

I. Fire Protection

Vegetation and dead tree removal for fire prevention purposes.

J. Scientific Research and Monitoring

1. Installation of instruments for scientific research and monitoring.
2. Installation of monitoring wells for ground water monitoring.
3. Excavation of soil samples, provided such excavation is within the limits in Chapter 4.

K. Erosion Control

Maintenance of the following facilities including erosion control measures such as:

1. Retaining walls
2. Sediment basins
3. Swales
4. Rock slope protection
5. Rock-lined ditches

6. Fences
7. Willow wattling
8. Barriers

subject to grading limits and scenic guidelines.

L. Miscellaneous Activities

1. Excavation and back filling for an area not in excess of fifteen cubic yards, provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, and 7, and the excavation site is stabilized and revegetated to prevent erosion.
2. Nuisance Abatements to remove trash, garbage, abandoned cars, lumber, mattresses, refrigerators, stoves, etc. All removed material will go to an approved disposal site.
3. Periodic cleaning of trash and drains to keep the area clean and to prevent debris from plugging City drains.
4. Tree removal when hazardous trees are in the right of way and present a hazard to the public, provided approval of the California Department of Forestry is obtained.
5. Monitoring of highway or roadway traffic, including the placement of portable traffic counting equipment or weighing devices.
6. Placement of traffic detection devices in the pavement of a highway or roadway for the operation of traffic control signals or for traffic monitoring.
7. Land surveys, corner recovery, re-monumentation, and land-line posting.

II. QUALIFIED EXEMPT ACTIVITIES

The following City activities are not subject to TRPA review or approval provided the City certifies, on a form provided by TRPA, that the activity does not result in the creation of additional coverage or relocation of coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Chapter 4 of the Code, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least 5 business days before the activity commences, or in the event of an emergency, within 3 business days after the date of the emergency.

The following activities are in addition to those activities deemed qualified exempt pursuant to Chapter 4 of the Code:

A. Streets, Parking Areas, Trails, Bridges, Traveled Ways

Maintenance or repair of existing bridge structures, provided there is no change in the width or length of the existing structure.



B. Water Quality

Embankment repair provided the activity occurs during the grading season (May 1 to October 15) and the repaired site is stabilized either during the repair activity or within 72 hours of the repair to prevent further erosion.

C. Erosion Control and Restoration Activities

1. Installation of retaining walls not exceeding 200 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines.
2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6" in depth.

D. Recreation Activities

1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the Code, all utilities will be located underground, the fence is not located within a TRPA-designated scenic roadway or shoreline unit and the replacement does not result in an expansion under the Code.
2. Tree removal for public health and safety pursuant to Chapter 71 of the TRPA code.
3. Repair and/or replace irrigation system equipment such as pumps, valves, motors, controllers, pipes, connections, meters, and sprinkler heads.

E. Fish and Wildlife

Fish and wildlife habitat enhancement activities provided they do not result in modification of a stream or lake. Modifications shall include any alteration of a stream or lake profile that requires the use of motorized equipment or the placement of any structure within an active stream channel.

F. Fire Protection

1. Prescribed burning.

G. Vegetation Management

The following activities are qualified exempt provided they are performed under the supervision of a registered professional forester, do not exceed 20 acres, and meet the standards and practices of Chapter 71:

1. Timber stand improvement projects, thinning, pruning, removal of hazardous, dying, or diseased trees, and disposal of wastes through the issuance of wood permits, chipping, slash burning, and scattering.

2. Protection and enhancement of wildlife habitat.

H. Miscellaneous

1. Excavation and back filling for an area not in excess of 50 cubic yards provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.
2. Installation of underground utilities for a distance of not more than 1,000 lineal feet.
3. Installation of irrigation lines for a distance of not more than 1,000 lineal feet.

III. LOSS OF EXEMPTION

The City acknowledges that any exempt or qualified exempt activity set forth herein may be designated a project requiring TRPA review if the Executive Director of TRPA determines that, because of cumulative impacts or unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

IV. AMENDMENT

This Memorandum of Understanding may be amended by written agreement of both parties.

V. TERMINATION

This Memorandum of Understanding may be terminated by either party upon sixty (60) days written notice.

CITY OF SOUTH LAKE TAHOE

\_\_\_\_\_  
Hal Cole, Mayor

\_\_\_\_\_  
Date

TAHOE REGIONAL PLANNING AGENCY

\_\_\_\_\_  
Juan Palma, Executive Officer

\_\_\_\_\_  
Date

## TAHOE REGIONAL PLANNING AGENCY

308 Doria Court  
Elks Point, Nevada  
www. trpa.org

P.O.B. 1038  
Zephyr Cove, Nevada 89448-1038

(775) 588-4547  
Fax (775) 588-4527  
Email: trpa@trpa.org

### MEMORANDUM

February 6, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System

Proposed Action: To amend the water quality scores for certain areas shown on the existing map delineating water quality improvements in the vicinity of those parcels. The proposed amendments are shown on Attachments A through K.

Recommendation: Staff recommends that the Advisory Planning Commission conduct a public hearing and, if appropriate, recommend adopting the map amendments and their respective scores to the Governing Board.

Background: At the October 1987 meeting, the Governing Board adopted the map delineating water quality improvements in vicinity of affected parcels as part of the adoption of IPES. Preparation of this map was based upon field data collected during the summer of 1987 pursuant to Subsection 37.2.G of the Code of Ordinances:

37.2.G Need For Water Quality Improvements In Vicinity Of Parcel: The maximum score for need for water quality improvements in vicinity of parcel is 50 points.

- (1) Preparation Of Map: TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table G-1 of the Technical Appendices is the same. The Lake Tahoe Basin Water Quality Management Plan (208 Plan) maps shall be used as a guideline for determining the level of improvements needed.

Areas shall be assigned point values in accordance with Table G-1 of the Technical Appendices. The points assigned shall be equal to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.

- (2) Assigning Scores To Parcels: Each parcel shall receive the score assigned to the area, established under Subparagraph (1), above, in which the parcel is located.

TABLE G-1  
NEEDED WATER QUALITY IMPROVEMENTS

Needed Improvement	Points
None	50
Revegetation	- 6
Rocklined or vegetated ditches	- 8
Curb gutter or paved swales	- 8
Storm drain pipes	- 8
Retaining walls	- 4
Rock slope protection	- 4
Paved roads	- 8
Sediment basins	- 4

Since adoption of this map, numerous water quality improvement projects have been implemented within the Basin. As anticipated within the IPES system, one of the ways that a parcel's IPES score may be increased is if (37.10.A) "water quality improvements of the type considered in subsection 37.2.G are installed in an area subsequent to TRPA preparing the maps in accordance with subparagraph 37.2.G(1)."

The Code directs that, upon implementation of these projects, "TRPA shall amend the map by increasing the point values identified in Table G-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in this subsection shall be increased to reflect the new point value."

Amendments proposed by staff are intended to:

1. Account for water quality improvement projects implemented since 1999;and
2. Increase the point scores for those parcels affected by these projects pursuant to 37.10.A. of the Code of Ordinances.

Discussion: The proposed amendments are based upon field data collected during the fall of 2000. Point values were assigned according to the scoring criteria in Table G-1. Properties affected by the score increases were restricted to only those parcels immediately within the vicinity of the water quality improvement project.

To maintain the original intention of identifying and scoring areas within which the need for improvements are the same, the proposed amendments delineated several areas that are smaller than those identified on the original map. This reflects the fact that improvements often addressed portions of the originally mapped areas.

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

A. Chapter 6 Findings:

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: The amendments are consistent with Chapter 37 of the Code of Ordinances. Subsection 37.10.A. anticipated the amendments required based on evaluation of water quality improvements implemented in the described areas.

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

Rationale: The amendments are consistent with the Regional Plan and will not cause the environmental thresholds to be exceeded.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: See findings 1 and 2 above.

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

Rationale: For the reason set forth in the rationale for finding 1 above, these amendments better implement the Code and Regional Plan and will assist in the achievement and maintenance of the environmental thresholds.

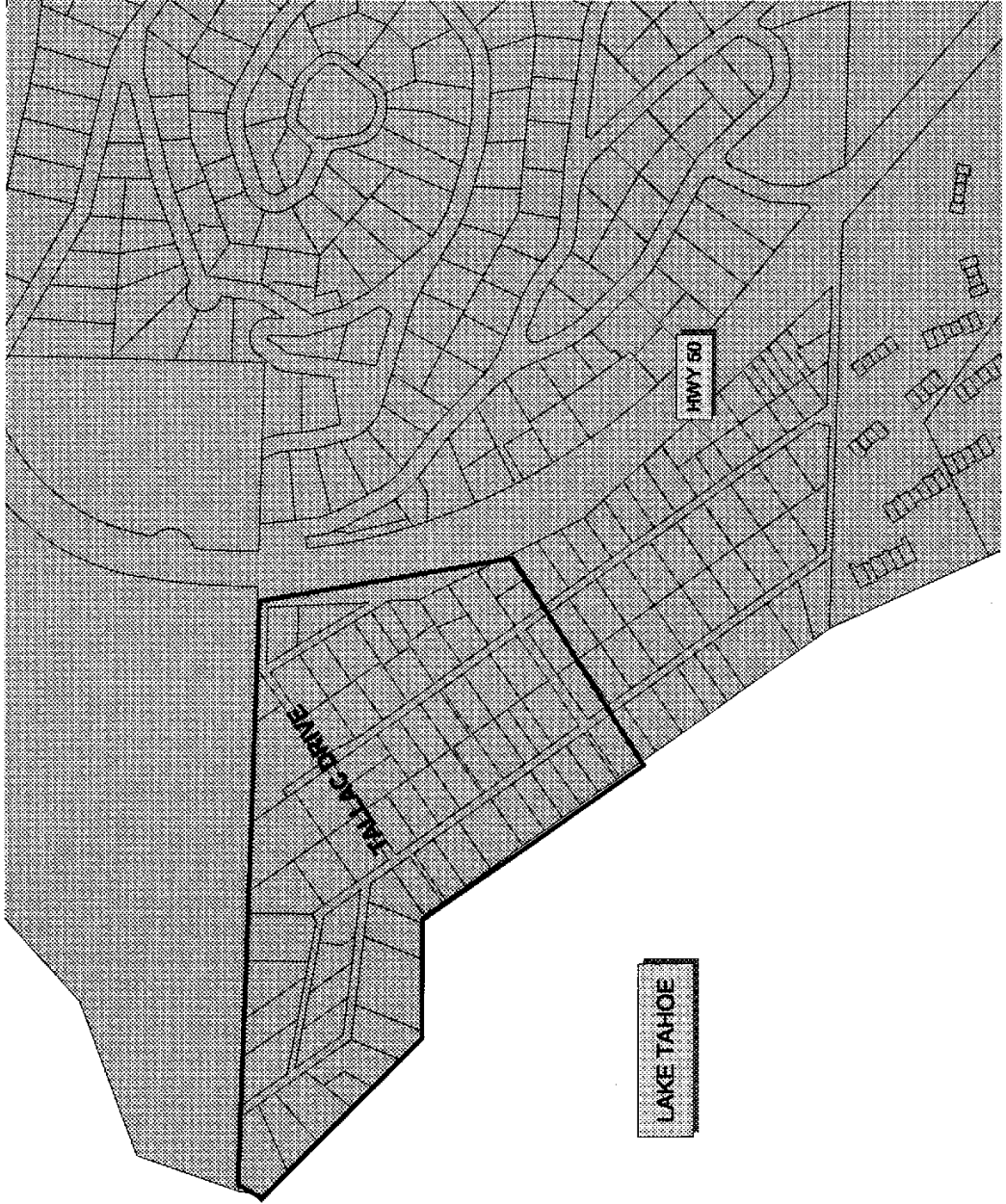
If you have any questions or comments regarding this agenda item, please contact Tim Hagan at (775) 588-4547.

Attachments: Proposed Water Quality Scores  
Marla Bay ECP  
Round Hill GID – McFaul Project  
Kingsbury Estates – Tahoe Village ECP  
Incline Village #1 ECP  
Lower Wood Creek – Incline Village Commercial ECP  
Agate Road ECP  
Tahoe City Urban Improvement Project  
Park Avenue  
Ski Run Blvd. Redevelopment

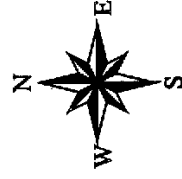
PROPOSED WATER QUALITY SCORES

<u>Number</u>	<u>Jurisdiction</u>	<u>Water Quality Improvements</u>	<u>Proposed New Score</u>	<u>Existing Score</u>	<u>Attachment</u>
1	Douglas	Marla Bay	50	50	B
2	Douglas	Round Hill	40	50	C
3	Douglas	Kingsbury Estates	44	50	D
4	Washoe	Incline #1	40	50	E
5	Washoe	Wood Ck.	38	50	F
6	Placer	Agate	20	36	G
7	Placer	Tahoe City Urban	28	50	H
8	Eldorado	Park Avenue	34	50	I
9	Eldorado	Ski Run East	34	38	J
10	Eldorado	Ski Run West	22	26	J

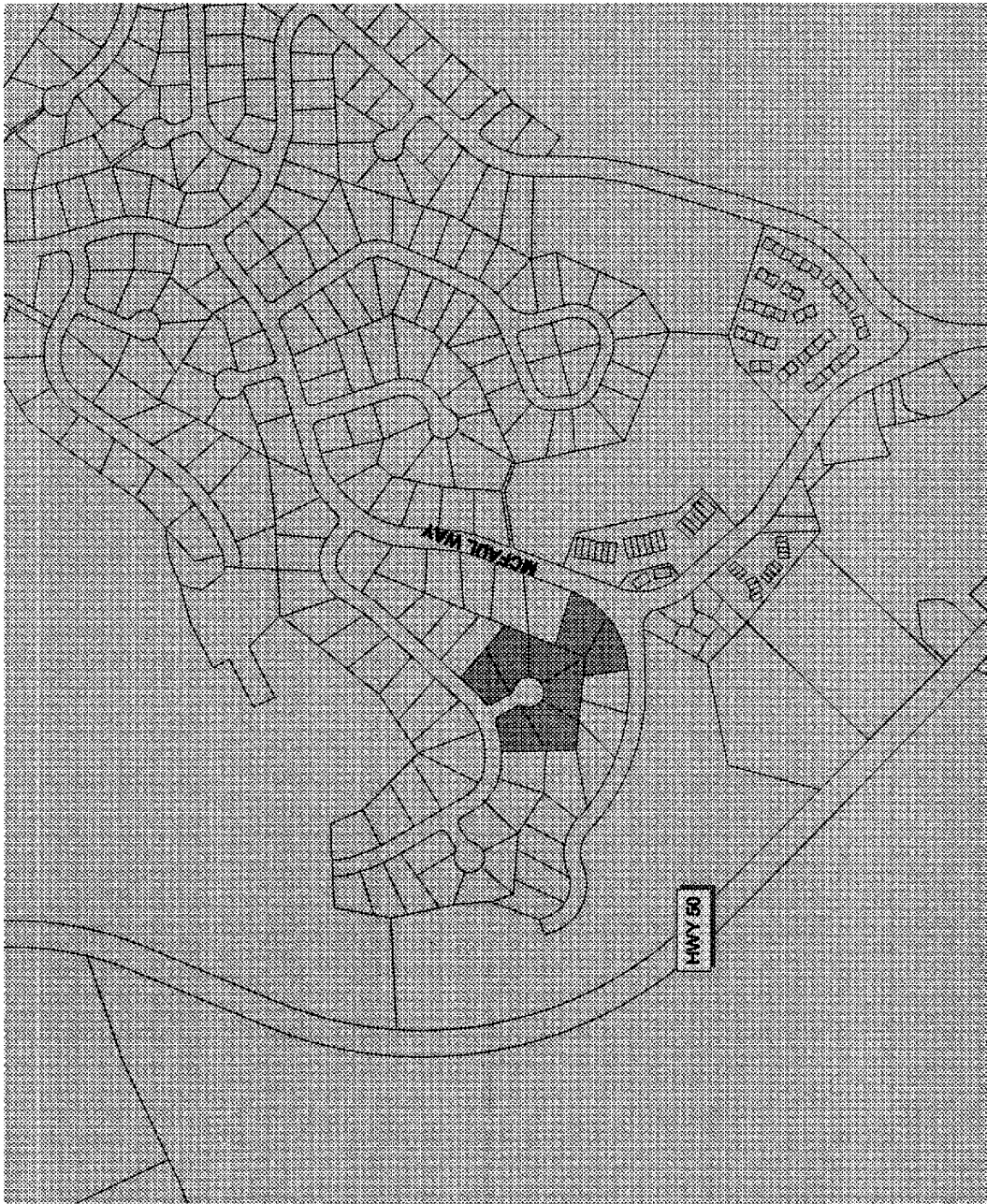
# MARLA BAY ECP



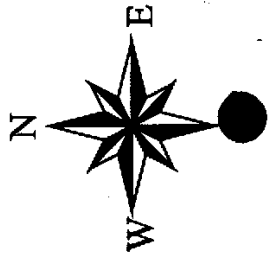
 Project Boundary  
 Douglas parcels



# ROUND HILL GID - MCFAUL PROJECT



Project Boundary  
Dgparcel



0.4 Miles

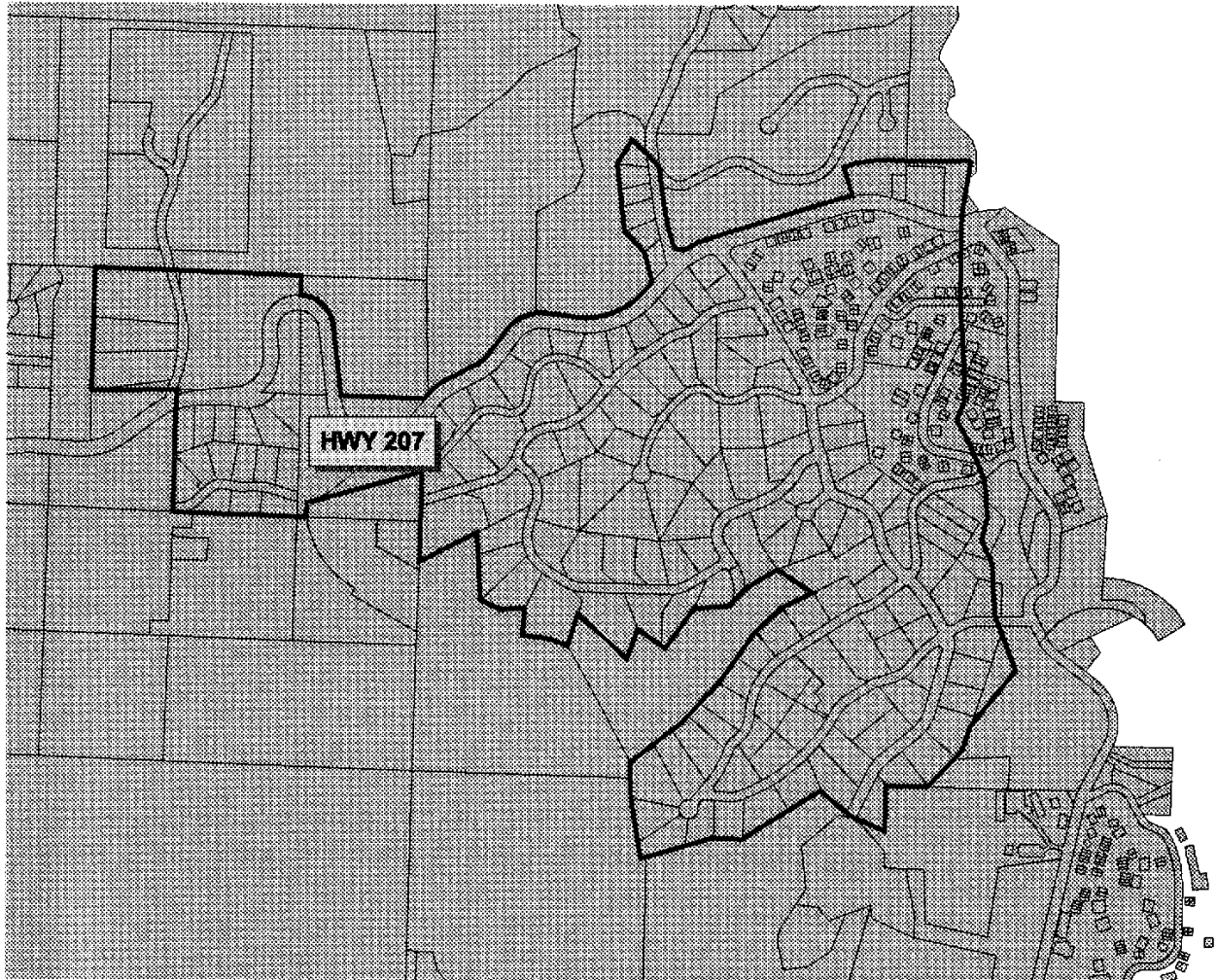
0.2

0

0.2



# KINGSBURY ESTATES-TAHOE VILLAGE ECP



 **Project Boundry**  
 **Douglas parcels**

0  0.3 Miles

