

**TRPA  
APC  
PACKETS**

**MARCH  
2002**

PR

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 March 13, 2002, at the Horizon Casino Resort, US Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

February 19, 2002



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Juan Palma  
Executive Director

This agenda has been posted at the TRPA office and at the following locations: Zephyr Cove and Stateline, Nevada post offices, and South Lake Tahoe Library and Al Tahoe, California post office. 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

Horizon Casino Resort  
Stateline, Nevada

March 13, 2002  
9:30 a.m.

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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. APPROVAL OF MINUTES
  - A. December 2001 Page 1
  - B. January 2002 Page 23
  - C. February 2002 Page 37
- V. PUBLIC HEARINGS
  - A. Comments on 2001 Threshold Evaluation Report Page 43
  - B. Workshop on 2001 Threshold Evaluation Recommended Action Items (to be considered for final action in April) Page 45
    - a. Residential Unit Allocations, 2003-2006;
    - b. Commercial Floor Area Allocations;
    - c. Tourist Accommodation Bonus Unit Allocations;
    - d. Residential Bonus Unit Program Amendments
    - e. Water Quality Amendments;

- f. Air Quality Mitigation Fee Amendment
- g. Vegetation Threshold Amendments to TRPA Plant Community and Species Listings;
- h. Vegetation/Soils Protection Amendment;
- i. BMP Implementation Amendments;
- j. Scenic Amendments

VI. ADMINISTRATIVE MATTERS

- A. Appointment of Nevada at Large APC Member

VI. REPORTS

- A. Executive Director

- 1. Report on Governing Board Actions Relative To APC Recommendations

- B. Legal Counsel

- C. APC Members

VII. ADJOURNMENT

**TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION**

North Tahoe Conference Center  
Kings Beach, CA

December 12, 2001

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**REGULAR MEETING MINUTES**

Vice Chairperson Alice Baldrice called the regular December 12, 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: Lisa O'Daly for Gary Marchio, Alice Baldrice, Kevin Cole, Bill Combs, Larry Lohman, Lauri Kemper, Tom Porta, Randy Lane, Ron McIntyre, Alan Tolhurst, Robert Jepsen, Leo Poppoff, Robert McDowell, Eva Krause.

Members Absent: Gary Honcoop, Jay Kehne and Lee Plemel. Paul Morgan is sitting on Governing Board for November and December and Mimi Moss will not be filling Mr. Wysocki's open position until January 2002.

II. APPROVAL OF AGENDA

**MOVED** Leo Poppoff to adopt agenda as is.

**SECOND** Kevin Cole

**PASSED**

III. PUBLIC INTEREST COMMENTS (No Action)

There were none.

IV. DISPOSITION OF MINUTES

There were none.

V. PLANNING MATTERS

A. Presentation of 2001 Threshold Evaluation Report.

Gabby Barrett, Long Range Planning Division, presented the 2001 Threshold Evaluation Report. He handed out the errata pages for insertion. His presentation covered the schedule, the findings and the recommendations.

Ron McIntyre asked if there is any scientific evidence that the decline in the negative trend of clarity is from taking care of all the septic tanks and exporting sewers from the basin? Leo Poppoff answered that clarity probably would have

been worse if that hadn't been done. He also commented that loss in clarity is slowing down. The average annual secchi depth continues in a straight line without any deviation. He was not sure how strong a statement needed to be made about that yet. Larry Benoit answered Mr. McIntyre and stated that some of the TRG have stated that the decrease in the decline rate happened around 1980. There is not actual loading data from any source to say that is exactly where it is from.

Ron McIntyre stated that the EIP was put together to solve a lot of problems. There is a huge list of things, of which transportation is almost half. If you tie allocations to EIP projects, in some areas of Lake Tahoe where those who don't want to see anything happen, they will fight EIP projects. That creates negative incentives to getting EIP projects done. It is happening right now. Gabby Barrett answered that in January the linkage was talked about. In areas like Tahoe City, this is a real issue. It needs to be thought about. Mr. McIntyre stated that to have people pick and choose between EIP projects would be bad. The whole idea is to do EIP projects regardless of who likes them.

Robert McDowell asked if the agency has a communication strategy for the socio-economic desired future conditions in a stable economy. Has the agency thought about doing something different, more intensified to bring people along? Gabby Barrett answered that there is not a strategy but the agency knows it needs it and it is hoping that Lahontan and the Forest Service will agree with this and help. Juan Palma added that he is in communications right now with Sig Rogish. Mr. Rogish used to be the owner of R&R Advertising in Reno. Mr. Rogish and Mr. Palma have been meeting to discuss this strategy and will continue to do so. Lauri Kemper stated that for the water quality update to the TMDL there would be an outreach plan as well. Mr. Barrett asked APC members not to lose sight of the socio-economic side of this issue. It has been demonstrated through collaboration model that keeping everybody's interest in mind results in a better end product.

Lauri Kemper asked about the development of new recommendations about measuring the effectiveness of projects. She asked if there are things that the TRPA is doing that may not be thresholds, such as the BMP, that can be tracked. Gabby Barrett answered that there is.

Randy Lane said the accomplishments of the EIP need to be brought to the forefront of the next 2007 plan. It is necessary for people to have an idea of what the benefits of the system are. Gabby Barrett responded that the system indicators of yes or no does not necessarily reflect a lot of the positive things. The end result is that there are a lot of good things that happened and a few that haven't yet. That does not mean that we are finished but it does mean that things have happened. Alice Baldrice stated that it might be a good idea to have examples of projects from the last 20 years that have really worked well as well as those that haven't worked. The idea is to get the information that there have

been good things that have happened out to the public in a way other than in percentages and graphs. Examples might be a good way to do it.

Alan Tolhurst stated that due to staff turnover, APC member turnover and Governing Board turnover, it seems difficult and important to move forward while keeping everybody up to speed.

Leo Poppoff stated that staff needs to hire a copywriter.

Gabby Barrett stated that staff is going to prepare an EA. The EA is not like an EIS and will not be a response to comments. It will be presented with the findings in February.

Ms. Baldrice moved to public comments.

Jon-Paul Harries, League to Save Lake Tahoe, commented on the time limits set forth. As it is set out, APC is going to have to make comments by January 9, 2002. Mr. Harries commented that due to the importance of this document, a longer review is required. He stated that he would like to see at least 90 days. Mr. Harries responded to Mr. McIntyre's comments that the League opposes all public projects. Mr. McIntyre answered that he did not say that. He said that there were some projects the League opposes. Mr. Harries answered that was true where it looks like there is environmental damage. Typically though, the League is very supportive of public projects.

Elizabeth Hale, Tahoe City Resident, responded to the communication issue that was brought up. She understood that there would be a presentation to the Chamber of Commerce in South Lake Tahoe on the thresholds but nothing equivalent in North Lake Tahoe. She thought that would help. She also stated she supported the League's idea of the public having more time to review. She asked TRPA to be more careful about the agencies and organizations it aligns itself with to promote the EIP. In Tahoe City when the PUD was in charge of "improving commons beach" and when she took 500 signatures to the PUD board that residents wanted to keep the commons as it was, the resort association brought \$16,000 to the table and asked how long they had to listen to the public. The head of the PUD board said that the signatures weren't valid. The head of the communication committee who spent \$11,000 to study the plan, said that people aren't welcome at the committee meetings unless they have been involved for three years. Ms. Hale stated she thought it would be helpful if the TRPA asked the people it aligned itself with to behave more squeaky clean.

Ms. Baldrice brought the item back to APC.

Gabby Barrett commented that this document is on the web page and it can be printed by chapter. Hard copies are available by contacting Deborah Cohen in LRP or Kinko's in Carson City, NV. It probably costs about \$30 or \$40.

Ms. Baldrice closed for a 10-minute break.

V. PLANNING MATTERS

B. Presentation of 2004 Threshold Update.

Shane Romsos, Long Range Planning Division, presented the 2004 update. He stated from staffs perspective, this is an opportunity for coordinating agency efforts in Lake Tahoe. The presentation was introduced as a precursor to how the update will be done. The presentation covered the purpose and need for the threshold update, identification of opportunities for coordinating agency efforts in the Lake Tahoe basin and identification of key issues that have been identified as part of developing the work program. A completed work program is anticipated for February 2002. From that document, research contracts and coordinated agreements among different agencies to initiate the monitoring and / or research is expected. By the end of the first year of sampling research and monitoring, it is anticipated that modeling and other scenario analysis will be initiated. By the end of the summer of 2003 recommendations will begin to be established. The development of an adaptive management strategy now initiated by the SAG and TIIMS will be done in conjunction with this process.

Ms. Baldrice asked for APC questions.

Lauri Kemper asked Mr. Romsos to show that research and monitoring continues past 2003 because it is key to the adaptive management plan and the threshold update process. Shane Romsos stated he agreed.

Alan Tolhurst asked Mr. Romsos if the seven full time people to coordinate this process were necessary. He saw a need for more "people in the trenches." Mr. Romsos responded that this is a challenge. Juan Palma interjected that all the agencies have been invited to participate and coordinate better. In addition, the I Team has been coordinating, and should continue to coordinate, the executive as well as the staff below. Finally, there are working groups around the basin that are currently working on different concerns, such as scenic. Some of the groups have been working independent of direction from the top. This plan integrates those working groups. Therefore, there isn't a proposal for more people just a way to organize them better.

Robert McDowell asked Juan Palma to consider a Memorandum of Agreement, or some type of document where the line officers or executives agree in writing on a work plan such as this. That will help with alignment, program of work, etc. Starting with the TRPA, Lahontan and the Forest Service is a good place to start. Mr. Romsos agreed and commented that an MOU may be what they do in the end.



Leo Poppoff asked if the research was going to be done in the working groups. Mr. Romsos stated it would be working groups, agencies and contractors. Gabby Barrett commented that a detailed work program with the various assignments would be brought to APC. Mr. Poppoff responded he hoped that a way to modify thresholds as needed, rather than waiting another 25 years, would be incorporated.

Ron McIntyre stated he felt that a "2004 Threshold Opportunity for Implementing Coordinating Efforts in the Lake Tahoe Basin" section should be added.

Alice Baldrice asked if the lack of an integrated work program was a weakness of the thresholds developed 20 years ago. Mr. Barrett said he believed it was. He cited the example of vegetation control burning, which helps with vegetation but not such a good thing on air quality and visibility. In integrating, there would be compromises to make thresholds better. Mr. Romsos added that as measurable parameters are identified, questions would be asked such as, "How might one threshold benefit in terms of what someone else is measuring?" Hopefully some duplication will be eliminated.

Lisa O'Daly asked if there has been discussion about ranking thresholds. Mr. Romsos stated he did not think so. Mr. Barrett commented it was not out of the question but hasn't been done yet.

Ms. Baldrice asked for public comments.

Gary Bowen commented on the art and science of leadership. In the business world, there is a distinguishing characteristic of leadership, the difference between magnetic north and true north. In this case, the magnetic north part is leading things the way they need to go with the strongest possible information. Maya Angelou says it best, "To survive is very important, but to thrive is so much more elegant" and much more effective.

Ms. Baldrice closed the matter.

## V. PLANNING MATTERS

### C. Recommendation on Findings that Local Jurisdictions have Demonstrated a Commitment to Providing Their Fair Share of Affordable Housing for Low and Very Low Income Families

Peter Eichar, Long Range Planning Division, presented this item and reviewed his staff summary. He related the item was brought before the Governing Board in June of 2000 where the findings were made and a provision was set that the item must come back before them in December 2001. The intent is not punitive but rather to preserve land for affordable housing developments. Staff recommended that findings be made for each of the jurisdictions. At least some

of the criteria have been addressed to some degree within each of the jurisdictions.

Kevin Cole asked Mr. Eichar which elements both Douglas County and Washoe County have fully met, partially met and have not addressed. Mr. Eichar responded that in Douglas County, the first element was met, the second and third were not, the fourth was marginal, the fifth was met, the sixth and seventh were not met. In Washoe County, the first element was met, the second was not, the third was met, the fourth was not, the fifth was marginal, and the sixth was met. When the criteria were established, it was questioned whether all the criteria should apply or not and that was never really answered.

Lisa O'Daly asked if Mr. Eichar could go through all of the jurisdictions. Mr. Eichar answered that the City of South Lake Tahoe met all five. El Dorado County met all six. Placer County met the first five and marginally addressed number six.

Ms. Baldrice asked for public comment.

Jon-Paul Harries, League to Save Lake Tahoe, stated that the way the League understood the finding is that each local jurisdiction meets the criteria they establish for themselves. The League is not satisfied that has occurred. The finding does not address this and in fact tosses it out as an ineffective code provision. The League would prefer that this finding have some analysis in it in the future and how or how not the findings have been made should be explained.

Ms. Baldrice brought the discussion back to APC.

Alan Tolhurst stated he is uncomfortable making the finding. He senses from staff that the ordinance does not do much anymore. The bar has been lowered and it seems effort is not being made anymore. He felt that the findings are being made in order to avoid public controversy.

Ron McIntyre hoped that after a couple of years of this type of analysis and we find that we are not getting adequate attempts to do affordable housing, that the incentives for affordable housing will be looked at.

Kevin Cole agreed with Mr. Tolhurst. He is frustrated because the environmental impact of the lack of affordable housing as well as the economic impact of the lack of affordable housing is not recognized. Effectively, the jurisdictions are saying, "Gee were sorry but there is nothing we can do." He did not believe that was true. There are a lot of things that can be done as long as an effort is made. The City of South Lake Tahoe was not making progress until someone was hired specifically to do the job. Saying it is not the individual jurisdiction's responsibility but the responsibility of the entire basin is offensive because it does not comply with the idea of "fair share" of responsibility. This is a highly charged issue but it

needs to be kept as a primary issue because it affects many other things in the basin. All of the jurisdictions have not met their "fair share" commitment.

Alice Baldrice asked if this is something that needs to be voted on. Carl Hasty answered that it was.

Leo Poppoff asked what it means to make the findings. Mr. Eichar answered that if the findings were not made, residential subdivisions would not be allowed to occur. If the findings are made, post 1997 subdivisions not developed today, will be allowed to be continued within these plan areas. This is very few parcels in Washoe and Douglas Counties.

Bill Combs stated in Placer County there have been aggressive attempts to provide affordable housing in the region and in the basin. The Placer County redevelopment agency is taking steps and he is encouraged.

Randy Lane stated that philosophically, he shares Mr. Tolhurst's and Mr. Cole's comments. However, in the County he resides, the system is frustrated. The finding says you must make "fair share" efforts but the criterion is such that does not allow this. The properties in his County have other problems associated with it. He is not convinced that a private landowner can be forced to develop in this manner while at the same time preventing some other landowner from developing their land to its full extent because of the condition of the land. In Douglas County what is done or not done has affect on South Lake Tahoe housing. There is a huge need for financial support for affordable housing projects, which means a reduction of fees. While he did not think that Douglas County complied with the letter of what was set up, he would hate to see APC chastise the people for not trying to comply when perhaps they can't. Maybe if APC understood the lack of potential parcels it might be better.

Eva Krause commented that the problem with Washoe County's ability to comply with "fair share" was because of the lack of parcels. They can help other jurisdictions develop affordable housing, but they don't get credit for "fair share" when they do that. They are trying to meet the standards but they do not have the ability to do it.

Lisa O'Daly reported that the City of South Lake Tahoe has been very proactive over the last year, including the processing of two very controversial plan area amendments. Patrick Conway is an amazing man in his ability to get things done. She understood the other jurisdictions' frustration with the ability to get things done and she did not think the City could be as successful as it has been without Patrick's role. She thinks that the \$10,000 incentive should be looked at to see if it is enough. She advised that an eye needs to be kept on the ball and advised APC to ask if chastising any local jurisdiction helps get closer to reaching the goal.

Lauri Kemper asked if not making the finding for Douglas County means that the only area really affected is the area around Kingsbury? Mr. Eichar answered it was. Ms. Kemper stated this was a valuable area to have affordable housing and it is a small area. Mr. Eichar stated that the only real areas affected are two subdivisions within that plan area if the finding was not made.

Alan Tolhurst stated that he noted Mr. Eichar's comment that direction on what criteria and how much criteria needed to be made in order to establish compliance with "fair share" was not given by the Governing Board to staff. However, the fact that the Governing Board left the establishment of criteria to the local jurisdiction, it could be inferred that the Governing Board meant for the local jurisdictions to establish their own criteria to be met in order to demonstrate their commitment. Mr. Eichar responded that the difficulty is the Code reads, "Has the local jurisdiction demonstrated their commitment?" How to evaluate that is the question. The establishment of criteria was used to address that question. It can be debated whether now the criteria has been met or not but the reality is that this Code provision is not going to cause a rush of affordable housing in any jurisdiction. Going to local planning commissions or local board supervisors will get affordable housing built. TRPA is a partner but they do not have the ability to buy land or build projects. If local jurisdictions feel their constituents want this they will make attempts. Ms. Baldrice asked how many of the "Affordable Housing" population are going to go to planning meetings, etc.? Mr. Eichar answered not many at all. Not many people come out in support of projects. Mr. Tolhurst answered that in El Dorado County the Board of Supervisors came up with the fee deferral program for affordable housing. The very first project that came up from that was denied deferral. There are a lot of political issues that have nothing to do with the basin and there is a lack of understanding of the need for affordable housing.

Kevin Cole stated that what is really being discussed is allowing the continuation of the development of subdivision property. The frustration is that various jurisdictions have come in with applications for multi-housing projects. The assumption with the project is passed is that the multi-housing will be a little more affordable but then you see that project sub-divided into expensive condos. This happened again and again on parcels that been identified as parcels preferred affordable housing land. Therefore, today we can preclude people from doing that until they demonstrated their commitment to "fair share."

Randy Lane commented that what is missing is the incentive to comply or not comply with affordable housing needs. Some of the parcels identified as preferred affordable housing are not affordable land in and of themselves. That gap needs to be bridged. One way to do this would be to offer affordable housing incentives that justify the cost of the land. Kevin Cole responded that the focus on the costs for vacant land is not the solution. This is one criterion. There are a whole bunch of other criteria that have not been met. There are a

variety of approaches that can be taken. Gabby Barrett clarified that the two-step subdivision process can happen on land other than vacant land.

Ms. Baldrica stated that it would be appropriate to entertain a motion or motions on each of the five jurisdictions. Gabby Barrett drew APC's attention to the fact that the staff recommendation is to make a final finding. He reiterated the background on the issue and the fact that the League had concern that the land available for affordable housing was being used for two-step subdivisions. Therefore, TRPA settled with the League by saying that they would not allow subdivisions unless Affordable Housings were being addressed. The original function has been lost in terms of land use and urban boundaries. The issue of attaining affordable housing is still prevalent. However, using this as the vehicle to accomplish it is not likely. Therefore, this is a final finding.

Alice Baldrica stated she is troubled by whether or not the jurisdictions have met the criteria established by the Governing Board. The Governing Board left the setting of the criteria to the jurisdictions and the meeting of those criteria to the jurisdictions.

**MOVED** - Lisa O'Daly moved to make a final finding for the City of South Lake Tahoe and El Dorado County as having met the evaluation criteria established by the Governing Board in 2001.

**SECOND** – Alan Tolhurst

Ms. Baldrica called for a roll call vote:

Lisa O'Daly – Yes  
Alice Baldrica – Yes  
Kevin Cole – Yes – Changed to Yes after discussion.  
Bill Combs – No  
Larry Lohman – Yes  
Robert Jepsen – No – Changed to Yes after discussion.  
Lauri Kemper – Yes  
Eva Krause – Yes  
Randy Lane – Yes  
Robert McDowell – Yes  
Ron McIntyre - Abstain  
Leo Poppoff – Yes  
Tom Porta – Yes  
Alan Tolhurst – Yes

**MOTION CARRIES**

Robert Jepsen stated that he takes exception that some counties are being left out. APC members explained that there would be other motions made. Mr. Combs stated he voted no for the same reason. Both changed their votes from No to yes.

**MOVED** – Bill Combs moved to make the final finding for Placer County as having met the evaluation criteria established by the Governing Board in 2001.

**SECOND** – Robert Jepsen

Ms. Baldrice called for a roll call vote.

Alice Baldrice – Yes  
Kevin Cole – Yes  
Bill Combs – Yes  
Larry Lohman – Yes  
Robert Jepsen – Yes  
Lauri Kemper – Yes  
Eva Krause – Yes  
Randy Lane – Yes  
Robert McDowell – No  
Ron McIntyre – Abstain  
Leo Poppoff – Yes  
Tom Porta – Yes  
Alan Tolhurst – Yes  
Lisa O'Daly – Yes

**MOTION CARRIES**

Robert McDowell stated that he wanted to vote yes but the way he is looking at this is either the criteria got met or it didn't. This is a technical advisory to the Governing Board and if one criterion was only partially met then he can't make the technical advisory in the affirmative.

**MOVED-** Lisa O'Daly moved that a finding (not final) be made that Washoe County has demonstrated a commitment to assume their responsibility to provide low income and very low income affordable housing and they report back in 1-year on progress on the un-met items.

Jordan Kahn interjected that what would be most helpful to the Governing Board would be consistent motions on each of the jurisdictions and then an additional motion at the end on direction to the jurisdictions.

Ms. O'Daly withdrew her motion.