

**TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN UPDATE COMMITTEE**

TRPA Offices
Stateline, NV

January 10, 2012

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Reedy called the meeting to order at 9:36 a.m.

Members Present: Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Aldean

Absent: Mr. Shute

II. PUBLIC INTEREST COMMENTS

None

III. APPROVAL OF AGENDA

Ms. Aldean moved approval.
Motion carried unanimously.

IV. APPROVAL OF MINUTES & ACTION SHEETS FROM PRIOR MEETING (S)

None

V. PLANNING MATTERS

Discussion on the Transportation Element Introduction

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

Ms. Aldean said if it is incumbent upon the developers build those sections, how do avoid conflict with a private property owner whose property is being taken for those pathways?

Mr. Stockham said the requirement only applies to development applications.

Ms. Aldean asked if the coverage associated with the pathway would count toward the total coverage. If the property owner is required to construct the improvements, where is the equity?

Mr. Stockham said non-motorized trails are waived from the coverage requirements.

Ms. Aldean asked if there is going to be some flexibility associated with integrating that pathway, to better accommodate the planned development on that parcel.

Mr. Stockham said yes, and there will be more details on these policies in the implementing codes.

Mr. Sevison said in California there is a waiver for liability.

Mr. Stockham said there is a similar law in Nevada.

Mr. Marshall said that those linear public facilities coverage and you can transfer the coverage in.

Ms. Aldean said so there is no net loss.

Ms. Reedy said that there is language in the plan that is dependent on other approved language, how will it be handled so any changes do not override what is being proposed now.

Mr. Stockham said staff recommends a post draft process to view the comments and changes with this committee and the Governing Board.

Mr. Robinson asked if it would come back to this committee to vet public comments before it goes to the Governing Board.

Mr. Stockham said this committee's recommendations will go to the Governing Board in March, after a 60 day review/comment period, those comments would be vetted through a public process that would include this committee. After the committee review, it would go to the Governing Board for final changes and endorsement.

Mr. Sevison said questions have been raised as to whether or not factual studies have been done to justify that bike trails, etc. mitigate air quality.

Mr. Haven said staff is putting together a package containing background information and technical analyses for the RPU committee.

Presentation on Regional Transportation Plan

Mr. Haven gave a presentation on the above.

Committee Comments & Questions

Ms. Reedy said the following are a list of questions presented on behalf of Mr. Shute. He asked if the Sustainable Communities Strategy is part of the RPU.

Mr. Stockham said the Sustainable Communities Strategy is part of the Regional Transportation plan. It is not recommend being part of the Regional plan, but the goals & policies components are incorporated into this chapter.

Ms. Reedy for Mr. Shute suggested in Transportation-1.1 to add “regional.” Is the bike and pedestrian plan in Transportation-2.6 and Transportation-2 Implementation Measures part of the Regional Plan? What is the legal status of the Transportation Plan and how is it adopted and amended? He suggested in the Transportation-2 Implementation provisions “in lieu fees” should be the lowest priority. He suggested in Transportation-4.6 that it is reworded to provide that watercraft would be considered where they would generate the same or less pollution than equivalent ground transportation. Transportation-7.1, 8 and the Implementation Measures should have a provision encouraging parking near intermodal transportation facilities. Transportation-9 Implementation Measures should provide LOS “C” on rural recreation/ scenic roads, LOS “D” would degrade the experience on such roads. Transportation-9 implementation, allowing LOS standards to be exceeded if multi modal facilities are provided is counter intuitive since multi modal facilities should reduce trips.

Mr. Stockham said “regional” has been added. The bike and pedestrian plan is the same as the Sustainable Communities Strategy. The Transportation component of the Regional Transportation plan. It was adopted by the TRPA in 2010. “In lieu fees” would be further delineated in the implementing ordinance. On Transportation-4.6 staff does not concur with the recommendation, because there are many additional considerations related to transit use other than the direct vehicle emissions. Intermodal facilities are referenced in the new policy Transportation-7.1. Goal Transportation-8 and related policies address a separate topic. On Transportation-9, staff recommends the level of service standards remain unchanged, increasing the level of service standard may put roadways segments into non-conformance.

Mr. Sevison said the lower level of service is only peak vacation/weekend times and would not make sense to target the whole process.

Mr. Stockham said it would be difficult if the level of service standards were planned around peak weekends.

Ms. Aldean asked if staff has agreed to defer discussion of the aviation goals until the January 24 meeting.

Mr. Stockham said yes that is correct.

Ms. Fortier said she is concerned with the Introduction language of vehicle miles traveled and traffic being referred to as indicators. Also, she suggested language modifications “the SCS lays out a plan for reducing passenger vehicle related greenhouse gases and add emissions as opposed to reduction targets for cars and light trucks.”

Mr. Haven said staff agrees with the recommendation for language modification and will also be addressing the air quality indicators in the threshold evaluation update.

Mr. Stockham said they do not have to be indicators in the future.

Ms. Reedy asked if that is in reference to the air and water or what Ms. Fortier would like to remove.

Mr. Stockham said indicators as they exist today, include vehicle miles traveled, but staff is not opposed to removing text.

Ms. Fortier said vehicle miles traveled are not threshold indicators, but water and air quality are threshold indicators.

Mr. Marshall said water and air quality are thresholds and currently vehicle miles traveled is an indicator for air quality thresholds. He suggested a separate discussion as to what should be the appropriate indicators for our air quality thresholds.

Mr. Stockham suggested staff could remove the entire second paragraph and the first line of the third paragraph from the introductory text.

Ms. Reedy said is it correct that after the quote in the first paragraph it would go to “This element includes...” in the third paragraph.

Mr. Stockham said the first paragraph would remain, delete the second paragraph and delete the first line of the third paragraph through the word “threshold.”

Local and State Representatives Comments & Questions

None

Public Interest Comments & Questions

Nicole Gergans said the League to Save Lake Tahoe said it is important to keep the

vehicle miles traveled indicator as part of the transportation element and suggested the entire paragraph remain.

Dave McClure said the North Tahoe Citizens Action Alliance agrees with the League's comment on VMT indicators. He is concerned that the Sustainable Communities Strategies proposal does not fit in Lake Tahoe.

Ms. Aldean said since this is California law, the California side of Lake Tahoe does not have much choice in respect to implementation.

Mr. Haven said our Sustainable Communities Strategies is quantifying what our strategies are and have been doing and that results in a greenhouse gas reduction.

Mr. Robinson asked what the difference is between the two states and how it is being approached in regards to air quality.

Mr. Stockham said staff recommends what is stated in the Goals & Policies. They are usually broad so both states could use different techniques to comply with the Regional plan.

Mr. Hasty, Tahoe Transportation District said if paragraph two is going to be removed, he suggested adding language to emphasize the relationship between air and water quality in paragraph three.

Ms. Reedy asked if it was correct that if the language was removed from the introduction, it was not being removed as an indicator.

Mr. Stockham said that is correct, it would be removed from the introductory text and would not impact for on the ground regulations.

Ms. Reedy asked if this is going to be looked at in the future and suggested that there be consistency in order to avoid additional reviews by the committee.

Mr. Stockham said staff is not recommending additional threshold amendments with this Regional Plan Update cycle.

Ms. Aldean suggested retaining the first line in the second paragraph "although it is not threshold category, Tahoe's transportation system relates to multiple threshold areas, particularly air and water quality" and the third paragraph start at "the Regional Plan Transportation element seeks to establish a safe, efficient, and integrated transportation system..."

Mr. Marshall asked if the first clause of the third paragraph does not get to Ms. Fortier's point of vehicle miles traveled should or should not be an indicator.

There is no harm in leaving this in. He suggested deleting the last two sentences of the second paragraph.

Ms. Fortier said it would read in the second paragraph, “although this not a threshold category, Tahoe’s Transportation system relates to multiple threshold areas, particularly air and water quality and then in the third paragraph “To fulfill the Compact’s mandate...”

Ms. Fortier moved approval on page 1 of the Transportation Element Introduction with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Transportation Element Goals 1 & 2 and related Policies and implementation Measures bullet #2.

No introduction was provided by staff.

Committee Comments & Questions

Ms. Fortier suggested language modification for Transportation-1.1 to read “TRPA shall reduce travel demand through increased density and mixing of land uses near transit centers and within convenient bicycle and pedestrian travel areas.”

Ms. Reedy asked for clarification on how is that different than current proposal.

Ms. Fortier said City is emphasizing that it is in the density and the mixed use areas as opposed to outside of that.

Mr. Stockham said staff does not recommended changes since the text of the City’s plan is consistent with the Regional plan, but may not be applicable to different areas within the Region outside of Lake Tahoe.

Mr. Sevison suggested it would be better to have a broader approach from the beginning.

Ms. Fortier suggested removing Transportation-1.3; she does not believe that non-automotive travel modes are the way to handle some of the issues.

Mr. Robinson said he agrees that the statement does not allow for anything else.

Mr. Stockham suggested changing the word “preference” to “consider.”

Ms. Aldean asked if we are we developing the strategy rather than identifying the source of funding in the second bullet of Transportation-2 Implementation Measure.

Mr. Stockham said that is correct.

State and Local Representatives Comments and Questions

Peter Kraatz, Placer County Public Works Department said funding needs to be identified before a project gets approved.

Mr. Stockham said staff agrees and the last sentence in the introduction was added to clarify that.

Public Interest Comments & Questions

Lew Feldman suggested a language modification under Transportation-2 Implementation Measures to read “a trail segment required under shall be a liner public facility and neither the land coverage nor the site area required for the linear public facility shall reduce the total land coverage allowable within the project area.”

Ms. Aldean asked if the proposed alternative language has been submitted to staff.

Mr. Stockham said he wanted to confirm the suggestion from Mr. Feldman to be the portion of land covered by the trail would still be included in the site area for purpose of the coverage calculations.

Ms. Aldean asked if there a mechanism for transferring in adequate coverage to compensate the property owner for a loss of total developable area.

Mr. Stockham said staff supports adjusting the implementation language when we codify it. Even though there is a public easement within the trail, that would still be included in their site.

Ms. Aldean suggested that staff incorporate that into the implementation language.

Mr. Stockham said staff will work on draft language.

Mr. Sevison asked if on coverage, there is a difference between projects on vacant land versus a redevelopment project.

Mr. Stockham said all sites have coverage requirements but it does differ if it is redevelopment vs. new development, which is dealt with under the coverage rules.

Mr. Severson asked if a redevelopment project and a new project would get treated the same.

Mr. Stockham said yes for this policy.

Mr. Teshara, Sustainable Community Advocates supports Mr. Feldman's suggestion, and wants to avoid any additional barriers.

Dave McClure, suggested removing the word "development" in Transportation-1.1. He is concerned about the long term maintenance funding for the bike and pedestrian facilities.

Nicole Gergans said the League to Save Lake Tahoe is concerned with the "in-lieu fees" in Transportation-2 Implementation Measures.

Mr. Stockham said if the adjoining parcels do not have a trail planned on it, those fees could be used at a later date to construct the trail. In lieu fees would be the exception.

Ms. Aldean said we do not want to forfeit our ability to move forward with the creation of these facilities, because we do not have a funding source identified.

Ms. Fortier suggested the local government committee review the recommendation to establish an alternative transportation operations & maintenance program that would provide ongoing annual fees on new developments to fund alternative transportation operations & maintenance.

Ms. Aldean said this may be a disincentive to the local jurisdictions if they want the projects constructed. Public facilities should be maintained by the public and not by private sector.

Mr. Hester said the local government committee has an agenda item that would allow this to be presented to them.

Mr. Stockham said that the language outlined by Ms. Fortier is consistent with the broader language in the plan and would be a local level implementation of the Regional policy.

Mr. Robinson asked if it needed to be referred to local government.

Ms. Reedy suggested that any motion on Transportation-1 & 2 to leave the last

amend paragraph out and have the local government committee review.
Ms. Aldean said it does not preclude a local jurisdiction from incorporating into their funding strategy some exaction from private property owners.

Ms. Reedy said there was a suggestion from the public to remove “development” from Transportation-1.1.

Mr. Stockham said staff does not have an issue with the suggestion.

Mr. Severson suggested that the options remain flexible of future funding for operations and maintenance.

Mr. Hester said in the past, the development community in Nevada had concerns about using exactions for the parks operations and maintenance.

Ms. Reedy summarized the proposed changes as follows: In Transportation-1.1, remove “development.” Transportation-1.3, would read “consider non-automobile travel.

Ms. Aldean said staff will amend the language under the first bullet of Transportation-2 Implementation Measures to include, how a land owner will be compensated if a developable portion of their property is removed from development for a public pathway.

Mr. Stockham said staff proposed a new sentence at the end of the first bullet in Transportation-2 to read “also develop code to reflect that coverage is not required for non-motorized trails and that property identified for sidewalk or trail construction would still be considered part of the development site in coverage calculations.”

Ms. Aldean said the available coverage may have to be increased if you are removing square footage from a project area which could make it impossible to develop a property that is consistent with the plans.

Mr. Stockham said staff could develop some criteria to ensure that providing those facilities was not a substantial impact on the development of the property

Mr. Marshall suggested staff review to see if there are any impacts.

Ms. Aldean said that compensation could be to transfer additional coverage and allow the property owner access to that coverage to intensify the development because of the limitations imposed by the pathway.

Mr. Stockham said staff will provide language to the committee for the next

meeting.

Mr. Severson said a bike trail in a right away provide that as an option.

Ms. Aldean moved approval on Transportation-Goals 1 & 2, related Policies and Implementation Measures bullet #2 with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Severson, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Transportation Element Goals-3, 4, and 5 and related Policies & Implementation Measures.

No introduction was provided by staff.

Committee Comments & Questions

Ms. Reedy said in Transportation-4 there was a comment provided by Mr. Shute regarding the watercraft versus equivalent ground transportation.

Ms. Aldean asked if staff's reason for not concurring with Mr. Shute's recommendation, is that with advances in technology, there will be reductions in the negative impacts associated with waterborne transit.

Mr. Stockham said that is correct and implementing any system would require its own environmental analyzes.

Ms. Fortier suggested a language modification for Transportation-4.2 to add "opportunities to transport bicycles on buses should be expanded."

Ms. Reedy said she would understand Transportation-4.2 already encourage transit on buses.

State and Local Representative

Peter Kraatz, Placer County suggested a language modification to Transportation-4.1 to read "expanded service area in locations that connect or expand existing service areas."

Mr. Stockham said that is the intent of the language as drafted.

Public Interest Comments & Questions

Nicole Gergans, League to Save Lake Tahoe said it should be included in

Transportation-4.6, that waterborne transportation will be used to achieve air and water quality Thresholds.

Dave McClure, is concerned that it is no mention within the Transportation element that these facilities are recreational as well.

Committee Comments & Questions

Mr. Sevison suggested adding bicycle and pedestrian use as part of the waterborne program in Transportation-4.6.

Ms. Reedy asked if this is the place to add the interconnectivity access.

Mr. Stockham said air quality and recreation are identified as Thresholds and these facilities provide benefit for both. Staff agrees with the recommendation to add language to Transportation-4.6 to read “with other public and private transportation systems, including the pedestrian and bicycle network...”

Mr. Sevison moved approval on Transportation Goals 3, 4 and 5, related Policies and Implementation Measures with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Transportation Element Goals-6 and 7 and related Policies.

No introduction was provided by staff.

Committee Comments & Questions

Mr. Robinson asked if Transportation-7.2 was meant to be an “absolute” statement and may exclude a smaller enterprise.

Mr. Stockham said this is an existing ordinance that defines what is major.

State and Local Representatives

None

Public Interest Comments & Questions

None

Ms. Aldean moved approval on Transportation-Goals 6 & 7 and related Policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Transportation Element Goals-8 and related Policies and Implementation Measures.

No introduction was provided by staff.

Committee Comments & Questions

Ms. Aldean is concerned with mixed use development that insufficient parking could cause automobiles to park in residential neighborhoods.

Mr. Stockham said in urbanized settings it is common to have substantially reduced parking requirements.

State and Local Representatives

Peter Kraatz said Placer County supports the recommendations of shared parking and reduced onsite parking requirements.

Public Interest Comments & Questions

None

Committee Comments & Questions

Ms. Aldean moved approval on Transportation Goal-8 and related Policies and Implementation Measures with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Transportation Element Goal-9 and related Policies and Implementation Measures.

No introduction was provided by staff.

Committee Comments & Questions

Ms. Reedy said Mr. Shute had comments under Transportation-9 regarding the level of service standards.

Mr. Stockham said staff does not support changing the level of service standards from “D” to “C”, but staff is recommending an exception to the level of service standards when provisions for multi modal amenities and services are adequate.

Ms. Aldean asked if the definition of major commercial interest is consistent with the definition in the Code of major employers.

Mr. Stockham said the Code defines the qualifying properties for each of those topics in Transportation 9.1 and 9.2.

Mr. Haven said they should be consistent.

Mr. Robinson asked if the recommendation in Transportation-9.3 is something we do now.

Mr. Haven said we have an existing requirement for the rental car mitigation fees; this would be a new ordinance as part of that program to encourage lower emission vehicles.

Mr. Marshall said the existing policy is referenced on page III-12, B.5 (G)

Mr. Robinson suggested adding definitions for “alternative fuels” and “low emissions.”

Ms. Fortier asked if this is realistic for rental cars, considering our winter weather.

Mr. Stockham said it is feasible and staff encourages low and no emissions vehicles in the Region.

Mr. Sevison asked if Transportation-9.2 would include traffic management for lane redirection after a busy ski day.

Mr. Stockham said this would apply to special events.

Ms. Reedy asked how would some of these be “encouraged” within code and regulation.

Mr. Stockham said it would be implemented under the Tahoe Transportation District programs.

Mr. Haven said Tahoe Transportation District would work with the rental car providers for a transition strategy.

Ms. Fortier suggested changing the word from “require” to “encourage” on Transportation-9.1 and 9.4. Also, she asked if TRPA should regulate temporary activities as proposed in 9.2.

Mr. Haven said TRPA has an existing ordinance in Chapter 97 which is proposed to be continued in the Transportation plan.

Mr. Stockham said the Compact directs TRPA to do the Transportation plan which includes achieving alternative modes of transportation.

Mr. Robinson asked staff what the process would be for approval of an activity such as skier traffic on a weekend.

Mr. Hester said it would be for special events and would be done by NDOT, Caltrans and the local governments.

Mr. Stockham said the traffic management for a busy ski weekend would be done through the county and applicable state transportation departments.

Ms. Aldean suggested adding the word “sporadic” as a qualifier in Transportation-9.2.

Mr. Marshall said TRPA has well defined code for permitting temporary activities.

Mr. Stockham said a temporary activity is “an organized event or commercial activity that does not occur more than four times in a calendar year and that does not exceed fourteen consecutive days in duration.”

State and Local Representatives

Peter Kraatz, Placer County suggested changing the language in the third to the last line in Transportation-9 Implementation Measures to read “and or services.”

Mr. Stockham said staff supports recommendation.

Public Interest Comments & Questions

Nicole Gergans said the League to Save Lake Tahoe does not support the Levels of Service to be exceeded in a blanket manner.

Carl Hasty, Tahoe Transportation District said suggested consideration be given

before changing “require” to “encourage.” For the levels of service we want to find the optimum with alternative practices versus building everything out to the maximum.

Low Feldman said the levels of service should not be based on a handful of days per year.

Dave McClure said the North Tahoe Citizens Action Alliance and the Friends of the West Shore oppose the destruction of the Level of Standards. He suggested using the LOS standard with a number that referred to the time of day and could be used for temporary situations.

Committee Comments & Questions

Ms. Reedy asked how the Level of Standard exceptions would be done.

Mr. Stockham said it would be done through a project approval or local plans, but in both cases would have to go through the Governing Board.

Ms. Fortier asked if we could redefine “peak traffic.”

Mr. Stockham said staff recommends where there are areas of major change, that it be put on a “to do” list to do through a separate Environmental Impact Statement.

Mr. Severson suggested a separate list for items that have proposed changes.

Mr. Stockham said staff recommends a list be created and in March review the list for prioritization.

Ms. Fortier asked if “peak periods” would be put on this list for further discussion.

Mr. Stockham said if the committee agrees, staff will create a working list.

Ms. Aldean said on the last line in Transportation-9 Implementation Measures, if this is exceedable in connection with the approval of a project that the Governing Board would have to make a finding of overriding consideration. Is that correct?

Mr. Stockham said it would have to be approved by the Governing Board through a project or local plan.

Ms. Aldean suggested a language modification for Transportation-9 Implementation Measures to read “these vehicle LOS standards may be exceeded when provisions for multi modal amenities and or services such as transit, bicycling

and walking facilities are adequate to provide mobility for users and partially mitigate the impacts of these exceedences.”

Mr. Marshall said mitigation would be tied multi modal.

Ms. Fink said with new mixed use developments in Town Centers, there will be an increase in bicycle and pedestrian traffic.

Ms. Aldean said then the assumption is that there would also be a reduction in environmental impacts.

Mr. Stockham said we should keep the language broad enough to not preclude any options and to avoid any unfair requirements.

Ms. Aldean asked if the local plans will address these on a project by project basis or cumulative basis.

Mr. Stockham said while not required some local plans may address them.

Ms. Reedy said when a plan goes to the Board, would it be within the auspices of the Board to ask about the level of service on a particular plan.

Mr. Stockham said that is correct.

Mr. Robinson asked for clarification on the proposed changes in Transportation-9 policies were as follows: 9.1 is “require”, 9.2 is “require”, 9.3 is “encourage”, and 9.4 is “require” for new developments.

Ms. Aldean said it had to do with better defining peak periods, because it had implications in connection with the environmental document that would be added to a new list of issues to study in an independent environmental document.

Mr. Sevison moved approval for Transportation-Goal 9 and related Policies and I implementation Measures with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Transportation-Goal 10 and 11 and related Policies.

No introduction was provided by staff.

Committee Comments & Questions

Mr. Sevison asked if BMP's should be included in Transportation-10.

Mr. Stockham said BMP's is addressed in the Water Quality Element.

Ms. Aldean said Transportation-10.6 is drafted as a statement rather than a directive and also asked if it intended to be a prohibition.

Mr. Haven said this is directed at the State's Departments of Transportation to get more creative designs and could also function as a prohibition.

Mr. Sevison said it was originally put in to discourage the bypass at South Lake Tahoe and the West Shore.

Ms. Aldean said this needs to be a directive or suggestion not a statement of intent.

Ms. Reedy asked if this statement of intent helps with the Thresholds.

Mr. Haven said staff can amend this language to use it as a prohibition and say "prohibit the construction of roadways to freeway standards."

Ms. Aldean said the Tahoe Region has existing roadways that are designed to freeway standards.

Mr. Stockham said staff will define the word "freeway."

Ms. Fortier suggested in policy Transportation-10.2 it include language that would require TRPA to work with Caltrans or Nevada Department of Transportation to synchronize signals.

Mr. Stockham said staff will revise the language in Transportation-10.2 to call out signal synchronization separately.

Ms. Aldean suggested that in Transportation-11.1 a caveat be added to say that it is contingent upon the continued receipt of dollars for that purpose.

Mr. Haven said because funding is a concern, staff addressed the funding at the end of the last paragraph in the Introduction.

Ms. Aldean suggested that we add "paired with", predicated upon the receipt of reasonable foreseeable funding.

Ms. Reedy said if you were to add that there and we have not added in other

places because we assumed the Intro covered it, would that it is not unforeseeable funds.

Mr. Haven said staff's proposed language modification would read, "paired with received and reasonably foreseeable funding."

State and Local Representatives

Peter Kraatz, Placer County said the local jurisdictions use the Transportation Management Association venue to coordinate with the Department of Transportation.

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Stockham said staff's proposed language modification to Transportation-10.2 would read "additionally work with State Departments of Transportation and local transportation departments to improve signal synchronization."

Ms. Aldean moved approval on Transportation-Goals 10 & 11 and related Policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Transportation-Goal 13 and related Policies.

No introduction was provided by staff.

Committee Comments & Questions

None

State and Local Representatives

None

Public Interest Comments & Questions

Carl Hasty, Tahoe Transportation District said he supports Transportation-13.

Committee Comments & Questions

Ms. Aldean moved approval on Transportation-Goal 13 and related Policies without modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Committee Amendment Proposal for Transportation Element Introduction

Ms. Aldean suggested a language modification Introduction page III-7, to read “in addition to Goals & Policies the Regional Transportation Plan also includes a detailed transportation improvement strategy that is predicated upon the receipt of adequate funding.”

Mr. Haven said we need to ensure we capture the forecasted funding.

Ms. Aldean suggested a modification to her original proposal to say “receipt or forecasted funding.”

Committee Comments

None

State and Local Representatives

None

Public Interest Comments & Questions

Carl Hasty, Tahoe Transportation District suggested a new goal for transportation to read “implement Transportation policies and improvements through private local, State, Regional and Federal efforts. Collaborative and cooperative interaction is required in planning and leveraging resources and executing transportation improvements. Dedicated programs related to Tahoe needs are encouraged.”

Committee Comments

Ms. Aldean move approval for the modification to Transportation Element Introduction.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Mr. Stockham said staff would return with a recommendation at the next meeting.

Mr. Robinson left meeting at lunch break

Discussion on Recommendations for Policies Deferred by RPU Committee Dated January 10, 2012

Land Use Subelement-2 Implementation Measure for Land Capability Field Verification

Mr. Stockham presented the recommended changes.

Committee Comments & Questions

Ms. Reedy said Mr. Shute had a concern about a blanket allowing the decision to be made.

Mr. Severson asked if a parcel with a previously provided high IPES score would qualify.

Mr. Hitchcock said staff will research and provide the information prior to the end of the meeting.

Mr. Stockham said once a parcel has an IPES score, staff would not do additional field verification.

Mr. Marshall said coverage goes off the IPES score instead of Bailey when an IPES score has been done.

Ms. Aldean asked if this has any implications for land capability challenges.

Mr. Stockham said it does not.

Mr. Hitchcock said if there is an IPES score of 726 or higher, it does not require land capability verification. SEZ is the only exception.

Mr. Stockham said currently a property that is not under IPES, would have to be verified. In the new proposal, field verification would not have to be done if the property meets the five criteria.

State and Local Representatives

Steve Buelna, Placer County asked staff for an example of when there is no evidence of high ground water on a parcel.

Mr. Hitchcock said there would be evidence if land capability verification was done on the parcel or other surrounding parcels.

Mr. Stockham said the proposed recommendation would relax the procedure when it is clearly unnecessary and would be determined by the TRPA staff.

Public Interest Comments & Questions

None

Committee Comments & Questions

Ms. Aldean asked if there was a definition for “geographic vicinity.”

Mr. Stockham said staff will add to the definition list.

Ms. Reedy asked when staff will be providing a list of definitions.

Mr. Stockham said staff will have a list of definitions available at the end of February.

Mr. Sevison moved approval for Land Use-Subelement 2 Implementation Measure for Land Capability Field Verification as proposed by staff.

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute, Mr. Robinson

Land Use-2 Implementation Measures for Allocations

Mr. Stockham presented the recommended changes.

Committee Comments & Questions

Ms. Aldean asked if the bonus units would still be allocable within a Plan Area Statement even if the development permit expires.

Mr. Stockham said they would not be revoked and suggested staff clarify the language for this recommendation.

Ms. Aldean said with focused development in urbanized areas, there may be

opportunity to reduce vehicle miles traveled and have environmental gain.

Mr. Stockham said although the recommendation does not have that level of specificity, staff supports the idea.

Ms. Aldean asked if this would be addressed in the local plans.

Mr. Stockham said staff will determine how all seven points of principal will be distributed.

Ms. Fortier asked staff to clarify the process.

Mr. Stockham said there would be meetings with the local government staff's and or city council and during that time staff will evaluate how the commodities would be distributed.

Ms. Fortier asked what the criteria are for the residential units.

Mr. Stockham said there is an estimated 4,091 development rights existing and staff recommends phasing these in over time. The numbers in the table are a place holder and staff will work with the local governments to adjust as necessary.

Mr. Stockham said staff is requesting that the committee approve these numbers to be included in the Environmental Impact Statement and direct staff to continue work on this with the anticipation that there will be modifications before the plan is finalized.

Mr. Severson asked what the total number of buildable lots are remaining in the Tahoe Basin.

Mr. Stockham said there are 4,091 that have development rights, 2,791 buildable parcels, 535 unbuildable and 765 that are marginal.

Ms. Aldean asked if these are the figures being analyzed in the Environmental Impact Statement. She supports the process being continued with the understanding the numbers may be modified.

Ms. Fortier said she is concerned with endorsing this with these numbers as a place holder. She suggested not endorsing any specific alternative until we see what numbers comes back.

Mr. Marshall said staff's proposal is Alternative 3, but the Board can base their decision within the range of alternatives.

Ms. Aldean said she does feel that Alternative 3 has been identified as the

preferred alternative and these are just the range of alternatives that are being analyzed in the Environmental Impact Statement.

Mr. Marshall said that is correct, but staff is trying to build the preferred alternative through the process.

Ms. Aldean said that would be presupposing an outcome.

Mr. Sevison asked if staff has considered allocating residential units based on the number of available parcels within a jurisdiction.

Mr. Stockham suggested that this may require further discussion with the local governments to resolve.

Mr. Sevison said if there was a starting point, then it would be allowable for the jurisdictions to transfer commodities amongst themselves.

Mr. Stockham said staff's recommendation is to have an equitable system to distribute and this concept will be discussed over the next several months.

Mr. Sevison suggested that the allocations be tailored to be slightly ahead of what the need is.

Mr. Stockham said staff recommendation is to have the chart evaluated in the Environmental Impact Statement with five alternatives and if the committee endorses the seven points we would work with local government staff.

Ms. Reedy said the options are to adopt the chart and specify that there may be modifications or select an alternative.

Mr. Stockham asked if the draft plan that is released in late March, have one alternative or all five alternatives.

Mr. Sevison suggested keeping a minimum of three to all five alternatives and use the Environmental Impact Statement for guidance.

Ms. Aldean based on the caveat that staff will continue refining the recommendation while the Environmental Impact Statement is being reviewed.

Ms. Fortier said she would prefer to see all five alternatives as part of the plan.

Ms. Reedy said she supports putting all of the alternatives in as a place holder.

Ms. Fortier suggested the performance evaluations be evaluated every four years.

Ms. Aldean suggested changing “should” to “will.”

Ms. Reedy suggested adding after evaluate “at least every four years.”

Mr. Marshall suggested using “shall” instead of “will” and instead of “update” use “review.”

Mr. Sevison asked if that conflict with the first bullet that specifies it will be done every year.

Mr. Stockham said the annual review would be to ensure there are enough commodities. The four year plan would be to create a distribution system for commodities that would be stable for the next four years.

State and Local Representatives

Hilary Roverud, City of South Lake Tahoe said the recommendations for the distribution of allocations are a good starting point. She said depending on how the commodities will be distributed will have an impact on the assumptions going into the modeling and that the model needs to reflect the vision on the new plan.

Mr. Stockham said the modeling that has been done reflects the transfer and other policies and it is staff’s intention to engage with the local government staff in the modeling and what the assumptions are.

Jennifer Merchant said Placer County supports many comments made by the City of South Lake Tahoe, although not necessarily with the methodology. Also, Placer County does not support the term “marginal.”

Brandy McMahan, Douglas County is concerned with the chart and would like more time to review in depth to ensure it meets the objectives of Douglas County.

Public Interest Comments & Questions

Nicole Gergans, League to Save Lake Tahoe said it is the responsibility of the agency to not only to allocate the amount of allocations but to allocate the rate to control growth. They are concerned that there is not a cap on residential allocations and

Ms. Fortier asked what the issue would be if the local governments held onto allocations year to year.

Nicole Gergans, League to Save Lake Tahoe said it was her understanding that there could be environmental and economic impacts.

Ms. Fortier asked if the League is differentiating between what are residential allocations and Commercial Floor Area.

Nicole Gergans, League to Save Lake Tahoe said it is important to the rate of growth overall.

Mr. Sevison said we are trying to avoid what has happened in the past with the lottery systems that created false development.

Dave McClure asked what the difference is between the numbers on the two tables. He is also concerned with the allocations running out in the future, a boom and bust of the economy may be hard to prevent.

Mr. Stockham said staff will verify the numbers referenced by Mr. McClure.

Laurel Ames said the boom and bust is not just a function of the limited number of allocations, but many other factors.

State and Local Representatives

Brandy McMahan, Douglas County gave an example of how Douglas County would have to be able to hold onto allocations in order to build a market rate multi-family housing development.

Committee Comments & Questions

Ms. Aldean moved approval for to include all alternatives of the Land Use Subelement-2 Implementation Measures for Allocations with modifications.

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute, Mr. Robinson

Mr. Marshall said that both the first and second bullets are significant changes from the current system.

Ms. Aldean said the second bullet does not necessarily indicate that there are no limits, and the third bullet refers to the remaining allocations for the jurisdictions that are reflected on the chart and will be analyzed in the Environmental Impact Statement.

Mr. Stockham said in the first bullet, the Goals & Policies will not identify the maximum yearly number which was previously listed as 130. The maximum

number would be determined through the performance system. Staff is not intending to eliminate the concept of phasing. In the second bullet, if additional allocations, commercial floor area, etc., as a result of this analyzes, it would go through a separate environmental process.

Mr. Marshall said we are not eliminating the metering process and staff is going to come up with a performance measure.

Ms. Reedy said the language needs to have more specificity.

Ms. Aldean asked if in bullet 2, staff should link the re-evaluation of the adequacy of the number of allocations, bonus units and commercial floor area and tie it to the four year review.

Mr. Stockham said staff will modify the language in bullet one. In bullet two, for tourist, there needs to be a process if we run out of commodities it would not stop an environmentally beneficial development

Jennifer Merchant suggested alternative language for bullet one to delete “there should not be” and replace with “a maximum yearly release of residential allocations and commercial floor area should be released to each local government...”

Mr. Stockham said staff agrees and will modify language and will specify that the maximum yearly release will be determined through the performance system.

Ms. Aldean asked if staff wants to eliminate the reference to allocations and focus on bonus units and commercial floor area in the second bullet. In addition, this would have to go through the Governing Board.

Ms. Aldean amended her motion to modify the language in the first bullet to read “a maximum yearly release of residential allocations and commercial floor area should be made to each local government through the performance system and staff should coordinate with local governments to establish an equitable system before distribution of commercial floor area.” The second bullet would read “the amount of bonus units in commercial floor area held by TRPA and local governments should be evaluated annually and modified if necessary by the Governing Board to maintain adequate commodities for anticipated redevelopment activities in the Region.”

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute, Mr. Robinson

Public Interest Comments & Questions

Laurel Ames said she would like to know when and what development approvals expire as stated in the fourth bullet.

Mr. Marshall said it is in the Compact that any development that has received a permit that has not initiated construction or pursued it diligently.

Mr. Stockham said that Mr. Shute requested action was deferred on the subdivisions. Staff recommendation is not to eliminate the two-step subdivision process.

Discussion on Land Use-3 Implementation Measure for Development in the Recreation District

Mr. Stockham presented the recommended changes.

Committee Comments & Questions

None

State and Local Representatives

None

Public Interest Comments & Questions

Nicole Gergans said the League to Save Lake Tahoe feels it is important that recreation land is protected and not converted to ore urban uses.

Lew Feldman said he agrees with staff's proposal.

Laurel Ames said the Tahoe Area Sierra Club does not support staff's recommendation and suggested that everything be transferred in and nothing new would be allowed.

Ms. Reedy asked for clarification on the comment about "transferring."

Mr. Stockham said the basis for coverage and TRPA's growth management system is you can do a specified amount of coverage based on your land capability. This would be an exception to that standardized system.

Mr. Marshall said you would maximum the market for relocating coverage; you

would need to transfer in.

Committee Comments & Questions

Ms. Reedy said this seems overly broad and asked what are the checks and balances.

Mr. Stockham said it is all the required findings for approval of a local plan or ski area master plan in policy Land Use-4.8 and would need to be consistent with the Regional plan.

Ms. Aldean said by allowing development in connection with a ski area master plan outside of the urban area means that you are developing beyond the urban boundary.

Mr. Stockham said that is correct and would anticipate this would be associated with ski areas, but could be other recreation designations. This does not permit it and will only allow the opportunity for it to be included in a local plan.

Ms. Aldean asked if that would fall under the category of commercial development outside of the urban area.

Mr. Stockham said the commercial would be for ski equipment shop, etc. these allowances are broad because there are checks and balances in place.

Ms. Aldean asked if we have some of these proposed developments already in process.

Mr. Stockham said staff is not aware of any specific proposals.

Mr. Sevison moved approval on Land Use-3 Implementation Measure for Development in the Recreation District as proposed by staff.

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute, Mr. Robinson

Discussion on Land Use-3 Implementation Measures for Transfer Ratios

Mr. Stockham presented the recommended changes.

Committee Comments & Questions

Mr. Sevison suggested that if there was a project that would exceed the rule,

that it should go to the Governing Board.

Mr. Stockham said the alternatives to these ratios would have to be approved case by case by TRPA; whether that is done for an individual development approval or through the local plans could work either way.

Ms. Fortier said a 3:1 ratio may not be enough to motivate someone to move.

Mr. Hester said if it comes in through the local plan than the City would have the opportunity to look at all of them and specify the ones that are important.

State and Local Representatives

Steve Buelna said Placer County does not believe there would be an issue since when projects come through they would have an additional level of review.

Public Interest Comments & Questions

Dave McClure said he is concerned that the limits are not strict enough and there is nothing preventing the Governing Board from increasing the number of Tourist Accommodation Unit's.

Mr. Stockham said it is built into the language and the limit is it has to be environmentally beneficial.

Laurel Ames asked about the statement of "create bonus allocations" create additional bonus allocations in addition to the 600.

Mr. Stockham said the bonus units and the transfer ratios are all tied together.

Mr. Sevison said these are coming out of existing allocations.

Committee Comments & Questions

Ms. Aldean asked if "create" would be the appropriate word.

Mr. Stockham said language could be modified in the header of the table to read "amend the Code of Ordinances to increase transfer ratios to encourage the transfer of development..."

Mr. Sevison moved approval Land Use-3 Implementation Measures for Transfer Ratios as proposed by staff.

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute, Mr. Robinson

Discussion on Community Design-2.1 (E) Signing

Defer action to the local government committee and return to this committee on January 26

Discussion on Housing-Subelement.

Mr. Stockham said staff recommends that this go on the “to do” list.

Committee Comments & Questions

None

State and Local Representatives

Brandy McMahon said Douglas County supports TRPA’s efforts to do housing needs assessment and suggested that this be its own element.

Hilary Roverud, City of South Lake Tahoe suggested the following language modifications: In Goal-3 add “state and local housing goals” and in Housing-3.1 add “within one year of the Regional Plan Update adoption, TRPA staff will work with local jurisdictions to address issues including but not limited to workforce and moderate housing, second units and the long term rental of motel units.” In addition the City would like workforce and moderate income housing addressed.

Mr. Stockham said staff agrees with the recommended changes to Goal-3 and the in Housing-3.1, the content of the product would not be limited to those three issues.

Jennifer Merchant said Placer County concurs with the City of South Lake Tahoe’s comments.

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Marshall said if “address” means to have a plan or code change within one year that would not be realistic.

Hilary Roverud, City of South Lake Tahoe said the City was hoping that these issues

would be included in the Regional Plan Update.

Mr. Stockham said staff recommends having a list of issues with the committee's direction on what is priority.

Ms. Reedy asked if the time frame is one year from now.

Mr. Stockham said it would be one year from the adoption of the Regional plan with one caveat that it may be challenging to complete the full environmental review process and hearing process.

Ms. Reedy asked if we could get a date certain.

Ms. Fortier said the City is concerned with the hotel issue and would like to work with the TRPA on these specific issues.

Hilary Roverud, said in October, 2013 the City of South Lake Tahoe will receive a housing needs allocation number from the State and will be required to update their general plan housing element.

Mr. Severson said some of these items may be able to be put in the Regional plan if they do not create additional environmental issues.

Mr. Stockham said for those to be effective, it would require some environmental review.

Public Interest Comments & Questions

None

Committee Comments & Questions

Ms. Reedy said it is important to have a date certain.

Mr. Severson said if we are going to pass on some of the issues, then there should be a foot note that it was done intentionally and intended to be reconsidered one year after the adoption date.

Mr. Stockham said staff is requesting direction from the committee to develop and maintain a list of post adoption work programs.

Ms. Reedy said if the committee gave staff a directive to come up with some implementation measures including a list of deferral items to be reviewed at the next meeting.

Mr. Stockham said what is on the list to date are the level of service standards for roadways and the housing issue.

Mr. Stockham said staff is ready to advance the housing policies, and in regards to the one year time, staff suggested adding “in accordance with the time line established in the implementation element.”

Mr. Marshall said a motion is needed to forward the Housing element with 3.1 as amended with the City’s suggested language as modified by staff.

Ms. Fortier moved approval for Housing-Subelement with modifications.

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute, Mr. Robinson

Discussion on Land Use-3 Implementation Measures Bullet #5 on Tourist Accommodation Unit Transfers

Mr. Stockham presented the recommended changes.

Ms. Aldean presented an overview of the Tourist Accommodation Units

Committee Comments & Questions

Ms. Reedy asked where the definition came from that we are using now.

Mr. Hitchcock said that was a definition recommended by staff in December, 2010.

Ms. Aldean asked staff about the transferring of Tourist Accommodation Units to larger units in the second bullet.

Mr. Hitchcock said staff’s recommendation was if a Tourist Accommodation Unit was transferred and developed, it was capped at 1,200 square feet and you could build a TAU at 2,400 square feet, but it would require two TAU’s.

Ms. Aldean said since both alternatives are being analyzed in the environmental document, why would this definition need to be adopted when we do not know what the environmental ramifications are.

Mr. Stockham said we could use a similar approach to the five alternatives that are being proposed in the draft plan.

Ms. Aldean suggested waiting for the results of the environmental review to determine whether there is an impact as a result of how alternative 3 defines Tourist Accommodations Units for purposes of transferring.

Mr. Sevison said he is concerned that we are making the Tourist Accommodation Unit's less valuable in the new proposal.

Ms. Aldean asked if it is necessary to go through the process of adopting the definition of an ascending Tourist Accommodation Unit since it is being analyzed already.

Ms. Fortier said she agrees with Mr. Sevison that these are of value to local jurisdictions.

Mr. Stockham said staff is not opposed to spell out the options in the Regional plan document.

Ms. Aldean said the direction of the Board was to analyze both alternatives. Our mandate is to ensure we achieve the Thresholds and have environmental gain.

State and Local Representatives

Jennifer Merchant said Placer County Board does not want a square foot limit defined so every project could be analyzed individually.

Public Interest Comments & Questions

Laurel Ames asked if there will be a definition on "unit."

Lew Feldman said he supports staff's recommendation of alternative 3.

Dave McClure, North Tahoe Citizens Action Alliance asked how are lock off units calculated.

Mr. Hitchcock said if it is within the 1,800 square feet and 20%, then it would only be one Tourist Accommodation Unit.

Committee Comments & Questions

Ms. Fortier she suggested to move forward with this and add a caveat that if it is found to be significantly different that the issue is revisited.

Ms. Aldean said she does not have an issue advancing this, but suggested adding language at the end to read "if substantiated is environmentally beneficial by the

environmental document.”

Mr. Sevison said one item we did not talk about was the onsite benefit. He is concerned if it is left up to the environmental process there may be items that should have been included.

Ms. Reedy asked legal counsel what the options are if there is dissenting votes with the four attendees.

Mr. Lichtig said it could go to the full board without a recommendation from this committee. A dissenting vote or not having a vote on it would be the same.

Ms. Reedy said if we decided not to vote on it this committee could hear it in another meeting, but if we vote and it fails could we hear it again in another meeting?

Mr. Stockham asked if this committee require a majority of total membership or majority of those present.

Mr. Lichtig said total membership.

Ms. Aldean asked if there is an alternative that does not include any limitations being analyzed by the Environmental Impact Statement.

Mr. Stockham said that is alternative 1.

Mr. Sevison moved approval for Land Use Subelement -3 and Implementation Measures bullets #5 on Tourist Accommodation Unit Transfers as proposed by staff.

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute, Mr. Robinson

Ms. Aldean said If we move a recommendation forward there should be a certain amount of consistency as to what was identified as the preferred alternative

Ms. Fortier said a decision should be made on what that committee has recommended.

Ms. Reedy said she respects the work that was done prior to her membership.

Ms. Aldean said this was what was advanced as the committee’s compromise.

Ms. Aldean said this is what was advanced

Mr. Sevison said it would be his preference not to have the square footages, but will support a motion made by this committee. We need to have projects or we will not get any environmental benefit in the basin.

Ms. Aldean said if the document discloses that there are no negative environmental impacts to having no limit on the size of these transferred units.

Ms. Fortier moved approval for Land Use-3 Implementation Measures Bullets #6 on Tourist Accommodation Unit Transfers.

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute, Mr. Robinson

Mr. Stockham said the following are what is left on the list; deferred Airport policies and Transportation, deferred Subdivision text, Land Use Map, and revisions to Introduction. New items for the next meeting will be new goal (presented by Carl Hasty, Tahoe Transportation District) the Conservation element, Air Quality, Water Quality, Natural Hazard and Noise.

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

Chair Ms. Reedy adjourned the meeting at 5:27 p.m.

Respectfully submitted,



The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.

**TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN UPDATE COMMITTEE**

TRPA Offices
Stateline, NV

January 24, 2012

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 9:34 a.m.

Members Present: Ms. Aldean, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier

II. PUBLIC INTEREST COMMENTS

Ellie Waller, Tahoe Vista asked where the language for the Community Plans will fit in and how the amendment process will work in the interim.

III. APPROVAL OF AGENDA

Ms. Aldean moved approval.
Motion carried unanimously.

IV. APPROVAL OF MINUTES & ACTION SHEETS FROM PRIOR MEETING (S)

Ms. Aldean moved approval of January 4, 2012 minutes.
Motion carried unanimously.

Mr. Sevison moved approval for January 4 & 10, 2012 Action sheets.
Motion carried unanimously.

V. PLANNING MATTERS

Mr. Stockham provided an overview of the topics for today's meeting.

Ms. Marchetta said that after the release of the draft environmental impact statement, there will be a process to bring the non-unanimous issues back to the Board and public for further discussions, debate and input.

Ms. Reedy said she there has been a lot of effort put into this process and is concerned with discussions within the community of future litigation on this plan. We must have faith and trust and deal in good faith as we move forward.

Mr. Shute said his goal is to have a plan adopted that incorporated enough of everybody's concerns that we could avoid litigation.

Mr. Robinson suggested that the committee move forward on what we can agree on and develop a list for deferred issues to be discussed at a later date.

Ms. Fortier suggested a list be developed concurrently with this process, so as the local plans are being discussed the local governments, everyone is aware of what still needs to be addressed.

Mr. Sevison said he agrees that there needs to be a process on how the committee will address the dissenting votes and send items forward that would require a full Governing Board review.

Ms. Aldean said it is important to have public comment as inclusive as possible and should be refined and sent to the full Governing as necessary so we can move forward with a plan that can be adopted and enacted.

Mr. Stockham said the Community Plans will stay in effect until replaced by a conforming local plan.

Discussion on Preface

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

None

Public Interest Comments & Questions

Nicole Gergans, League to Save Lake Tahoe asked why it is being proposed to change "basin" to "region" since the TRPA boundaries are based on the watershed basin.

Ms. Aldean said the Tahoe Region is defined by the Compact and is reflected on the map that is being proposed for adoption.

Mr. Stockham said it is defined in the Compact and currently the words are used interchangeably in the plan. The references to the basin are incorrect because we are talking about the Region.

Ms. Aldean moved approval on the Preface with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on the Mission Statement

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

Ms. Aldean asked staff what prompted the revision of this statement.

Ms. Marchetta said this was intended to better reflect the emphasis of the Agency's mission as we move forward.

Mr. Stockham said the Introduction we discussed, but there was not discussion on the mission statement.

Mr. Shute said as a leader some may question that as a self-serving statement that we have not proven yet.

Mr. Robinson said he agrees with the other committee member comments.

Ms. Reedy said she also agrees with the other committee member comments and said it needs to continually be emphasized that we are here for the natural environment.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista said it is not a singular innovative leader effort, it is a cooperative effort.

Nicole Gergans said the League to Save Lake Tahoe feels that the new proposal is less compatible with the intent of the Compact.

Laurel Ames said the Tahoe Area Sierra Club supports the comments from the League to save Lake Tahoe.

Committee Comments & Questions

Ms. Aldean suggested the a language modification to read "the Tahoe Regional Planning Agency leads the cooperative effort to preserve, restore and enhance the unique, natural and human environment of Lake Tahoe; improving local communities and enhancing peoples interaction with our irreplaceable environment."

Mr. Aldean moved approval of the mission statement with modifications.
Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean
Nays: None
Abstain: None

Mr. Stockham asked if that action excluded the statement of principles.

Discussion on Statement of Principals

No introduction was provided by staff.

Committee Comments & Questions

Ms. Fortier suggested in item 3.b, staff may want to expand text to make clear that the parameters have been set and we are creating an environmental rebuild, not growing bigger.

Mr. Stockham suggested deleting “growth and.”

Ms. Marchetta said most of this language is direct quotes from the Compact.

Ms. Aldean said it needs to be acknowledged that in addition to our new emphasis on redevelopment, there will still be new development in certain locations.

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Sevison said the development of parcels has already taken place.

Ms. Aldean said that there are still vacant parcels that have not been developed.

Mr. Sevison said development is the parceling of land to create the opportunity to build homes.

Ms. Aldean said that it has to do with infrastructure as opposed to building.

Mr. Shute suggested a language modification to read “after orderly growth and development, redevelopment and renovation, consistent with such capacities.”

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Robinson moved approval for the Statement of Principles with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on the Introduction

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

Mr. Fortier said Nearshore should be mentioned as one of the Goals & Policies.

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club supports Ms. Fortier's comment.

Dave McClure said on page I-4, paragraph 6 that he is concerned that there is no evidence that this model of intensifying development densities is producing money for Region wide water quality improvements.

Ellie Waller, Tahoe Vista asked for a definition of "scientific report."

Lew Feldman said that there is Regional benefit from these kinds of environmental redevelopment projects.

Steve Teshara, Tahoe Transportation District Board said he wanted to clarify for the record that the Homewood project was not the reason for the Highway 89 project in Tahoe City.

Ann Nichols, North Tahoe Preservation Alliance said Boulder Bay has not completed their BMP's and asked what is being corrected in this proposal.

Committee Comments & Questions

Mr. Shute suggested adding a separate bullet to reference nearshore. He would also support leaving the existing language if there were a reference to the other pollutants such as nitrogen and phosphorus.

Ms. Marchetta said that the term "urban" was used from the point of view of the TMDL. She said staff has added language regarding nitrogen and phosphorus in the

paragraph above.

Ms. Aldean said on page I-4, paragraph 6 that this reflects the need for private investment to help achieve environmental gain and does not recommend any changes.

Mr. Robinson said the terms “transparency” and “clarity” will be an important part of the discussion on how the TMDL will be administered by each state.

Mr. Shute said there is consensus with the committee with this language, but adding a bullet referencing the decline in nearshore clarity.

Ms. Aldean moved approval on the Introduction pages I-1 through I-4 to support existing language.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Introduction Figure 2 -TRPA Process Flow Chart

Mr. Stockham presented staff’s recommendations.

Committee Comments & Questions

None

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista suggested that there needs to be more discussion on the prosperity plan and how it is applicable to today’s economic environment.

Nicole Gergans, League to Save Lake Tahoe suggested the external factors be more general to cover items over the next 20 years of the Regional Plan.

Ms. Aldean said the Prosperity Plan is an important external factor and recommends that this stays in the proposal.

Ann Nichols suggested language could read “economic conditions.” She said it is unclear and asked how these factors are influencing the Regional Plan.

Steve Teshara, Tahoe Transportation District said he supports Ms. Aldean’s comments.

Laurel Ames, Tahoe Area Sierra Club suggested that is state “global and national economy.”

Dave McClure, North Tahoe Citizens Action Alliance said he does not agree with Ms. Aldean's comment.

Committee Comments & Questions

Ms. Fortier said the local economy and regional economy are major factors as to whether we are able to achieve what we would like to do in this Regional plan.

Ms. Reedy said she supports Ms. Aldean's comments.

Mr. Robinson said none of the items on the list are meant to be a regulatory document.

Mr. Stockham said they do not have any regulatory control in this document and are major topics that are being considered by the committee and Governing Board.

Mr. Hester said it is not meant to be all inclusive and when this is reviewed in four years this list may change.

Ms. Fortier moved approval for the Introduction Figure 2 – TRPA Process Flow Chart.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Introduction pages I-7 through I-12

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

Mr. Shute asked if the planning framework chart is new.

Mr. Stockham said this is new and reflects local plans and better articulates the organization and relationship between these plans.

Ms. Fortier asked staff to clarify the framework.

Mr. Stockham reviewed the TRPA Planning Framework for the committee.

Ms. Fortier asked if the laws of other jurisdictions include California CEQA.

Mr. Stockham said it includes all applicable State and Federal laws.

Mr. Marshall said in the Compact it references on the level of Thresholds attaining Federal, State and local more strict environmental standards.

Mr. Stockham said the “other plans” is also an input into the Regional plan. From the Regional Plan Goals & Policies are the regulatory code, TRPA programs and the administrative manual. Three categories of documents work together to implement the Region Plan.

Public Interest Comments & Questions

None

Committee Comments & Questions

Ms. Aldean moved approval of Introduction language on pages I-7 through I-12
Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean
Nays: None
Abstain: None

Discussion on Land Use Element and Subelement-Introductions.

Mr. Stockham presented staff’s recommendations.

Committee Comments & Questions

Ms. Fortier suggested in the paragraph starting with “In general the Land Use element sets forth...modifying language to say “economic, social and physical well-being.”

Mr. Shute suggested that “Regional Center and High Density Tourist District” be added in Land Use-1.2.

Mr. Stockham said it Regional Center and the High Density Tourist District can be added.

Public Interest Comments & Questions

Dave McClure, North Tahoe Citizens Action Alliance is concerned that there is no assessment of population that is a limit and where in the plan is this done?

Mr. Stockham said to stay consistent with a modification that was made to Land Use-2.1 in November, it was suggested that the last sentence be modified to read “the Thresholds however, do not define densities, permitted uses or other land use criteria for the man-made environment.”

Mr. Shute asked if the Environmental Impact Statement would evaluate the maximum population.

Ms. Marchetta said yes.

Mr. Shute said he is concerned with what the cap is and that the projected populations would not be analyzed.

Ms. Marchetta said the maximum assumptions that will set the envelope for the Regional plan will be analyzed.

Ms. Aldean suggested replacing “maximum population” with “maximum build out.”

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club asked if the bonus units are created as new units.

Ellie Waller, Tahoe Vista asked if a local jurisdiction executes the use of their bonus units does it prohibit another one if a maximum number has been established.

Steve Teshara, Tahoe Transportation District Board Tahoe has been in compliance for a number of years with the vehicles mile traveled Threshold. He said we are below 81 Threshold on vehicle miles traveled.

Nicole Gergans, League to Save Lake Tahoe is concerned that there is no cap on residential units.

Mason Overstreet, Friends of the West Shore said he supports Mr. McClure’s comments and also agrees that there needs to be a number and a cap.

Committee Comments & Questions

Mr. Sevison said using population as a tool; it can make it difficult to plan.

Mr. Shute asked for staff to clarify how new residential development rights are being accounted for.

Mr. Stockham said in Alternative 3 there are 600 new bonus units being created to supplement the 661 remaining. The Environmental Impact Statement is analyzing the number in conjunction with the policy.

Mr. Shute asked if the impacts of the extra bonus units that are being created will be analyzed. He also asked how a cap will be established if the Governing Board has

the authority to add to the pool at any time.

Mr. Stockham said any additional units would have to go through a subsequent environmental analysis.

Mr. Shute said the proposed changes are as follows: Put “economic” before social and physical well-being and substituting “build out” for “population.”

Ms. Aldean moved approval for Land Use Element and Subelement Introductions.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Land Use Implementation Measure related to Subdivisions

Mr. Stockham presented staff’s recommendations.

Committee Comments & Questions

Mr. Shute said “mixed use” should be limited to the areas that are directed for redevelopment, Town Centers, etc.

Mr. Stockham said the one additional area where this could be applied to would be a ski area or other recreation facilities.

Mr. Robinson asked if that was in previous committee discussion that it was going to be limited to ski areas.

Mr. Shute said that is correct, but this only specifies mixed uses.

Mr. Stockham said this is subject to density and other limitations of the Regional plan.

Ms. Reedy said the goal is to promote the mixed use environment.

Mr. Stockham said commercial uses combined with the density to create a mixed use facility are largely in Town Centers and/or a ski area.

Ms. Reedy said this should help in some of those areas that have empty buildings; an individual could develop residential in what may have been only commercial at one point in time.

Mr. Stockham said there are some mixed use areas that are not currently in a Town

Center that this could apply to.

Ms. Aldean suggested changing “facilities” to “buildings.”

Public Interest Comments & Questions

Dan Siegel, California Attorney General’s Office said he is concerned that the language may not reflect comments that staff have received and staff should be mindful of the unintended consequences.

Nicole Gergans, League to Save Lake Tahoe said any decisions to change Plan Area Statements or add multi residential to new areas should be reviewed with caution.

Ann Nichols, North Tahoe Preservation Alliance said the current proposal of Tourist Accommodation Units at 40 units per acre, which can be fractional, time shares, motels, etc. that is the unintended consequence of this.

Laurel Ames, Tahoe Area Sierra Club said there is mixed use everywhere. She is concerned that this is taking a problem that does not exist and making it worse.

Ellie Waller, Tahoe Vista said before any decisions are made, staff needs to account for what Tourist Accommodations are out there.

Dave McClure asked if there is a definition for mixed use in terms of the amount of commercial floor area or the number of businesses that are in combination with residential. He is also concerned that TRPA’s pool of development allocations has no cap.

Elizabeth Hale asked what “subject to limitations” means in under permissible uses to define mixed facilities in amended chapter 18.

Mr. Stockham said what staff is proposing will not create new development potential or allowances for additional Tourist Accommodation Units; this is an ownership issue not a development potential issue.

Lew Feldman said he supports staff’s recommendation.

Steve Kenninger, Sierra Colina, said he also supports staff’s recommendation.

State and Local Representatives

Brandy McMahan said Douglas County supports staff’s recommendation.

Committee Comments & Questions

Ms. Reedy suggested that Dan Siegel and TRPA staff work together to modify language as necessary to avoid unintended consequences.

Ms. Marchetta said this is a generalized statement of intent for policy approach; we will foreclose the unintended consequence in the Code drafting.

Mr. Shute said he supports this in Town Centers, but suggested ski areas, Regional Centers, etc. be incorporated into language. Also, he said this should be at the policy level, and not the code level.

Ms. Aldean asked if it is applicable to this provision that the subdivisions be subject to limitations.

Mr. Stockham said staff can add clarifying language that specifies that this does not allow any additional development opportunities, it addresses ownership.

Dan Siegel said he is also concerned with existing development potential be put in the wrong place.

Ms. Aldean said if the goal is to reduce vehicle miles traveled, what the aversion to developing mixed use developments in the proper geographical locations.

Mr. Stockham said the Implementation Measure does not affect it. There are other ordinances, and policies that govern what type of development can go where. If a location allows mixed use development, than you could subdivide the residential portion.

Mr. Shute asked if the committee supports Dan Siegel to work with staff

Mr. Shute said the language needs to be clarified so it applies to Town Centers, Regional Centers, etc., to limit the opportunity for it to be used for something in which it was not intended.

Mr. Stockham said staff will develop language modifications and return it to this committee at the next meeting.

Steve Buelna, Placer County asked if the local jurisdictions be involved with the discussion.

Ms. Aldean suggested that one local government representative participate. Hilary Roverud said the City of South Lake Tahoe is confident that staff and Dan Siegel understand the local jurisdictions concerns and asked that the proposed language be emailed for their review.

Committee Comments & Questions

Ms. Fortier asked if it was correct that the chart was not going to be accepted until we know what the environmental impact is.

Mr. Stockham said the chart would not have a preferred alternative in the draft document related to this topic.

The committee directed staff to draft revised language in coordination with California Attorney General and Local Government staff that addresses unintended consequences and return this information to the January 26 meeting.

Discussion on Draft Regional Plan Land Use Map

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

Ms. Fortier asked if staff worked with the local business owners.

Mr. Stockham said staff has not contacted the property owners, but the proposal would require restoration plans to be developed in coordination with the applicable local government, property owners and the City of South Lake Tahoe.

Ms. Fortier asked if the terms of local increases in the ratio were specifically for this area.

Mr. Stockham said. 3:1 transfer ratio may not be enough to encourage relocation.

Public Interest Comments & Questions

Ann Nichols, North Tahoe Preservation Alliance said on the map the South Shore casino area looks like it has other structures in the core area. She asked if the 95' high buildings were the motels on the California side.

Mr. Stockham said it is just the four casino towers. The Regional Center is the gondola and the older non redeveloped parcels.

Elizabeth Hale, asked staff to locate on the map for her where the area is that is going from conservation to recreation.

Mr. Shute asked how many acres the recreation area is and who owns the land.

Mr. Stockham said it is approximately 200 acres and is privately owned. Staff's recommendation is for this to be a more active managed property as opposed to a passive managed property of conservation.

Ms. Aldean asked if this is the property where Friday's Station is located.

Mr. Stockham said that is correct.

Laurel Ames, Tahoe Area Sierra Club is concerned that the active management would create more of an impact and said they are opposed to converting the conservation property to recreation.

Mr. Shute said it provides development potential for what is allowed in a recreation area. If a planning entity chose to have a local plan encompass that area, it would supersede the Plan Area Statement or Community Plan.

Mr. Stockham said it allows for a different range of uses.

Ms. Aldean asked if the proposal is for active or passive on that parcel and asked how the current sleigh business is classified.

Mr. Stockham said it is an allowed use in the conservation district and there would be the potential for additional more active recreation uses than in conservation.

Lew Feldman said changing this area to recreation provides the best opportunity for the South Shore vision plan to continue to move forward.

Ann Nichols, North Tahoe Preservation Alliance asked if you can have Tourist Accommodation Units in a ski area.

Mr. Stockham said it is only allowed if part of an approved ski area master plan that has been found in conformance.

Ms. Marchetta the area that is being rezoned as recreation is not a ski area.

Mr. Shute asked under what conditions would a recreation area, have residential, commercial or Tourist Accommodation uses.

Mr. Stockham said the plans would have to be amended to designate the locations, types of uses, etc., and would need to be found in conformance with Regional Plan.

Ellie Waller, Tahoe Vista asked if this is the only opportunity for the local communities to come in before the local plan would make this change.

Committee Comments & Questions

Mr. Shute asked if the only stream environment zone restoration areas are the two noted in the small aerial area on the map.

Mr. Stockham said currently, they are the only ones designated with adoption of the Regional Plan.

Ms. Fortier said the South Shore Visioning plan encourages the South Shore area proposed for recreation to attract and keep the tourism.

Mr. Shute said recreation areas are intended for recreation and not tourist development, etc., and would take an amendment to accommodate.

Mr. Stockham said that is correct, except that an endorsement from a previous meeting, there was an opportunity within master plans for ski areas and other recreation areas to identify specific facilities.

Discussion on Land Use Policy- 4.1 Stream Restoration Plan Area Definition and Maps

No Introduction was provided by staff.

Committee Comments & Questions

None

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club asked what the green line represents on the map.

Mr. Stockham said it follows the stream environment zone land classification.

Committee Comments & Questions

Mr. Sevison said it may be helpful to designate the receiving areas.

Mr. Stockham said currently the Regional plan the Town Centers and Regional Centers are receiving areas. The plans could also identify other receiving areas.

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club suggested including "flood plain areas" in the definition.

Ellie Waller, Tahoe Vista asked what the heavy dark lines are on the map.
Mr. Stockham said those are existing approved Plan Area Statements.

Ms. Aldean asked if there would an issue including “flood plain areas.”

Mr. Stockham said staff did not put that in because we wanted the focus to be on the high priority areas.

Ms. Reedy asked if the localities are responsible for flood plain issues.

Ms. Aldean said the intent is to focus the attention on these areas for acquisition and restoration.

Mr. Shute said the proposal is to show that these areas have been identified as priority.

Mr. Aldean suggested adding “degraded by prior or existing development.”

Mr. Stockham said that is consistent with staff’s intent.

Mr. Sevison asked if it was put in any designation of a residential area, would that have an effect on an individual’s ability to rebuild after fire, etc.

Mr. Marshall said no since it is being identified for restoration and does not limit uses.

Ms. Aldean moved approval for the Stream Restoration Plan Area language with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Ms. Reedy moved approval for Stream Restoration Plan Area Map - Upper Truckee River Corridor.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Mr. Robinson moved approval for the Stream Restoration Plan Area Map – Trout Creek Corridor

Ayes: Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: Ms. Reedy

Discussion on changing certain Conversation designated parcels to Recreation on the Draft Regional Land Use Map

Mr. Shute asked if the Van Sickle State Park would remain in conservation.

Mr. Hitchcock said in the notes 1-5, it was not noted that staff also changed the Land Use plans to reflect the Van Sickle State Park. The California Tahoe Conservancy and both State Parks requested the land use classification be changed from conservation to recreation

Ms. Reedy asked why the park would request this change to recreation and what benefit would that be to them.

Mr. Hitchcock said they are part of our stakeholder's process. Staff is not proposing to change the current permissible uses in that conservation plan area, but they requested it be designated as a recreation land use pattern to be consistent with other parks.

Public Interest Comments & Questions

Laurel Ames said the Tahoe Area Sierra Club is opposed to this recommended change.

Ms. Aldean unless they move forward with an effort to designate this as part of a recreation or ski area master plan, we would not see any intensified use.

Mr. Stockham said that is correct.

Ellie Waller, Tahoe Vista asked how this is going to be controlled so it does not turn into an extension of a Tourist Accommodation area.

Mr. Stockham said that is done through the local planning process. Private lands are a potential recreation area with unique circumstances.

Ms. Aldean asked Mr. Feldman on behalf of the Edgewood Companies what the tentative plans are for the property where Friday's Station is currently located.

Lew Feldman said the stakeholder's support the idea to have outdoor recreation in this area to reduce vehicle miles traveled, but currently there are no plans to alter Friday's Station.

Ms. Fortier moved approval to changing certain conservation designated parcels to recreation on the Draft Regional Land Use Map.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean
Nays: None
Abstain: None

Discussion on Land Use Policy 4.8

Mr. Stockham said it is consistent with the intent, but staff was concerned with how it may be interpreted.

Committee Comments & Questions

Mr. Marshall suggested on the top of page II-30 after recommend add “and adopt amendments to the Regional Plan Map.”

Public Interest Comments & Questions

None

Ms. Aldean moved approval of language for Land Use Policy 4.8, bullet #3 with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean
Nays: None
Abstain: None

Mr. Stockham asked if the prior actions on the map by the committee were related to the rest of the map or specific areas.

Mr. Shute said just the specified areas.

Discussion on the Draft Regional Plan Land Use Map

Mr. Stockham said staff would like action on the complete Regional Land Use Map.

Committee Comments & Questions

Ms. Aldean asked if the local jurisdictions have reviewed this map and expressed concerns about the new designations on the map.

Public Interest Comments & Questions

Brandy McMahon, Douglas County suggested that all changes to the map are noted on the map.

Laurel Ames, Tahoe Area Sierra Club is concerned with the number of Town

Centers on the map.

Mr. Shute asked where this map was generated from.

Mr. Stockham said the adopted Plan Area Statements and Community Plans. The boundaries for the Town Centers, Regional Centers, and High Density Tourist District coincide with adopted Community Plans that have allowances for those types of mixed uses. Some Community Plans that are more industrially focused.

Dan Siegel said the California Attorney General's Office supports the concept of bringing development to Town Centers, but is concerned there is no data to support some of the Town Center locations that are being recommended.

Committee Comments & Questions

Ms. Reedy asked what the parameters were for the Town Centers and who developed the Community Plans.

Mr. Stockham said it was based on the existing plans and adopted Community Plans that allow a range of land uses.

Mr. Hitchcock said it was a process that included a Community Plan team (business and residential community), TRPA, and El Dorado staff.

Ms. Aldean said the goal is to have opportunities where we can transfer development.

Ms. Fortier said Meyers could be a recreation gateway to Tahoe, and there is more connectivity than may appear to be.

Ms. Aldean moved approval for the Draft Regional Plan Land Use Map with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Transportation Element-2 Implementation Measures

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

Mr. Sevison suggested a program where you could offer commercial square footage or development potential as an exchange for bike trail right of way.

Mr. Stockham said with a committee recommendation, staff with could incorporate the concept into the ordinance implementing this.

Public Interest Comments & Questions

Elizabeth Hale said she is concerned about the tradeoff of commercial square footage being added without more consideration.

Mr. Sevison said the cost of creating the product is so prohibitive that we need to find other resources available.

Ms. Aldean said she supports the idea of having options available for compensation to a property owner.

Mr. Shute said this would be considered part of the code to implement the policy and would not need to be resolved immediately.

Committee Comments & Questions

Ms. Aldean moved to approve Transportation-2 Implementation Measure bullet #1 as proposed by staff.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Transportation Element-Goal 12 and related Policies.

Ms. Marchetta gave an introduction to the above.

Committee Comments & Questions

Ms. Aldean asked if there was a provision to extend the date, pending the update of the master plan.

Ms. Marchetta said there is no provision in the settlement agreement. TRPA has not put this on a schedule and would first like to consult with the City of South Lake Tahoe to establish a date.

Mr. Shute said he is concerned with the language in Transportation-12.3 as written, the plan could restrict or limit service and Transportation-12.2 is in conflict with 12.3 and should be clarified.

Ms. Fortier said the City of South Lake Tahoe looks forward to working with the

TRPA on a new agreement. Also, she supports removing Transportation-12.3. The City is concerned with the settlement agreement, most of the language in the settle agreement has more to do with taxi rates and parking than embarking and debarking of planes.

Ms. Marchetta said the parties to the agreement are TRPA, State of California, League to Save Lake Tahoe and the City of South Lake Tahoe.

Public Interest Comments & Questions

Elizabeth Hale asked if there are seaplane facilities and where are they located.

Ms. Marchetta said there are seaplane facilities on the Lake.

Mr. Hitchcock said previously there was a seaplane facility in Homewood that no longer exists.

Ms. Aldean moved approval for Transportation Goal-12 and Policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Transportation Element-Goal 14

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

None

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Sevison moved approval for Transportation-Goal 14.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Conservation Element Introduction and Vegetation Goal-1 and related Policies

Mr. Stockham gave an introduction for the complete subelement.

Committee Comments & Questions

Ms. Fortier asked staff to clarify the difference between the goal for diversity of plant communities and aquatic invasive species.

Mr. Stockham said the goal of Vegetation-1 is to have a wide mix of increased diversity and would relate to native or non-harmful non-native species.

Mr. Robinson said some of the non-native species are the most fire resistant and suggested not limiting the goal to just native.

Ms. Aldean suggested removing “non-native” in Vegetation-1.10.

Mr. Stockham said the invasive are all non-native, but the policy is not to eradicate all non-native species.

Public Interest Comments & Questions

Mary Huggins, Cal Fire suggested the following language modifications: Goal-1, third sentence to read “under wild fire exclusion policies. The resulting lack of naturally occurring fires and other all natural perturbations has created an unnatural forest structure with regard to forest health and diversity. Extensive and overstocked stands of second growth conifers not dominate the forest vegetation.” The last sentence would read “Attainment of these thresholds requires an on-going program involving harvest of fire fuels, re-vegetation, and vegetation manipulation.” Policy-1.1, the second sentence after maintenance add “and enhancement.” The third sentence “Prevention of wild fire.” The last sentence, second paragraph “catastrophic wildfires.” Policy-1.5, last sentence in the introduction “wild fire or erosion.” Policy-1.7 is supported as is by the Basin Fire Chiefs as proposed. Policy-1.9, last sentence, second paragraph add at the end “as well as fire safety.” Policy-1.10, delete “non-native.”

Nicole Gergans said the League to Save Lake Tahoe is concerned that there is a quite a bit that has been stricken in the Conservation element.

Mr. Stockham said the Thresholds are repeated from other documents and staff did not want it to be repetitive in a Goal & Policy document.

Laurel Ames, Tahoe Area Sierra Club asked where the vegetation in urban areas is located.

Mr. Stockham said trees in urban areas are addressed in Vegetation-1.8 &

1.9 and also in Community Design subelement.

Committee Comments & Questions

Mr. Shute asked if a planting program has been considered.

Mr. Stockham said staff is not aware of re-vegetating program in the urban areas.

Ms. Aldean said many local municipalities have requirements as part of their code for maintenance and replacement of plants

Brandy McMahon, Douglas County said there is a condition in commercial projects for maintenance and replacement, but there is not a requirement for single family homes.

Mr. Shute suggested re-vegetation should be part of the policy direction for the local planning process.

Ms. Fortier asked what the fire risk is with a re-vegetation process.

Mr. Stockham suggested a policy be added for the local plans to consider re-vegetation in appropriate areas.

Mr. Robinson said promoting an urban forestry program would take into account the wild fire issue and invasive species.

Mr. Shute directed staff work on draft language for an appropriate location for an urban forestry component for consideration in local plans.

Public Interest Comments & Questions

Mary Huggins, Cal Fire said in California there are State laws that govern reforestation on non-federal lands.

Committee Comments & Questions

Mr. Shute moved approval to direct staff to draft language for an urban forestry component for consideration in local plans.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Conservation Subelement Introduction through Vegetation-1

Mr. Stockham provided the recommended changes as follows for Conservation Subelement Introduction through Vegetation-1.

Goal-1, third sentence to read “under wild fire exclusion policies. The resulting lack of naturally occurring fires and other all natural perturbations has created an unnatural forest structure with regard to forest health and diversity. Extensive and overstocked stands of second growth conifers not dominate the forest vegetation.” The last sentence would read “Attainment of these thresholds requires an on-going program involving harvest of fire fuels, re-vegetation, and vegetation manipulation.” Policy-1.1, the second sentence after maintenance add “and enhancement.” The third sentence “Prevention of wild fire.” The last sentence, second paragraph “catastrophic wildfires.” Policy-1.5, last sentence in the introduction “wild fire or erosion.” Policy-1.7 is supported as is by the Basin Fire Chiefs as proposed. Policy-1.9, last sentence, second paragraph add at the end “as well as fire safety.” Policy-1.10, delete “non-native.”

Ms. Fortier moved approval for Conservation Introduction and Vegetation Goal-1 and related Policies.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Vegetation Goals-2 & 3 and related Policies

Mr. Stockham previously provided an introduction.

Committee Comments & Questions

Ms. Aldean suggested in Vegetation-3.1 where “or local resource agencies” was deleted, adding “and as confirmed by other resource agencies.”

Mr. Stockham said it was deleted so an agency could not make a designation that had a change on TRPA regulations.

Ms. Fortier asked staff to clarify what “restoration” is.

Mr. Stockham said this is addressed in Vegetation Goal-2.

Mr. Robinson said the type of restoration would depend on the specific area and it would be difficult to have a blanket restoration definition for the Region.

Mr. Stockham said a statement of consideration of what is on the ground today could be added to the Goals & Policies or it could be left to the individual restoration programs and plans.

Ms. Fortier said the goal needs to be better defined to state if we are trying to restore or preserve.

Mr. Stockham said staff will provide draft language modifications at a future meeting.

Mr. Shute said if this is being done in connection with the thresholds, it may not be specific enough for a restoration project.

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club suggested in Vegetation-2 a language modification to read “Riparian plant communities shall be protected, restored or expanded.”

Committee Comments & Questions

Mr. Shute suggested deferring action on Vegetation-2.

Continued Discussion on Vegetation Goal-3 and related Policies

Mr. Stockham said in Vegetation-3.1 would replace “or local resource agencies” with “in cooperation with local resource agencies.”

Committee Comments & Questions

Mr. Shute suggested striking “local”, since resources agencies could also be State or Federal.

Ms. Aldean asked if there any plans to propagate the Yellow Cress in Vegetation-3.3 to keep it from extinction.

Mr. Nielsen said propagation and out planting is part of the management strategy.

Ms. Aldean suggested this should be referenced in the policy.

Mr. Nielsen said recognition of propagation protection is appropriate.

Ms. Fortier asked if the population of yellow cress is dependent on a drought environment and should we have a standard that it may be only achievable in a drought year.

Ms. Nielsen said Yellow Cress prefers sandy dunes. Because of flexible lake levels, the focuses of protection efforts are on enclosures regardless of water levels.

Mr. Stockham said staff supports the recommendation for propagation and protection.

Mr. Marshall suggested adding this as item 4, "Implement the adopted Tahoe Yellow Cress conservation strategy."

Mr. Stockham Conservation strategy would add the other topic

Ms. Aldean asked if number three is directed at the adaptive management of the species.

Mr. Marshall said this is directed at the project review procedures.

Ms. Aldean suggested adding number 4 to read "Support propagation efforts."

Ms. Fortier said she is concerned with the wording "Support propagation efforts."

Ms. Aldean said the intent was to eliminate the need to be overly protective of these species.

Mr. Sevison moved approval for Vegetation Goal-3 and related Policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Vegetation Goal-4 and related Policies

Mr. Stockham previously provided an introduction.

Committee Comments & Questions

None

Public Interest Comments & Questions

Mary Huggins, Cal Fire said in the Introduction to Vegetation Goal-4 needs language modifications and offered to work with staff.

Ms. Aldean said in Vegetation Goal-4 what percentage is sufficient for the old growth stands.

Mary Huggins, Cal Fire said the 55 percent is not current and would need to do further research to get an accurate number. She also said that the statistics do not

need to be in this section.

Mr. Stockham said the bold text is the goal and suggested the paragraph below it may not be necessary.

Ms. Aldean suggested a language modification to Vegetation Goal-4 to say “provide for the protection of late seral/old growth stands within the Tahoe Basin and promote increased diversity among existing stands of trees.”

Mary Huggins, Cal Fire said one is the protection and the maintenance of current old growths and the other is “ingrowth”, as trees get older they will be old growth.

Ms. Aldean said Vegetation-4.1 & 4.2 make that distinction, but suggested that this distinction is made in the heading of Goal-4.

Mary Huggins said Vegetation-4.3 needs language modifications and offered to work with staff.

Mr. Shute suggested that Vegetation Goal-4 and related policies be deferred until January 31. He directed staff to work on the following modifications: Heading under Vegetation-4 will be modified, suggested the text under the Introduction be deleted and Vegetation-4.3 will be rewritten.

Discussion on Vegetation Goal-5 and related Policies

Mr. Stockham said a recommendation was suggested by the Fire Chiefs for Vegetation-5.1, second paragraph to add “and to afford a reasonable level of fire safety.”

Mr. Shute suggested removing the descriptive text under Vegetation Goal-5 Introduction.

Mr. Stockham said there are several plan elements that have this descriptive text that staff did not modify.

Ms. Aldean asked if the justification for the Goal & Policy appear anywhere else in the plan and said education is part of what this agency does.

Committee Comments & Questions

Ms. Aldean moved approval for Vegetation Goal-5 and related policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Vegetation Goal-6, Policies-6.1, 6.2 and Vegetation-6 Implementation Measure

Mr. Stockham previously provided an introduction.

Committee Comments & Questions

Ms. Aldean said in Vegetation Implementation Measure there is a contradiction in the first sentence and suggested it to read “while allowing for the creation of defensible space.”

Mr. Stockham said that this Implementation Measure would modify those existing standards to also allow for creation of defensible space.

Mr. Shute asked what for a definition “Hazardous” in Vegetation-6.1.

Mary Huggins said Hazardous fuel reduction is a common term amongst the Fire Protection District.

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Shute asked if by providing defensible space, are giving up some environmental benefit.

Mr. Stockham said it is a tradeoff especially with the lack old growth stands.

Ms. Aldean moved approval for Vegetation Goal-6, Policies-6.1 and 6.2 and Vegetation-6 Implementation Measure without modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Wildlife Goals-1 & 2 and related Policies

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

Ms. Fortier said that there is not anything that addresses the natural balance of wildlife. She said the City of South Lake Tahoe has been having more problems with

coyotes.

Mr. Stockham said staff is not aware of any TRPA regulations that would restrict the local jurisdictions from enacting a program for coyote management.

Mr. Robinson said the State Game and Fish agencies would be the proper authorities.

Public Interest Comments & Questions

Madonna Dunbar, Incline Village suggested staff review the overarching policy on better trash containment.

Mr. Sevison said TRPA has deferred this to the jurisdictions to have their own requirements.

Mr. Stockham said staff reviewed this topic and determined that considering the Regional environmental protection and threshold attainment, this would be more appropriate at the local level.

Ms. Aldean said the level of compliance is different amongst the jurisdictions, and suggested this be revisited at the Regional level.

Ms. Reedy asked if this would be economically feasible for TRPA to enforce.

Ms. Aldean suggested it could be a cooperative effort with the local jurisdictions and TRPA by having a code requirement that could be enforced by the local jurisdictions.

Mr. Sevison suggested TRPA have a policy that would encourage the local jurisdictions to do this.

Steve Buelna said Placer County only requires new construction or certain additions to install bear containers.

Ms. Aldean said we need to involve real estate agencies since many of the violators are probably with rental properties.

Mr. Robinson said the Wildlife Department in Nevada has enforcement policies for violators.

Mr. Shute said he agrees that this should be at the Regional level.

Mr. Stockham said TRPA is currently focusing resources for retrofitting BMP's,

wood stoves, and phasing out phosphorus fertilizers. He suggested a policy statement that supports the issue, but would minimize TRPA's resources.

Brandy McMahon said Douglas County has an ordinance that addresses repeat offenders.

Ms. Aldean suggested a co-op with property owners where manufactures may offer a reduced price for volume purchases.

Mr. Sevison said peer pressure is another approach that worked for Placer County.

Ms. Fortier asked if there other ways to manage this issue besides bear boxes.

Hilary Roverud, City of South Lake Tahoe said the City does not have a requirement for single family residential bear boxes. It is addressed through the nuisance abatement program.

Mr. Robinson asked if it is being suggested that this plan address bear boxes or if it is going to be addressed in ordinances and codes.

Ms. Aldean said it would be at staff's discretion to where it would be most appropriate.

Mr. Robinson said he agrees that it is a Regional issue.

Mr. Stockham suggested that this have a policy statement working to promote bear containers. As far as developing a program etc., staff recommends putting it on the to-do list.

Public Interest Comments & Questions

Laurel Ames, South Lake Tahoe said a local hardware store sells economically priced bear containers.

Committee Comments & Questions

Ms. Fortier said El Dorado County requires bear containers for all new construction. Suggested TRPA encourage the local jurisdictions to develop a plan for bear management.

Ms. Aldean suggested contacting the waste management company for their assistance.

Madonna Dunbar, said Waste Management Incorporated declined implementing a

bear container rental program, but does support a governmental approach to wildlife resistant trash compliance.

Mason Overstreet, Meeks Bay said coyote management is complex and suggested the City consider carefully before pursuing.

Kyle Davis, Nevada Conservation League suggested adding reference State and Federal agencies in the Wildlife element.

Committee Comments & Questions

Ms. Reedy moved approval for Wildlife Goals 1 & 2 and related Policies.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Fisheries Goal-1 and related Policies FI -1 through FI -10

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

Mr. Sevison said that Fisheries-1.9 is not in our jurisdiction and could be misleading.

Mr. Marshall said it is in the Compact that we do not have the authority over water supply issues, but this was directed towards the water management agencies to take this policy into consideration.

Mr. Hester said this 1987 policy that predates the Truckee River operating agreement and may need to be removed.

Mr. Shute suggested that this language be removed.

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Sevison moved approval for Fisheries Goal 1 and related Policies FI-1 through FI-10 with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

Chair Mr. Shute adjourned the meeting at 4:41 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Maija Ambler".

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.

**TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN UPDATE COMMITTEE**

TRPA Offices
Stateline, NV

January 26, 2012

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 10:09 a.m.

Members Present: Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean

Absent: None

II. PUBLIC INTEREST COMMENTS

Laurel Ames, Tahoe Area Sierra Club said that the State Parks in the Tahoe Basin are not recognized as State Recreation Areas (SRA).

Ellie Waller, Tahoe Vista is concerned with the potential litigation of the Regional Plan. She feels that compromise on both sides is what makes a project better and less litigation.

III. APPROVAL OF AGENDA

Ms. Fortier moved approval.
Motion carried unanimously.

IV. APPROVAL OF MINUTES & ACTION SHEETS FROM PRIOR MEETING (S)

None

V. PLANNING MATTERS

Discussion on the Regional Plan Update Committee Meeting Schedule

Mr. Stockham provided an overview of topics that are still outstanding and the options of additional meetings or possibly creating a small working group to work on the Code amendments.

Mr. Robinson asked if the March date could be moved out thirty days. He said the State of Nevada could provide a staff member to participate with the code review.

Ms. Reedy suggested staff consider a 60-90 day review period and suggested additional meetings could be scheduled on evenings or weekends.

Ms. Marchetta said one of the factors in the Regional Plan Update schedule is the Regional Transportation Plan which is being done concurrently. Also, staff is currently planning on a 60 day review period.

Mr. Shute said he feels this committee could complete their work by March with a few additional meetings. Since there is not a requirement to put the Regional Plan and the draft Environmental Impact Statement out together; the Regional Plan should have more time allowed so all parties have time to resolve issues before it moves forward.

Ms. Aldean said the original intent of this committee was to review and come to consensus on the more controversial issues.

Mr. Stockham said staff has created a to-do list for future items that need review and some of the less controversial chapters could be added to this list.

Mr. Shute suggested that there could be other individuals selected to do the Code review.

Mr. Stockham said the implementation is very detailed and there is some repetition with the Code.

Ms. Marchetta said this committee's focus should be on air quality and water quality and specific issue with any remaining elements would be discussed. She suggested that a small group to work on the Code and Implementation Element; then the draft plan and the Environmental Impact Statement with those provisions will have the opportunity for committee and public comment.

Ms. Reedy said she supports having a technical committee and asked if that would eliminate the need for the February 23 or any additional February meetings.

Mr. Stockham said no additional meetings would be necessary in February. what we drafting Code in this time frame will be an intensive effort. Keep in mind what we draft in Code, must be consistent with the policy measures that have passed since that is what is being analyzed in the EIS.

Mr. Severson said whoever assists the TRPA staff with code review should be familiar with the current Code.

Ms. Aldean said there are also members of the community who are qualified in drafting Code language and should be considered.

Mr. Hester said he is concerned if the Code and Plan are separated, the Code may not be able to be adopted because of inconsistencies with the Environmental Impact Statement.

Mr. Stockham said the Code review needs to stay at a technical level and not a policy level. Staff will be receiving packages of Code updates from the consultant in early February.

Mr. Shute said he supports the idea of a working group that would consist of staff, local governments, and the public stakeholder's that have the expertise in drafting Code.

Ms. Marchetta asked if that is achievable before the draft or should we plan working group approach immediately after the draft comes out.

Mr. Shute said if the Code language followed the release of the Environmental Impact Statement and the draft Plan it would allow everyone more time to review and complete.

Ms. Reedy certain codes and ordinances, comfort level with everyone, and trusted that the code would be consistent. Some codes and ordinances should be done concurrently, but some will definitely trail. All this information will be reviewed at different levels.

Mr. Stockham said it is feasible to do the Codes that implement policy changes in this time frame and plan for the consensus building process after the draft. It would be valuable to have public review and input on the Code and Ordinances so when staff modifies and finalizes, the issues would already be addressed.

Mr. Shute asked staff if they do not support the suggestion of any technical review outside of Clarion Consulting and staff.

Mr. Stockham said staff does support working with a technical group before March. Resolving the more challenging policy differences with dissenting votes is a separate category and is hesitant to take on in the time frame.

Mr. Shute said he agrees, if the plan is put out at the end of March, noting the dissenting votes and work on a process to resolve those issues with the committee and if necessary the two States.

Mr. Sevison suggested finishing the plan and leave time at the end to discuss and resolve the controversial issues for the Code working group.

Mr. Stockham said that Code drafting is currently underway and when the compromises are reached on the dissenting votes, Code would be redrafted to reflect that.

Ms. Fortier asked what the difference is between the Implementation and the Code.

Mr. Stockham said Implementation is how the Regional Plan is implemented and is not a required element of the Regional Plan.

Ms. Marchetta said the Implementation element should be an explanation of all of the different mechanisms and strategies that we use to implement the plan. The Code is not the only implementing document or program.

Mr. Shute suggested that the February 23 meeting be cancelled. He directed staff develop a process to bring the dissenting votes back to the March meetings and create a small technical group to work on the Code updates.

Mr. Stockham suggested cancelling the March 6 meeting and rescheduling for March 9 in addition to March 7 and 8.

Ms. Marchetta said any changes from the March meetings would be noted and would be incorporated after the draft Environmental Impact Statement comes out.

Mr. Shute said he believes that we have been staying in the range of alternatives that are already being studied.

Mr. Stockham said the March meetings will focus on the technical matters of how we evaluate those policies. The Environmental Impact Statement would not be able to reflect policy changes at that point in time.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista is concerned with some of these analyzes that there is no predetermined outcome of what these analyzes will produce.

Laurel Ames, Tahoe Area Sierra Club said a one month extension to the plan process would not be unacceptable.

Committee Comments & Questions

Mr. Stockham said staff will need a technical committee or additional meetings in mid-February.

Ms. Marchetta said staff recommends that there are enough meetings in February to complete air and water quality. She suggested a tentative meeting be set for February 3 if we do not complete air and water quality.

Mr. Robinson asked who are the participants will be for the technical group.

Mr. Shute said he has directed staff to identify significant stakeholders and make a recommendation for a committee.

Mr. Stockham said staff's recommendation would be local government representatives, and one from each State. He said the public would be part of the public review and comment period and the post draft consensus building.

Discussion on Recommendations addressing RPU Committee Actions on January 26, 2012

Discussion on Plan Introduction Text Regarding Nearshore Water Quality

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

None

Public Interest Comments & Questions

None

Ms. Aldean moved approval for the Plan Introduction Text Regarding Nearshore Water Quality

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Land Use-3 Implementation Measures for Subdivisions

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

Mr. Shute asked if this applies to undeveloped land as well as existing buildings.

Mr. Stockham said it applies anywhere, but would have to be done through the two-step process.

Mr. Marshall said Code section 31.5.2 is for subdivision of post 1987 structures, which is what this provision applies to. It does include raw land.

Mr. Shute asked where mixed use can occur under the Regional Plan Update.

Mr. Stockham said mixed use is allowed in a range of Community Plans, but potentially could be approved in Town Centers, Regional Centers and some non-residential areas that are not in Town Centers that permit multi-family and commercial.

Ms. Aldean asked if staff is proposing that this be applicable for projects as opposed to single buildings.

Mr. Stockham said it would be mixed use in a single building. There may be a situation where multi-family and commercial are allowed on a parcel. Sub divided condo's would be treated the same as multi-family for density calculation purposes.

Mr. Hitchcock said it does not speak to design, in addition to vertical mixed use; there can also be horizontal mixed use. It allows you to subdivide those units.

Ms. Aldean said we should be encouraging neighborhood commercial adjacent to homes to be more walkable and reduce vehicle miles traveled.

Public Interest Comments & Questions

None

Committee Comments & Questions

Ms. Sevison moved approval for Land Use-3 Implementation Measures for Subdivisions

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Vegetation Policy-1.11 related to Urban Forestry Programs

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

None

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Robinson moved approval for Vegetation-1.11. related to urban Forestry Programs

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Vegetation-Goal 2 and related Policies including new language under Vegetation 2.2 related to Wetland/Riparian Maintenance and Restoration

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

None

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club suggested deleting "to the greatest extent practical."

Mary Huggins, Cal Fire suggested language modification in Vegetation-2.2, second sentence, in the second paragraph to read "Existing functioning riparian plant communities shall be maintained in their natural condition to promote such beneficial functions."

Mr. Stockham said staff they agree with the recommendation.

Committee Comments & Questions

Ms. Fortier asked if staff is making the suggested change of "restore the natural function of the riparian areas."

Ms. Aldean said that complete restoration is not feasible, and recommends leaving the language as proposed.

Mr. Stockham said staff concurs.

Ms. Aldean moved approval for Vegetation-Goal 2 and related Policies, including new language under vegetation 2.2 related to Wetland/Riparian Maintenance and Restoration with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Vegetation Goal-4 related to Late Seral/Old Growth Forests

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

Mr. Shute asked if "overstocked" is referencing too many trees.

Mr. Stockham said smaller tree after a clear cutting grew in at a higher density.

Public Interest Comments & Questions

Mary Huggins, Cal Fire suggested adding "due to a catastrophic wildfire" after "tree morality" in the second sentence of Vegetation Goal-4.

Mr. Robinson said he agrees with the suggested language, but cautions staff about being too explanatory at a Regional level.

Ms. Aldean said at times explanatory language can also be a way to educate people.

Mr. Robinson said the document should also be able to stand alone and has other references.

Mr. Shute said he would prefer that some of the explanations not be included in this document, but supports not making changes at this point in the process.

Committee Comments & Questions

Mr. Robinson moved approval for Vegetation Goal-4 related to Late Seral/Old Growth Forests with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Vegetation Policies-4.1 through-4.6 related to Late Seral/Old Growth Forests

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

Mr. Robinson asked how it would be handled if an individual wanted to treat private land in Vegetation-4.3.

Mr. Nielsen said TRPA follows the California and Nevada procedures working with NDF and Cal Fire. Private lands in California are required to have a licensed forester; the State of Nevada has their requirements for who can mark lands on private properties.

Mr. Robinson asked if the otherwise qualified individuals would take in both States.

Ms. Marchetta said that is correct.

Public Interest Comments & Questions

Mary Huggins, Cal Fire said the language was suggested to cover both California and Nevada in respect to a licensed forester or qualified individual.

Committee Comments & Questions

Ms. Fortier moved approval for Vegetation Policy-4.1 through 4.6 related to Late Seral/Old Growth Forests with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Wildlife-Policy 1.5 related to Bears

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions

None

Public Interest Comments & Questions

Jennifer Merchant, Placer County said the local jurisdictions already have ordinances on the books addressing solid waste.

Ms. Aldean suggested adding language "and enforce" after "develop" in the first

sentence of Wildlife-1.5.

Mr. Sevison said the goal is to encourage all of the jurisdictions to support bear management.

Mr. Robinson said this cannot be solved by the local jurisdictions alone, it will be a combination of habitat, mix of hunting season in both jurisdictions etc.

Mr. Shute said developing a comprehensive urban bear strategy would be appropriate for the to-do list.

Committee Comments & Questions

Ms. Aldean moved approval for Wildlife-Policy 1.5 related to Bears with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on Soils Subelement Goal 1 and related Policies and Implementation Measures.

Mr. Stockham gave an introduction to the above element.

Committee Comments & Questions

Ms. Aldean asked if item seven in Soils-1.2 should be a footnote rather than a separate item. She suggested deleting number "7" and moving the paragraph out to the margin so it is clear that it applies to all six items.

Ms. Fortier asked if staff is proposing that Soils-1 Implementation Measure is based on the conditions of the soil rather than a time frame and would that be for all uses.

Mr. Nielsen said it would be based on soil conditions and wants to develop it for any use that qualifies for an exemption.

Ms. Aldean asked if the surveying of streams and watersheds has already been done by the TRPA staff as stated in Soils-1.5.

Mr. Stockham said the language was not modified and suggested deleting the first three sentences and changing the text to read "TRPA shall maintain specific programs...."

Mr. Shute asked staff to clarify why the text was deleted in Soils-1.4.

Mr. Stockham said the plan addresses this topic in other areas in addition to what was referenced. He suggested when the chapters are completed; staff will insert cross references as appropriate.

Ms. Fortier asked if there is any new science since the Bailey survey of 1974.

Laurel Ames said there is an updated survey which found different lines for soil types.

Ms. Reedy asked if there is any updated science of the concept of Bailey.

Laurel Ames said there are the same issues, but the science is more extensive.

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club in Goal-S-1, she suggested adding “and reduce” after “minimize” in the introduction to Soils Goal-1.

Mary Huggins, Cal Fire said the Fire Chiefs supports Soils-1.6. In Soils-1.7 she suggested adding “and maybe treated to reduce the risk of catastrophic fire” at the end of the introduction.

Laurel Ames, Tahoe Area Sierra Club said she does not agree with the Fire Chiefs comments.

Mary Huggins, Cal Fire said a lot of the work that has been done in the Stream Environment Zones was done by hand.

Committee Comments & Questions

Mr. Shute asked where the “ratios for ratios” are located in the plan.

Mr. Stockham said Soils-1.2, 1.2.C (4) and 1.6.

Ms. Aldean asked if staff provided the consultants with number of linear feet of additional multi use pathways that are anticipated to be built so it can be analyzed in the environmental document.

Mr. Stockham said yes.

Ms. Reedy asked how often the reports for coverage are done.

Ms. Marchetta said we have increased the frequency so it will be part of the threshold evaluation report.

Ms. Reedy said we far below on the whole on any in fraction of Bailey coverage.

Ms. Marchetta said on a basin wide level, yes but this will look at in terms of land capability class.

Local and State Representatives

Jennifer Merchant, Placer County said that some projects in SEZ areas or soils with poor capabilities often have boardwalks and other types of facilities that do not impact the soil and not have to create coverage in all cases. She also asked staff to consider an Implementation Measure to analyze and resolve the calculation error in the Placer County IPES scoring system for residential lots.

Mr. Shute asked if any consideration has been given to the 1.5 ratio as being high enough.

Mr. Stockham said before consideration in changing this ratio, there should be additional analyzed and discussion.

Committee Comments & Questions

Mr. Sevison suggested it remain at 1.5.

Mr. Shute there is a goal of restoring a specified amount of stream environment zone. By increasing the ratio would help meet the restoration goal.

Ms. Marchetta said we are off that target and some of the findings of a TDR study that the feasibility of putting restoration on the ground is dependent upon cost.

Ms. Reedy asked how much utilization there has been at 1.5.

Mr. Robinson suggested that there should not be a change until it is reviewed and determined what the impacts are.

Mr. Shute said some of the suggestions have been to minimize and reduce soil erosion and add the IPES scoring system to the to-do list. Also suggested adding to the to-do list is a way to better accomplish stream environment zone restoration.

Ms. Aldean said the other proposed changes were as follows: Eliminate “and” in various places of Goal-1 and added “in the Region” to the end of that paragraph. In

Soils-1.2, subsection B, delete “7” and in C delete “5” and foot noting those additions. In Soils-1.5 a language modification to read “TRPA shall maintain specific programs to address the problem of excess coverage.” In Soils-1.8 should be 1.7. Lastly, insert a cross references list.

Ms. Reedy suggested adding an index rather than inserting it into the language.

Mr. Stockham said it was suggested in Soils-1.7 adding “and may be treated to reduce the risk of catastrophic fire” at the end of the introduction. He said in Goal-1 possibly adding “for” may work, but if “and” was eliminated and a comma it would change the meaning. Staff would support putting the IPES issue for Placer County on the to-do list.

Mr. Robinson said he supports the proposed language modification in Soils-1.7 and also said both State regulate and take great care in the work being performed in the stream environment zones.

Ms. Aldean moved approval for Soils Subelement Goal-1 and related Policies and Implementation Measures with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on the Shorezone Subelement Goals and related Policies

Mr. Stockham gave an introduction to the above element.

Committee Comments & Questions

Mr. Shute asked if the legal staff if in agreement with proposed language.

Mr. Marshall said yes.

Public Interest Comments & Questions

None

Committee Comments & Questions

Ms. Aldean moved approval for Shorezone Subelement Goal-1 and related Policies without modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Discussion on the Scenic Subelement Goals and related Policies

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

None

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista asked if there should be a timeline for remedial measures in Scenic-1.3.

Mr. Stockham said this has all been completed and text is outdated.

Committee Comments & Questions

Ms. Reedy asked if there have been some court rulings on Scenic.

Ms. Marchetta said it does have an element of objectivity; there are numeric scoring systems that are tracked in each of the 5 year threshold evaluations so we know which scenic units are in attainment.

Mr. Sevison said as we get into the fine tuning of what the ordinances are he would have input. Example would be windows. Those are the types of things that we can anticipate as we get into it.

Mr. Robinson asked if those are the types of issues that would be handled in Code.

Mr. Stockham said staff's plan currently is not to amend anything. If it is requested to reopen Scenic, then staff would recommend it be put on the to-do list.

Mr. Sevison suggested that it remain as is for now, but at a later date there may be an opportunity to reevaluate some of the requirements.

Ms. Aldean said in 2.4, this is an example of adopting a rule that you can't enforce.

Mr. Stockham said staff does not have an issue if the committee chooses to delete this.

Mr. Marshall said it does no harm and it allows us to point to more things for our threshold findings. Gives direction to State Lands and other entities that are planning for parking usage and pull out usage.

Ms. Aldean said as written it does not shift the burden to someone else. It also exposes you to accusations of being out of compliance with our own Code because we are not enforcing it.

Ms. Fortier moved approval for Scenic Subelement Goal-1 and related Policies without modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Public Interest Comments & Questions

Elizabeth Hale is concerned with the appearance of the scenic viewpoint signage.

Mason Overstreet, Friends of the West Shore Goal-2 suggested add “and visibility” after “accessibility” on the header for Goal-2 and is concerned with putting time limits in Policy-2.4.

Jennifer Merchant, Placer County asked if Scenic Policy-2.2 and 2.3 is in conflict with the off premise signs. She recommends removing Policy-2.4.

Ms. Reedy said the local government committee will provide feedback to this committee.

Ms. Marchetta said the signage policy language will be coming back to this committee for review.

Ms. Reedy said if a decision is made that is contradictory to any votes with this committee would have to come back.

Discussion on Open Space Subelement Goals and related Policies.

Mr. Stockham said there are no proposed changes.

Committee Comments & Questions

None

Public Interest Comments & Questions

Elizabeth Hale is concerned with off road vehicles damaging the vegetation.

Mr. Stockham said OHV policies are in water quality, air quality, noise, soils, and recreation amongst other subelements.

Committee Comments & Questions

Mr. Sevison moved approval for Open Space Subelement Goal-1 and related Policies

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on -Stream Environment Zone Subelement Goals and related Policies.

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

Ms. Aldean suggested amending Stream Environmental Zone-1.1 to include subparagraph "F."

Public Interest Comments & Questions

None

Committee Comments & Questions

Ms. Reedy asked on an existing property, if the property owner can block public access to a stream environment zone area.

Ms. Marchetta said there are currently homes in stream environment zones and the TRPA does not regulate public access to stream environment zones.

Ms. Fortier said she is not clear on the intent of stream environment zone-1.7. It will have an impact on homes in the Upper Truckee River area.

Mr. Stockham said it is intended for where there are major impediments to important stream corridors. Suggested changing "flood plain" to "stream corridors" or "stream environment zone impediments."

Ms. Fortier said she agrees with staff's suggestion because this is another area of control when we start on the flood plain.

Ms. Reedy asked if "stream environment zone" will replace "flood plain."

Mr. Stockham suggested changing the first “flood plain” to “stream corridor impediments” and deleting the second “flood plain.”

Mr. Marshall said that there are current regulations in place regarding flood plains that extend beyond stream environment zones. This is to encourage and incentivize the removal.

Ms. Reedy suggested that flood plain could also be addressed in Natural Hazards if the committee approves to do so.

Ms. Fortier asked if this item could be brought back by staff with further clarification.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista suggested said in Stream Environment Zone-1.3 that encourage and incentivize for removal of ground water developments such as wells is more appropriate than “discouraged.” She also, suggested adding “maintain and retire” after “restore” in Stream Environment Zone-1.8.

Nicole Gergans said the League to Save Lake Tahoe suggested a hydrologist be consulted to ensure there are healthy flood plains to protect the stream environment zones.

Brandy McMahon, Douglas County asked what map is being referred to for flood plains. Is concerned with provisions in the policy that would prevent development in a FEMA flood insurance rate map because they may not be accurate.

Mr. Nielsen said in the Natural Hazard section, there are Army Corp or FEMA maps for the 100 year flood plain. The Code language recognizes circumstances where the FEMA maps are inaccurate.

Mr. Stockham said this policy is intended to give policy emphasis to water quality and environmental restoration.

Mason Overstreet, Friends of the West Shore is concerned with snow storage in stream environment zones.

Mr. Stockham said there is a water quality policy on that topic.

Ms. Aldean asked what is considered an “impediment.”

Mr. Nielsen said impediments are considered to be man-made or non-natural.

Jennifer Merchant, Placer County suggested that analyzes for the coverage management system be added to the to-do list.

Ms. Reedy asked if that had already been put on the list.

Mr. Stockham said what had been put on the to-do list was a targeted item related to stream environment zone restoration strategies of the 1.5 ratio.

Jennifer Merchant, Placer County said she is referring to Soils-1.2 C (3) and is also concerned about the 25% under Stream Environment Zone-1.1.

Mr. Nielsen said the 25% was based on analyzes in 1987 to what was feasible to restore.

Mr. Sevison asked if that is still a reasonable target.

Mr. Nielsen said the threshold evaluation is reviewing that and staff would like to wait to refer to the threshold evaluation conclusion.

Ms. Fortier asked if this is going to be part of the Threshold review.

Mr. Stockham said staff's interpretation of Placer County's request is to have a review of all the interrelated topics regarding coverage.

Ms. Reedy we are also going to be prioritizing this to-do list we are going to be going through, if we are using numbers from 1987, over the next several years when we go to redo this again, it would be good to review these numbers.

Mr. Nielsen said TRPA and Lahontan are working on a process to improve stream environment zone programs, which in the future, staff can determine whether the 25% is the appropriate number.

Ms. Reedy said staff will put on the to-do list. She asked if staff is supported the language modification in Stream Environment Zone-1.8 to read "restore, maintain and retire."

Mr. Stockham said staff is unsure of what the impact will be for removing wells from stream environment zones.

Mr. Sevison suggested that the policy be worded to "encourage" the removal of wells were feasible.

Ms. Aldean said that there may be abandoned wells that could be removed from stream environment zones.

Mr. Robinson asked if staff had recommended that an abandoned well may be beneficial attribute to continuing a well through recharge.

Mr. Stockham said staff supports the suggestion of abandoned wells, but does not recommend a blanket statement regarding all wells in stream environment zones.

Mr. Robinson said Nevada there is a monitoring program that is used to determine how many more should be permitted.

State and Local Representatives

Brandy McMahon, Douglas County said in Stream Environment Zones-1.3, the existing wells should be allowed to remain.

Mr. Stockham said in Stream Environment Zone-1.3 as written, only groundwater development is discouraged when the development could impact associated plant communities.

Committee Comments & Questions

Mr. Stockham said the follow changes were suggested: In Stream Environment Zone-1.5 a reference to subsection "F" is being added. In 1.7, the first "flood plain" is being replaced with "stream corridor" and deleting the second flood plain.

Mr. Sevison moved approval for Stream Environment Zone Subelement Goals and related Policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Cultural Subelement Goals and related Policies.

Mr. Stockham said there are no substantive changes.

Committee Comments & Questions

Mr. Stockham said that Mary Huggins, Cal Fire suggested in Cultural-1.1 to add "State governments" at the end of the sentence.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista asked if the Board member from the Washoe Tribe consulted on the language.

Mason Overstreet, Meeks Bay asked what the incentives were in Cultural-1.2.

Committee Comments & Questions

Mr. Robinson asked why the TRPA would have a list if State Historic Preservation Officer (SHPO) has lists and the Forest Service could not commence a project without a cultural review.

Mr. Hester said the Compact does not require a list but requires TRPA to review properties that are over 50 years old for historical consideration. Staff is proposing that this is done in cooperation with the property owner.

State and Local Representatives

Jennifer Merchant, Placer County suggested staff consider language modifications that would be broader in the introduction.

Mr. Nielsen said the language sets the context and the Code recognize resources associated with historically significant events and sites.

Mr. Marshall said this is all inclusive and is not singular in focus.

Committee Comments & Questions

Ms. Aldean said there is existing criteria that the SHPO uses to determine the eligibility of buildings to be listed on the register. Can't we use existing evaluation criteria to be consistent?

Ms. Marchetta said the intent is to be consistent with the other regulatory agencies and entities that govern historical and cultural resources.

Ms. Aldean suggested the following language as a sample for Cultural-1.1, "TRPA will confer with local, State and Federal governments with respect to the criteria to be used to determine the cultural significance of a landmark."

Mr. Stockham said staff will take the recommendation and include it in the draft.

Mr. Sevison moved approval for Cultural Goal-1 and related Policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on the Energy Subelement Goals and related Policies.

Mr. Stockham said there are no substantive changes.

Committee Comments & Questions

Mr. Sevison asked what happens when a property owner's energy project crosses over into a potential scenic issue.

Mr. Stockham said currently, staff is not proposing to amend any ordinances and the intent is to encourage environmentally acceptable techniques and environmentally feasible developments.

Ms. Fortier asked what the goals of this policy are.

Mr. Nielsen said the Code has considerations and encourages alternative energy approaches.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista is concerned that there could be unintentional consequences.

Mason Overstreet, Meeks Bay suggested "alternative energy sources" should be defined or provide examples for Energy-1.3

Mr. Stockham said Sustainable Communities Grant are looking at alternative energy and potential barriers to alternative energy in the Tahoe Region.

Ms. Reedy suggested adding "alternative energy sources" to the definition list.

Steve Teshara said that the Sierra Business Council is working is partnering with commercial businesses in Eastern Placer County on a pilot program to reduce energy consumption through electric energy.

Ellie Waller, Tahoe Vista said that biomass is another alternative energy form that could be considered.

Mr. Stockham said on energy efficiency there are policy modifications under air quality.

State and Local Representatives

Brandy McMahon, Douglas County said Energy-1.1 does not add any a value, E-1.2 is more appropriate at the local government level and E-1.5 is redundant.

Mr. Stockham staff suggested to leave the policies as proposed with the possible exception of Policy-1.1.

Mr. Marshall said he agrees with staff's recommendations.

Public Interest Comments & Questions

Steve Teshara said he supports staff's recommendations.

Ms. Aldean said she supports the policies as proposed by staff.

Committee Comments & Questions

Mr. Sevison moved approval for Energy Subelement Goal-1 and related Policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Land Use Noise Subelement Goals and related Policies.

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

Ms. Aldean suggested the follow language modifications: In the second sentence of the introduction change it to read "The TRPA Compact recognizes noise as an environmental threshold and requires that the TRPA establish carrying capacity standards for noise." In 1.5 add "other" before "winter." In the second sentence of 1.6 "the ordinances shall allow the Agency or local governments to require the impacts be mitigated either through voluntary compliance or through conditions of project approval since some of these projects may be approved without TRPA involvement at the local level pursuant to the local plan."

Mr. Marshall suggested this was not necessary because it would then have to be added where ever this is stated.

Ms. Fortier said in Noise-1.1, the FAA is in charge of single event noise thresholds for aircraft and this would not be within the purview of the TRPA. Is it correct that the TRPA is superseded by the FAA?

Mr. Marshall said that regulating noise from aircraft is within the jurisdiction of TRPA.

Impacts of those regulations TPRA's ability to regulate noise from airplanes

Ms. Marchetta said this proposed was written to reserve the options for updating master plan.

Ms. Reedy asked how automobiles and motorcycles would apply to this policy.

Ms. Marchetta said TRPA has no law enforcement authority and this is dependent upon the local jurisdiction enforcement.

Steve Buelna said Placer County said local law enforcement has existing vehicle code requirements for noise.

Jim Silveira said El Dorado County also does the enforcement through the California vehicle code.

Jennifer Merchant said Placer County does not enforce TRPA Code; it is not in their Memorandum of Understanding regarding TRPA Noise Ordinance for any on or off road vehicles.

Mr. Stockham noise provisions have been in place for years, suggested if the committee would like further review on the Noise subelement that it be put on the to-do list.

Ms. Aldean suggested leaving this subelement as proposed by staff.

Ms. Fortier said she is concerned about further capacity reductions of the airport in policy N-2.2.

Mr. Sevison suggested referencing in the policy to "see future agreement."

Mr. Marshall suggested language modifications in Noise-2.2 to read "noise related impacts associated with the airport should be at an acceptable level."

Ms. Reedy said the suggested modification is to delete "reduce" in the title of Noise-2.2. The new language would read "The Airport Master Plan should include specific recommendations necessary to attain the environmental thresholds."

Ms. Fortier said Noise-1.1 is acceptable as long as it can be amended if necessary. It needs to be understood that the master plan is something we will discuss in cooperation with the TRPA.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista said there has to be some latitude so not to discourage visitors from events such as Street Vibrations. She is concerned about the unintentional consequences.

Elizabeth Hale is concerned with noise from boats on the lake and helicopters flying over the homes along the shorezone.

Ms. Aldean said it would fall under the single event noise standard, but would be a matter of enforcement.

Ms. Marchetta said TRPA has worked with the helicopter agencies and has had some success with these agencies to change their flight paths.

Ms. Fortier said we are a resort community and there needs to be a balance with the noise and allowing these companies to operate a business.

State and Local Representative

Jennifer Merchant, Placer County said with some of the issues identified with enforcement, and making the policy Noise-1.3 stricter may not be the best idea. In Noise-1.2 “boating” is a general term that refers to more than one boat, yet it references a single event noise threshold.

Brandy McMahon, Douglas County is concerned with Noise-1.2, that it would be the role of the Sheriff’s Department and would this be something they would support adopting.

Ms. Reedy asked if this language has been reviewed with the enforcement authorities.

Mr. Stockham said a lot of noise issues are outside of TRPA’s jurisdiction. TRPA shall only encourage the local jurisdictions to enforce.

Jennifer Merchant, Placer County said the response from their local Sheriff’s Department is to enforce the public and safety issues.

Ms. Aldean suggested removing “be required to” and use the original language in the title of Noise-1.3.

Committee Comments & Questions

Mr. Marshall suggested modifications to Ms. Aldean’s recommendation on the

Introduction to eliminate the two environmental threshold references in the same sentence.

Ms. Aldean suggested the Introduction to read “The TRPA Compact recognizes noise as an environmental threshold and requires that TRPA establish carrying capacity standards for noise.”

Mr. Stockham summarized the proposed changes as follows: Introduction, the second sentence would read “The TRPA Compact recognizes noise as an environmental threshold and requires that TRPA establish carrying capacity standards for noise.” In 1.3, delete “be required to”. In 1.4, delete the hyphen in “wildlife.” In 1.5, add “other” before “winter outdoor activities.” In 1.6, second sentence from the bottom, add “or local governments” after Agency. In the title of 2.2, “Noise related impacts associated with the Airport should be at an acceptable level.”

Ms. Reedy asked about “boats” being changed to “boating” in Noise-1.2.

Ms. Fortier moved approval for Noise Subelement Goals and Related Policies with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Shute

Discussion on Noise Subelement Transportation Corridor Noise Map (Figure 4).

Public Interest Comments & Questions

None

State and Local Representative

Jennifer Merchant, Placer County asked if the map is setting the standards for these roadways.

Mr. Stockham said this map functions similar to the threshold text that has been deleted throughout because it is repeating the thresholds.

Committee Comments & Questions

Ms. Fortier moved approval to delete the Noise Subelement Transportation Corridor Noise Map (Figure 4)

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None
Abstain: None
Absent: Mr. Shute

Discussion on -Natural Hazards Subelement Goals and Related Policies.

Mr. Stockham gave an introduction to the above.

Committee Comments & Questions

Ms. Reedy asked that “seiche” be defined in the definitions.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista asked if defensible is implied within forest fuels State laws Goals & Policies and Plans.

Mr. Stockham said yes the policy addresses wild fire hazard and defensible space.

State and Local Representative

Jennifer Merchant, Placer County asked if the mass instability hazard area identified in the title of Natural Hazards-1.1 would be a rock slide, etc. Also, in 1.2 she said there was a concern about one and a half years ago with the utility districts because the flood plains are where their pump stations and water intakes are located and they do not want to be prohibited from redevelopment or building a new facility.

Mr. Stockham said that a rock slide would be considered in the mass instability hazard areas.

Brandy McMahon, Douglas County is also concerned with Natural Hazards-1.2 incorrect mapping and conflicting language with Douglas County ordinances.

Mr. Stockham said that there are bases for the exceptions that are built into Code in the third sentence of 1.2, “except as necessary to implement the goals & policies of the plan.”

Jennifer Merchant, Placer County said she is not sure that providing water services or sewer pumping stations is part of TRPA’s Goals & Policies.

Mr. Stockham asked if the Code as it is currently written is problematic or is it more this policy.

Mr. Marshall said the Code allows public facilities in the flood plain.

Jennifer Merchant, Placer County said if the policy would refer to the Code, the original suggestion would make the most sense. It is not clear that the Code as written, which she would agree with if it addresses, that flows out of this policy.

Mr. Marshall said it needs to be or the Code is inconsistent with our Regional Plan.

Mr. Stockham suggested in Natural Hazards-1.2 after “except as necessary to implement the Goals & Policies of the Plan” add “or other health safety issues.”

Ms. Aldean said since they are mentioned in the text and already exist that they would be excluded from any future prohibitions.

Ms. Reedy asked if one these facilities had to be replaced, would this inhibit that ability.

Mr. Hester said TRPA currently has a Public Services and Facilities element in our plan and staff does not intend this policy to prohibit those facilities from being built.

Ms. Aldean suggested adding “require that any existing or future public utilities, transportation facilities, or other necessary public uses located in the 100 year flood plain....” to Natural Hazards-1.2 at the beginning of the third sentence.

Mr. Sevison said he does not believe it is the intention, but this reads is that if there were to be a 100 year flood, the lake would come up 12-15 feet and flood the shore line.

Mr. Marshall said that would have been more appropriate as a “and or” area of wave run-up.

Mr. Sevison said he agrees, because there is no way for the lake to fill up any higher.

Jennifer Merchant, Placer County said there are flood plains associated with rivers and streams also.

Steve Buelna, Placer County said in Natural Hazards-1.1, Placer County has requirements for construction within avalanche areas. He suggested putting it on the to-do list a review of the avalanche maps to resolve inconsistencies between the County and TRPA. In 1.2, he suggested a language modification to be provided by staff and in 1.3, he said this is already a requirement in building codes for new construction,

Ms. Reedy said when you speak about the intent of the language; this language has been in place since 1987.

Mr. Stockham said in there appears to be different interpretations Natural Hazards-1.2. He suggested in adding or replacing Ms. Aldean's proposed language, adding after "except" add the same exceptions listed below except for "public utilities, transportation facilities and other necessary public uses" then add "and as otherwise necessary to implement the Goals & Policies."

Steve Buelna, Placer County said when it speaks to prohibit construction, there are construction methods or other abilities for owners of single family homes to construct within the 100 year flood plains, subject to certain requirements.

Mr. Stockham said as part of TRPA's environmental statutory mandates, it limits construction in the 100 year flood plain to a significantly greater extent than in many other jurisdictions. Changing the prohibition on construction in the 100 year flood plain would need to have an environmental analyzes.

Mr. Robinson said these policies have been the responsibility of TRPA for decades, and is concerned that there will be a lot more work to complete in our given time frames, if we start at the beginning in with of these policies.

Ms. Aldean asked if it would be acceptable to say "prohibit new construction" at the beginning of the title for Natural Hazards-1.2 and add Mr. Stockham's proposed language modifications.

Mr. Stockham said presently we do not allow expansions in the 100 year flood plain.

Ms. Aldean asked if Mr. Stockham is referring to new construction.

Mr. Marshall said construction is an activity as opposed to an existing building. It is Recognized that there are existing buildings, uses etc. in the flood plains which are classified as non-conforming uses or structures.

Ms. Aldean said it needs to be recognized that there is existing construction in 100 year flood plains that would not be affected by this policy except if they apply for a permit to expand.

Mr. Marshall said TRPA reads construction is not as distinct from structures. Construction would almost always be new.

Ms. Aldean asked if there been homes or structures constructed in the 100 year flood plain in without conforming to this existing policy.

Mr. Marshall said he believes we have had some violations regarding the 100 year flood plain.

State and Local Representative

Brandy McMahon, Douglas County said the mapping is not accurate, if a property owner had an elevation certificate prepared by an Engineer that specified it was elevated out of the flood plain, even though it was on a FEMA flood insurance rate map, a permit would be issued by Douglas County. They are concerned with taking on the TRPA permitting process with these conflicts.

Jim Silveria, El Dorado County said they do a similar process to Douglas County. They are concerned that the current proposal is going to exclude all construction activity.

Ms. Reedy said that there would have to be some different application for the Lake than what is done in the valley.

Mr. Marshall said there is a direct conflict between the TRPA Regional plan and Code of Ordinances on development in flood plains with all the local jurisdictions. Local plan have to be consistent with the stricter standard unless the Board approves something to allow more flexibility on developments within in the 100 year flood plains.

Mr. Sevison asked if the mapping that the local jurisdictions uses different from TRPA mapping.

Mr. Marshall said it is the general regulatory approach to what happens in the 100 year flood plain.

Mr. Stockham said the basic fact is our ordinances are stricter on flood plain development. The flood plain development requirements are focused on public safety. To change what is currently on the books would require a new environmental analyzes. In terms of a specific change, the Code of Ordinances prohibits development grading and filling in the flood plain. He suggested replacing "construction" to "development." He said this is something that could be put on the to-do list.

Committee Comments & Questions

Mr. Sevison asked if the maps were found to be wrong, would that be a different issue.

Mr. Marshall said that is correct.

Ms. Aldean asked if staff is familiar with the Executive Order that is referenced at the bottom of the second paragraph of Natural Hazards-1.2. This would be a moot point if this is prohibited by the Federal Government.

Mr. Stockham said that sentence should be considered being deleted.

Public Interest Comments & Questions

Steve Teshara said at a minimum, staff's recommendation to bring the Code language exceptions forward into the policy language is important.

State and Local Representative

Steve Buelna, Placer County asked if this would prohibit piers. He suggested there should be some language modifications to remedy some of these conflicts.

Jim Silveria, El Dorado County asked if the intent of this procedure is to halt all construction in FEMA flood zone mapping area regardless if the mapping is correct or not.

Mr. Stockham said the issues are, the broader general prohibition of development in a flood plain and mapping issues and he suggested that this is a topic for the to-do list.

Ms. Reedy suggested that staff provide language modifications so it is easier to understand and would request motion on the balance of the Goal & Policy and defer Natural Hazards-1.2 to the next meeting.

Ms. Fortier said it is a water quality issue and has been a problem for quite a while and could have an impact on El Dorado County and the City as well. She suggested that this be held until all jurisdictions have had a chance to review.

Mr. Sevison asked how the current houses got permits to be built if it is not consistent with TRPA's plans.

Mr. Nielsen said many of the areas are the 500 year flood plain.

Mr. Stockham said staff can come back with clarification of language for next week's meeting, but will not be proposing any rules in place related to the 100 year flood plain.

Ms. Aldean suggested that staff consult with the local jurisdictions and provide revisions that make this more understandable as an interim measure if it is decided

to put this issue on a future to-do list.

Ms. Aldean moved approval for Natural Hazards Subelement Goals and related Policies, excluding of Natural Hazards-1.2.

Ayes: Ms. Reedy, Mr. Sevison, Ms. Fortier, Ms. Aldean

Nays: None

Abstain: None

Absent: Mr. Robinson, Mr. Shute

Committee Comments & Questions

None

VI. PUBLIC COMMENT

Ellie Waller, Tahoe Vista said she wanted to clarify that the documentation for air quality and water quality that was provided for this meeting will be used in the meetings next week.

Mr. Stockham said that is correct.

Elizabeth Hale said that Ann Bryant with the Bear League thanks the TRPA for pursuing the bear management issue.

VII. ADJOURNMENT

Chair Ms. Reedy adjourned the meeting at 4.45 p.m.

Respectfully submitted,



The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.

**TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN UPDATE COMMITTEE**

TRPA Offices
Stateline, NV

January 31, 2012

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 9:35 a.m.

Members Present: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison,
Mr. Shute

II. PUBLIC INTEREST COMMENTS

Dave McClure stated his concerns regarding the dissolution of redevelopment agencies in California, which he feels is extremely significant event for Lake Tahoe because both in Placer County and South Lake Tahoe were not only instrumental, they were the driving force behind so much of the planned redevelopment that occurred in the Basin. He also renewed their request for the technical quantitative studies and the so called sustainable strategies that the staff claimed existed in support of this kind of growth model for Lake Tahoe specifically.

III. APPROVAL OF AGENDA

Ms. Aldean moved approval.
Motion carried unanimously.

IV. APPROVAL OF MINUTES & ACTION SHEETS FROM PRIOR MEETING (S)

None

V. PLANNING MATTERS

Mr. Stockham provided an overview of the topics for today's meeting.

Committee Comments & Questions:

Mr. Robinson asked staff to walk him through how Nevada State Parks would do their own plan, how does this overlay the Carson City and Washoe County plans. Will they just do this on state property or forest service land?

Mr. Stockham said yes. If you take the state park example, currently state parks

has their planning document and we have separate Plan Area Statements covering state park lands. This would allow one document to serve both purposes if it is shown to conform to all the Regional Plan requirements. Some of the alliances in local plans do away with duplicative process and overly cumbersome procedural issues and allow for a more streamline method to implement the Regional Plan.

Ms. Aldean asked how tribal lands will be handled.

Mr. Stockham said this would be similar to the Federal government, because they have jurisdiction over lands within the boundaries. If they choose to do a local plan, they would be eligible to the same plan. We would ask everyone to send a letter of intent to do these local plans so we can do them comprehensively.

Mr. Shute said he believes that we should bring forward the language for local plans and talk about adding these entities and then straw vote this.

Mr. Stockham said he will put together language for the committee. The concept of local plans addressing a sub-set of issues will not require any language changes to the Goals and Policies which is silent on this, but is an interpretation.

Ms. Aldean said local infers that this is associated with local government and maybe we should be talking about area specific plans.

Mr. Shute said if a local government wants to just tackle certain issues, what happens to their Plan Area Statements that are in effect. Do they remain the same or would they be required to submit the whole package and just readopt the Plan Area Statements, so you have one entire local plan?

Mr. Stockham said we would want consolidated documents, but they would leave the bulk of TRPA's Regional-wide regulations in place. They wouldn't have to replace all TRPA standards with their own, but just replace a small subset of those standards.

Public Interest Comments & Questions:

Elizabeth Hale asked what does this mean, only local governments can do local plans.

Mr. Stockham said these specified are outlined under Land Use-4. There is a lead agency that prepares those plans and approves them first. Under one scenario that would only be local governments and under what we are recommending, the forest service or state parks could do that same process. This would have to go through the conformance review finding and we found to be in conformance with the Regional Plan.

Mr. Severson said there may have to be another package of items that need to take place. For maintenance of property in the State of California and properly Nevada, they may need to have certain things that they could do that would not be appropriate Basin-wide. He would encourage them to amend their plans before we take them under our wing and include things that they need to do, such as burning that may not be allowed in other areas.

Mr. Shute said he would like to have a technical group support the Code amendment process and we talked about having representative from the State of Nevada and California and local government participate. This is not to redo policy, but to provide their comments to staff and consultants that are writing the Code.

Steve Teshara said in doing this Code work with the technical working group, we would hope that the committee and staff would entertain the private sector input in this process.

Ms. Reedy asked if staff has contacted with any of the groups that are asking to represent conservation on both sides for the technical aspects and are they amenable.

Mr. Stockham said yes we have discussed this in general terms and they are amenable. He has been flooded with requests from non-agency staff members to be part of this group. This is technical drafting at a first draft level and this doesn't replace the entire public input process. In order to keep this focused and productive, we would recommend that this be limited to technical issues implementing the already endorsed policies and it be a staff level review initially. Then it would come to this committee for boarder review and public discussion. We then have the entire 60 days public review and comment period. We would suggest an appointee from each state and two or more local government appointees.

Mr. Robinson said he agrees that if we are going to get into a full blown hearing process with this, he said he thought that this was a way to take a technical look and highlight items this committee needs to look at; he believes that we can find someone from Nevada to do this.

Mr. Stockham said that is our intent and we would anticipate the work starting toward the end of next week and going intensely for several weeks.

Laurel Ames said the Sierra Club has not heard from staff for at least two months and would like to be notified of all of these offsite meetings. We have technical experts who are competent to attend these meetings and not raise policy issues.

Mr. Shute said he thinks these outside agencies should be included, but with the

timeframe this may not work too well. He knows this is important to the two states to have input in this process. Reluctantly, he would support a motion that only includes a technical group that includes one representative from each state and two representatives from local government.

Mr. Sevison said maybe to get a little extra input from the environmental and the business community would be to allow them to attend but not participate. If they have critiques, they should put them in writing to be considered.

Ms. Reedy said she has always been an advocate for transparency, but there are those times that when you are discussing technical information, that the people involved and they are not people who are elected or appointed, but government employees who are trying to use their expertise to come up with the best administrative procedure to implement the policies.

Ms. Aldean said as the policy decisions are translated into Code, they will be posted on the website, which will give people access to them so they can initiate their review rather than waiting until the entire package is complete in draft form. She thinks this would certainly help the business and conservation community stay current on what is being developed.

Mr. Stockham said that would be our intent.

Mr. Shute moved approval of a Code Update Technical Working Group made up of two state appointees and two local jurisdiction staff members.

Ayes: Ms. Aldean, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute

Nays: None

Abstain: None

Absent: Ms. Fortier

Discussion on Recommendations addressing RPU Committee Actions on January 26, 1012

Discussion on Natural hazards Policy 1.2 Related to activities in the 100-year floodplain

Mr. Stockham presented staff's recommendations.

Committee Comments & Questions:

Mr. Robinson said didn't we talk about the definition of the 100 year floodplain and was this FEMA or USGS definition. Will the language help everyone understand what it is?

Mr. Stockham said yes, the TRPA Code defines how this section of Code in particular defines how floodplains are delineated. It starts with the FEMA delineations and there is more site specific hydrology analysis for smaller streams that are covered under FEMA designation.

Ms. Marchetta said the other point that we discussed is that our Code allows adjustments to those maps where we have evidence that the map themselves are wrong.

Mr. Shute said the “or, otherwise” could be interpreted to be anything, which seems a little broad.

Mr. Stockham said this is carryover language from the existing plan and we recommended keeping this in because in case there is something else somewhere in this plan that deals with this topic, this would be the catch-all.

Mr. Marshall said this particular Code section has been in place for a long time. He believes our defense on this issue is pretty solid.

Ms. Aldean said for the record, we were debating the wisdom of removing construction and replacing it with development. The reason for that was we didn’t want to do anything that would insinuate that existing structures in floodplain areas are somehow illegitimate. Is this consistent in terms of what motivated this language change?

Mr. Marshall said he thought that the language change was because the Code implementing this provision talks about development and we were going to substitute development for construction.

Ms. Aldean said she is always concerned about unintended consequences and we have homes that are built in floodplain areas, and public facilities. Public facilities are treated differently because they perform the essential public service. Could we say “prohibit new development”, as some of these lands are already developed?

Mr. Marshall said he would interpret a new development to mean that existing development is conforming, not non-conforming. Then the policy doesn’t specifically address existing development.

Mr. Stockham said the Code language uses the term additional, “prohibit additional development.” A remodel type work and improvement of an existing structure is permitted, but structural additions, new fill are not currently permitted. So if we were to add language, we would recommend “additional development” be the right word.

Ms. Fortier said those who live in the Tahoe Keys or around them, they can modify the inside of their home but they can't do anything on the exterior. Perhaps this prohibition becomes more forceful than it is intended to be.

Mr. Stockham said the existing rules in place prohibit additions within the 100 year floodplain. This is the very reason why this was added to the to-do list for a more comprehensive evaluation. It is not in the scope of our changes right now to do this existing rule. One concept discussed is doing floodplain management plans of some type that deal with all the issues that are currently being dealt with this parcel level prohibition, which has the potential to be effective and less burdensome on individual property owners. This is beyond the scope for the environmental analysis, but can be reviewed post adoption.

Public Interest Comments & Questions:

Laurel Ames said allowing public recreation facilities and public service facilities and restoration under the new rules would be ski lodges, for instance. This is not good for floodplains or water quality and the environment. The Tahoe Keys right now is not in the 100 year floodplain.

Mr. Shute asked since we expanded land that was conversation and put it in the category of recreation acknowledging that this would be possibly developed for ski facilities or other public recreation. This this a big exception that would allow a ski lodge.

Mr. Stockham said not under his interpretation. The Code section that currently allows public recreation facilities subject to limitations is Section 35.4.2 sub-item A and it has a list of five criteria that must be met in order for a public recreation facility to be approved in the 100 year floodplain. It is a necessary part of a public agencies long-range plan for public outdoor recreation. There are strict limitations and he doesn't see how a general private development that is a recreation facility could meet this unless it was really necessary to be put in a floodplain.

Ms. Reedy said at their last meeting, this was for clarification only so the government entities feel comfortable and to make it more understandable for the lay person, but not to change policy at all. Does this language not change existing policy and stays within the EIS scope that we have talked about?

Mr. Stockham said you are correct.

Mr. Marshall said yes that is correct.

Local and State Representative Comments & Questions:

Brandy McMahon said Douglas County has a lot of concerns with this. As a local jurisdiction we have adopted a floodplain management ordinance that meets FEMA regulations. We get audited every 5 years by FEMA. We are a member of the National Flood Insurance Program Community Rating System. This means we have a floodplain ordinance that goes above and beyond FEMA regulations. We have adopted FEMA Flood Insurance rate maps which we enforce. TRPA is looking at Stream Environment Zones or designated wetlands, but they don't necessarily have on their plan the 100 year floodplain. With the FEMA Flood Insurance rate map at the Lake, we recognize there are problems with them. With our last update in 2008, we added the language that the elevation of Lake Tahoe cannot be raised above 6,229.1 feet, yet the flood insurance rate maps show properties with a higher elevation around Lake Tahoe in the 100 year floodplain. We put in our ordinance that a professional engineer can take that into consideration and use that elevation when preparing an elevation certificate, because structures are actually outside of the floodplain, even though showing on the flood map. She thinks it is the role of local jurisdictions to enforce floodplain regulations. It is the role of TRPA to ensure that SEZ's and wetlands are being protected. There is disconnect on how we and TRPA are looking at this. Sometimes it is okay to do development in a floodplain if you meet the county floodplain regulations.

Ms. Reedy said Ms. McMahon's suggestion would be outside of the EIS scope, and should be put on the to-do list for the future.

Mr. Stockham said that is correct.

Ms. Roverud, City of South Lake Tahoe said this is a policy that we should be looking at more closely to make changes. This is one example of places where TRPA regulations tend to be in conflict with other Federal and State regulations. The floodplain is established by FEMA and she has not seen a floodplain map prepared by TRPA. FEMA has procedures that we are required to follow in order to address development in the floodplains. She doesn't think TRPA's procedures are aligned with those. We should look at what the purpose is of this language. If it is for public safety and property protection, she believes this is covered under the Federal regulations. If it is for environmental protection, then that is covered in the other regulations on SEZs and the land classifications and coverage requirements.

Jim Silveira said El Dorado County agrees with the other local jurisdiction comments.

Steve Buelna, Placer County agrees with the other local jurisdiction comments. His concern with the proposed language is the language necessary crossings. This might in the future open the door for confusion or misinterpretation.

Ms. Fortier said isn't it then necessary to go back and do another EIS based on any changes that may be made.

Mr. Stockham said that changes to this policy of the magnitude being suggested would very likely require some level of environmental review. We don't know if it is an EIS or some lesser level of review, but the to-do list in general are topics that will be dealt with at a future date and subject to their own environmental review.

Peter Kraatz, Placer County Public Works asked if we could make this as simple as Ms. McMahon's suggestion of changing the policy and deferring or referencing the Federal law. Why would this trigger environmental review?

Mr. Stockham said the Federal FEMA system is substantially less restrictive than the current regulations on the books. Our regulations prohibit a lot of types of development and types of activities that otherwise allowed in 100 year floodplains. His understanding of the history, is there is an environmental, especially a water quality component to this aspect of the regulations. Whereas FEMA is simply a public safety provision, under TRPA's current structure it is for public safety and water quality. The changes that are recommended would be a substantive change to our current regulations that is not part of the environmental analysis being conducted now.

Laurel Ames, Tahoe Area Sierra Club said the floodplains are part of the TRPA SEZ definition and have been since 1974. It is important to remember that overtime TRPA has made an effort to downplay the floodplains being in the definition in various ways, but it is still there. This would require a change to remove floodplains from the SEZ definition. It would be very important to see the list of those issues that would be allowed by FEMA that are prohibited by TRPA in the floodplain.

Mr. Shute said staff is not changing existing policy. We have on the to-do list the issues that have been raised by local governments and Ms. Ames and will be dealt with at some other time.

Ms. Aldean moved approval for the Natural Hazards Policy 1.2 related to activities in the 100-year floodplain with modification.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean

Nays: None

Abstain: Ms. Fortier

Mr. Sevison said this will be an item for the postponed to-do list and see if we can't develop our own FEMA maps that will be similar to their maps.

Ms. Aldean said this language that was just approved is more flexible than the current language in the Code and it keeps us within the environmental side-boards for purposes of the environmental analysis. It is not the mandate of this committee

to do anything other than confer with staff on changes to the Regional Plan that are warranted based on new scientific information. She thinks it is important that we can restrict our activities to that primary mandate to meet our timeline.

Discussion on Water Quality Subelement Introduction

Ms. Marchetta gave an introduction to the water quality discussion.

Colleen Cripps, Nevada Division of Environmental Protection and Harold Singer, Lahontan Regional Water Quality Control Board gave a presentation on TMDL. In addition, Dave Gaskin from NDEP will be available for any questions.

Committee Comments & Questions

Mr. Sevison asked about the credits, why do we need them and what are they there for. How does a penalty for not achieving them work?

Harold Singer, Lahontan said it is a process that we looked at and said the TMDL establishes load reduction requirements, which is number of particle that have to be removed over a certain period of time by certain entities. Instead of measuring it project outcomes in terms of total load reduction, we have used the term credit as being equivalent to a certain number of particles. Placer County has an obligation to remove x number of particles of fine sediment over a 5-year period. That equates to a certain number of credits. The crediting handbook looks at it in terms of credits and not number of particles, but there is a correlation between them. Mr. Singer said speaking for California, because the credits are part of a permit process there clearly are enforcement tools available to the water board if permit requirements are not met. These tools vary and are discretionary. We would look at what was the deviation from the standard and what were the causes for that deviation.

Ms. Fortier asked regarding discretionary use of fine/fees, it is an issue because if you saying that we are not meeting our discharge load aren't we in the position of triggering what is called the minimum mandatory penalties for discharge.

Harold Singer said in California under State law, there are what are called minimum mandatory penalties for exceedance of affluent requirements in NPDS permits. The regional board does not have discretion whether or not to impose those penalties. We have had our legal staff look at this and we do not believe that the pollutant load reduction requirements that are affluent standards for the sake of minimum mandatory penalties.

Ms. Aldean said although it is based on good science, that science may change depending upon the data that is collected. She appreciates the fact that you

understand the importance of adaptive management to remain nimble and adapt through change. Is that philosophy reflected by your superiors in California?

Harold Singer said yes the water board that he reports to does support this philosophy. In the permit that was recently adopted for the municipalities they clearly identify the need to reevaluate the standards that are in that permit based on new information. We looked at this from the perspective that at this point in time, we don't know specifically what the municipalities are proposing as part of their pollutant load reduction reports to us. We need to see what they think they can accomplish over a 5-year period. We also need to see how the economics relate to what they think they can accomplish. The water board clearly indicated that they are prepared to reopen the permit before the permit cycle at the end, because the requirement is a 5-year period. So if the water board finds during that period of time circumstances and good evidence is presented, they are prepared to do appropriate adaptive management at the permit cycle rather than on the science side.

Ms. Aldean asked about the table that says TRPS partners environmental improvement program, she assumes that during that discussion we will identify who has responsibility for what. TRPA has traditionally taken charge of the enforcement of the BMP requirement. It sounds like it will no longer be the case. We may do monitoring, tracking, etc. and will be a part of each local jurisdiction's water quality improvement program. You have said that some property owners have spent hundreds of thousands of dollars on these site specific BMPs. Are we contemplating some kind of credit if for example, some sort of district is formed by the local governments to implement some sort of water quality fee. In all things we need to be equitable and we need to acknowledge the fact that the improvements that have been made, although they may not have afforded us the sort of improvements that we were hoping for it nevertheless represents a substantial investment by those private property owners.

Ms. Marchetta said one of the most difficult parts of this job was it took about 3 years before you start to learn all the various programs and governance structures for the EIP. What has developed over 15 years is a governance structure or almost an implementation framework where something called the TIE Steering Committee (Tahoe Interagency Executives) get together regularly. The EIP has been funded for several years based on SNPLMA (Sierra Nevada Public Lands Management Act) funding, so there was an entire process that developed that involved the Lake Tahoe Federal Advisory Commission to bring in the Federal partnership. It had both states sitting at the table along with TRPA and we would make assessments of how to prioritize that annual increment of SNPLMA funding. That same governance structure or implementation structure for decision making in the Basin about where to put priorities in the EIP program still exists. We are not proposing to regulate nor proposing to write policies on that, is it just part of the

implementation mechanism for the EIP. The interagency executives get together every year and update this 5-year list which is subject to TRPA approval. That is our role in the EIP, but it is very much a partnership approach.

Ms. Regan said this question came up at the Nevada Legislative Oversight Committee as part of the EIP panel where Ms. Marchetta, Ms. Gibson, Forest Supervisor, Patrick Wright of the California Tahoe Conservancy and Jim Lawrence of Nevada State Lands shared an overview of the EIP and how the various 50 partner agency are working together all toward a common goal of achieving Thresholds. We discussed about how in the future we can take what will be shrinking funds to continue the work that has been going on. What the TIE Steering Committee is working on right now is looking ahead at tweaking that implementation framework to ensure that we are strategic and the highest priority projects are getting done. They have been discussing adding some different participation from the private sector to advise that group, because public/private partnerships will be so important in the future.

Ms. Aldean said that traditionally TRPA has taken the lead with respect to enforcement. Because the implementation of BMPs is important to meeting our load reduction goals, it is important that we have a well-defined assignment of tasks list, so that we don't multiple levels of jurisdiction implementing the BMPs.

Mr. Stockham said the table that you are talking about is in the introduction and it is intended to be explanatory of the different roles. The area-wide BMP treatment opportunities are one of the key policy changes that we are recommending in this chapter. Prior investment in onsite BMPs has to be part of this. We are not wholesale replacing our site specific BMPs under this recommendation now. It is basically starting the process so that area-wide BMP management plan can be developed area by area and ultimately this may be appropriate to be a regional program, but we don't have the stormwater facility plans developed yet or the funding mechanism for operation and maintenance developed. We are just starting this transition and all of those topics onsite, area-wide treatment, the cost share for participation will need to be addressed before the existing system can be replace.

Ms. Aldean said will this new process be developed within the context of the TMDL or independently of that.

Mr. Stockham said it is in coordination of both the TMDL and the Regional Plan which all ties together. The stormwater strategies that the TMDL implementation touches on are the same topic. This is a coordinated and integrated thing that under our policies, the local governments/plans would take the lead at identifying those specific plans in coordination with TRPA and the applicable state agencies.

Ms. Reedy said you were talking about the minimum mandatory penalties and have you had a legal opinion and where did that opinion come from. What is Nevada doing regarding these penalties? Do you think the California Attorney General's opinion might be different from your internal opinion?

Harold Singer said our internal legal staff gave us an informal opinion about the applicability of minimum mandatory penalties. Mr. Singer said he had no way of knowing if California would have the same opinion.

Colleen Cripps said on the Nevada side it is not a regulatory program, there are no penalties for failure to meet the goals that will be established on the MOAs.

Ms. Reedy asked do you have a carrot that makes the municipalities go toward that goal for Nevada.

Colleen Cripps said we have been working closely with our municipalities over the last many months on this issue and we are working toward a development of these stormwater load reduction plans that will include the reduction technologies and the plans that they will implement in order to gain those reductions. We are not getting pushback from those jurisdictions on those issues and we are not really seeing that this will be a problem. If it gets to this point, we can make this a regulatory program.

Mr. Sevison said it seems like there is a Federal program that is being implemented by two states through the local governments, yet he has not heard of anyone talking about funding flowing from the Feds to the states to the local government. There is no way to pay for these project and we've only heard about is a penalty for not performing. It is a little painful to discuss this without having funding in place and the tools to work with. It seems out of sorts to ask someone to do something without getting paid for it. How do we get a program that is palatable and works because we all have the same goals?

Colleen Cripps said this is part of the reason that we are doing an MOA approach. We were lucky in adopting our TMDL, because we didn't have to go through the same approval process statewide that California did. We had an opportunity to go in and revised our plan to address this and make it more flexible, so that we could account for those kinds of things and work more closely with our jurisdictions to develop a plan that is more implementable and we would have the resources to do this. This is a collaborate approach and we will have something that can be implemented.

Dave Gaskin said there is funding that will be available. We will have flexibility in how we implement the program. There are funding opportunities that should be available and we will help local jurisdictions find them.

Harold Singer said there are existing state grants available right now and in fact all three municipalities in California are applying for state grant to help in some aspect of implementing their permit requirements. We are very supportive of those applications and will be lobbying the decision makers to get those approved. In addition, there is some existing funding still available to address some of the TMDL requirements. We hope the local governments will take advantage of those opportunities and use the crediting information available to demonstrate that they are tackling the higher priority programs or projects that need to be done. We have put this forward in a way to say this is what we need to accomplish. We have put out a regulatory goal that has some very specific quantitative requirements and we hope to use those requirements to leverage and develop new funding sources both internal and external. The water board has acknowledged that they are willing to reconsider the targets once we know more about what it will cost to implement these things.

Mr. Sevison said as we move through the prioritization of water quality projects will shift from what we have done in the past to this new process. Will that happen via the California Tahoe Conservancy as an example?

Harold Singer said his perspective is we are looking at these pollutant load reduction reports that are coming in from the urban jurisdictions and also the planning efforts that are being done by the land managers as being the basis for establishing priorities in the new EIP.

Mr. Shute said a lot of EIP money has gone in to Stream restoration based on pollutant reduction, nitrogen and phosphorus. TMDL gives 2 or 4% credit for stream erosion for those kinds of projects. That seems that they would not be funded in the future, because those having to meet your requirements would say that isn't going to work. Is that true?

Harold Singer said the right way to go is a policy decision that we have to evaluate in a broader perspective. In terms of the load reduction, clearly we have identified stream channel erosion as a source of pollutants to Lake Tahoe. It is small but on the sample taken from what we have identified, it is one of the cheaper mechanisms to reduce loads. So while we may see a small reduction as a result of those activities, it is a very inexpensive way to achieve that reduction. We cannot lose sight that we have just calculated the load reduction opportunities from the stream channel itself. We know that streams carry urban runoff. There are huge other benefits from stream restoration projects.

Ms. Fortier said the jurisdictions would really like the TMDL to work for Lake Tahoe. It gives us a reasonable method of being able to see what we are trying to accomplish. One of the problems is yes science changes and when the science makes a huge shift, the fact that there are millions of dollars in resources that also

need to make a shift, we sometimes don't appreciate that. We are having concerns on the California side on this TMDL issue. She believes that TRPA is absolutely right in looking at TMDL and the way it is being handled. What has been said today if 1) there a lot of money that needs to be put to this problem, there are so many moving parts in this, it isn't the same with coming up with and MOU and deciding that we are all going toward the same goal. It is implementing a level of policy and administration that is absolutely unbearable. This could cost just in the administrative cost alone a million dollars to the City of South Lake Tahoe and that doesn't put one piece of change in the ground. We don't have the staff to go chasing after every single grant possibility. It seems that if there are grants out there, perhaps that is something that Lahontan should be channeling. The other problem is we do not know what the consequences are if we don't move change and hit this target. This is a lot of money. The Bijou project alone is a \$12 million dollar project and it accounts for about 3% and that is just one project. This is not just a question of meeting the next 5 years, and then tweaking the model. The goal stays the same. The cost of implementing TMDL under Lahontan's projections is \$100 million dollars for the Basin a year. She would love to embrace TMDLs because this speaks to the very issue that the City needs to address. We need to change what is already built to make it more effective, efficient and economical and to solve a serious water quality problem.

Mr. Robinson asked what the committee can do to address the problems that have been brought up.

Ms. Fortier said she is not sure what the committee or TRPA can do.

Mr. Severson said as this is a Federal program, how is the Federal government implementing this program in other regions.

Harold Singer said most of the Federal Clean Water Act if implemented by the states through delegated programs. California has had this delegated program since the early 1970s. Every few years we have to evaluate the quality of the waters within our state and we have to determine which waters are determined to be impaired by certain criteria. If a water body is impaired, we have to come up with a restoration plan which is required and approved by EPA.

Colleen Cripps said this is a plan of how we will make these improvements and because we don't have the same requirements in place that California does, it is a goal, a plan and is not something that EPA is going to be able to enforce in Nevada through this entire process. This depends on how it was established in the first place.

Ms. Marchetta said one of the reasons that staff has proposed that we scale up TRPAs efforts to a more Regional level, is the recognition that over the last 15 years

of the EIP, we have been able to put environmental gain on the ground than we ever could through project by project permitting. It is our belief that if we can scale up to that Regional level, we can play a more Regional role of working collaboratively with other agencies in the Basin to leverage Tahoe as a Region to successfully secure funding.

Mr. Stockham said an additional role of TRPA and at the heart of many of our recommendations is to help leverage private investment dollars, in particular through redevelopment activities. Our rules are right now an effective barrier to a lot of redevelopment that would produce a lot of water quality gain. By modifying the system we have to better encourage and facilitate redevelopment that is environmentally beneficial we can help fill that funding gap.

Ms. Reedy said we have talked for hours about transparency and clarity and how we will achieve this, but she is still shocked that in all of this, it is not saying that this water is healthy. You can achieve these Thresholds and there could be arsenic in the water, it does not address this. It is important for people to understand that is what we are talking about here, but it hasn't addressed any of the health aspects when it comes to clean water.

Colleen Cripps said that is because there are any values like this that is impaired. The one thing that was identified is an ecstatic standard, but it is not a standard that has anything to do with the safety of the water. This standard has not been met and that lead to the designation of Tahoe as an impaired water body. TMDL is designed to only address that standard that is currently not being met.

Dave Gaskin said we are very luck that this is the case. If there were some toxic chemical in the Lake, that is what the TMDL would be focusing on, but we have luckily gone down to a different level and haven't had to a toxicity level and are addressing an aesthetic standard.

Ms. Aldean said we use water quality and clarity interchangeably and we need to change this paradox. The water purveyors have to ensure that the water is drinkable.

Public Interest Comments & Questions

Elizabeth Hale asked what NPDES stands for. She asked what are PLRPS and SWLRPS. She also asked about nitrogen and atmospheric deposition.

Mr. Singer said it stands for National Pollutant Discharge Elimination System.

Ms. Cripps said they stand for Storm Water Load Reduction Plan and Pollutant Load Reduction Plan.

Doug Smith, Lahontan said the atmospheric study determined that the vast majority of the nitrogen is coming from within the Basin. The atmospheric deposition that comes in from outside the Basin blows in and blows out. Dave McClure, North Tahoe Citizens Action Alliance asked if there will be any correlation between the sources of the fines and how the funding is distributed. As part of the EIP process, we are not building visitor stations on roadways 10 miles from the Lake for \$2 million dollars, but the focus is on this new number of 72% as warranting a much higher percentage of dollars than historically it has been. On the charts that have been presented here, it seems the division of the fines was less than 16 microns in size particles, but what Caltrans has been doing in their projects, there are only a 20 or 30 micron filter. Is it true that the Caltrans improvements that have been done in the last few years, those improvements will not be filtering out the worst of the fines that are creating the real problem in the Lake?

Harold Singer said we should look at what kind of metrics we are looking at to judge the effectiveness of what we are doing. All of the Caltrans facilities will have best management practices. We are moving toward metrics that will give us a better idea of the effectiveness of some of the things that we have done in the past and will be doing in the future. The key to all of this is there are many things that we have done in the past that don't specifically address the fines, but have addresses the hydrologic aspect of run off. A lot of the facilities that Caltrans has put in infiltrate runoff, which is removing the hydrologic force of moving the water across other channels, picking up more erosion and dealing with all of the pollutants that are within the water that is being infiltrated. We acknowledge that infiltrating runoff is one of the primary things that we should all be looking at and we know it doesn't work everywhere, but where it works we should be using it.

Dave Gaskin said on allocation of funding, what we like about the TMDL is it provides local jurisdictions the ability to quantify the benefits of certain actions, so they can look at possible activities and projects quantify them and determine where the best place is to put limited funds. This will allow them the flexibility and the science to make the best business decisions that they can.

Colleen Cripps said there are also sometimes other policy considerations that you have to evaluate as well when you are trying to decide where the money should go. So there may be other things in addition to water quality that are important that need to be factored into those decisions.

Mr. Stockham gave an introduction to the water quality subelement.

Committee Comments & Questions:

Mr. Shute said we will look at the 2 or 3 paragraphs on 2.63 which seem to be more explanatory.

Ms. Reedy said to clarify it is the 2 paragraphs under the note section.

Ms. Marchetta said there is no transition language between these two paragraphs and the chart. If we were to insert in the middle of the blue paragraph right after the word Region on the second to last line, "see following table." This would probably be the simplest way to transition to the chart.

Ms. Aldean moved approval of the Water Quality Subelement Introduction language with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on the Water Quality Subelement Goal-1 and related Policies:

Mr. Stockham gave an introduction to the Water Quality Element Goal WQ 1.

Committee Comments & Questions

Ms. Aldean gave staff clerical changes.

Mr. Stockham said there is also an implementation measure under this goal and that this would update the EIP post-adoption to integrate the applicable PLRPS and SWLRPS and better coordinate with TMDL.

Mr. Shute said in WQ 1.4 it says support and seek to expedite activities to redevelop nonconforming properties, do you mean nonconforming as to coverage? Nonconforming is a technical term that could be nonconforming as to use or height. He doesn't believe we need to go that broad.

Mr. Stockham said the intent was to redevelop properties in a manner that improves water quality.

Mr. Shute said we should strike non-conforming. Under implementation you proposed to implement the EIP program to integrate TMDL considerations. It seems that this needs a broader view. What is the EIP program now in light of the TMDL? He is concerned about stream/SEZ restoration, because they get such a small percent of credit for TMDL, they will not be pursued and yet there is acknowledgment that they have value in addition to water quality? This maybe should go on the to-do list.

Mr. Stockham said we agree that this needs to be looked at comprehensively and we don't have the PLRPS and SWLRPS developed yet to include in the EIP. But there will need to be a balance, which is why there is general language here about integrate applicable pollutant stormwater management strategies. We didn't say adopt because there will have to be those discussions, prioritizations and all the consideration that go into the EIP are much broader than what goes into the TMDL. Perhaps it could be broader and more general which would get at Mr. Shute's concern and be consistent with what we are trying to do.

Mr. Sevison suggested we could refer to this as a Federal program that both states are implementing.

Mr. Robinson said this could go on a to-do list. If you look at this, it does not preclude or give priority only to TMDL.

Ms. Aldean said under policy 1.2 there is a general reference to prioritizing and funding water quality improvement projects through the EIP, which provides us with a broader mandate.

Public Interest Comments & Questions

Laurel Ames, Sierra Club said in WQ 1.3 it says mitigate anticipated water quality impacts and she thinks that is a word that doesn't describe the TMDL effort. It is much greater than that and it requires substantial action, not mitigation.

Mr. Stockham said this policy was targeted at our permitting activities and not at the TMDL.

Hilary Roverud, City of South Lake Tahoe said with regard to the EIP which is an important piece to the local jurisdictions, Ms. Fortier brought up earlier our concerns over the administrative cost associated with the new NPDS permit and TMDL requirements on the California side. The important thing for us is to not make that burden worse. What TRPA staff has proposed here is very much in line with their suggestions to try to align the TRPA policies and programs with where our current standards are. Whether it is TMDL, green gases, or the sustainable community strategy and the EIP is really where all this comes together. The EIP is a lot more than water quality, it is also air quality and scenic, etc., and it is also a lot more than just what the local jurisdictions are doing. There are also private contributions to the EIP. The point about broadening this implementation measure, she thinks it is appropriate for this water quality section, but on the to-do list we really need to look at this EIP program and make sure it is aligned with the other regulations and programs that are coming from Federal and state agencies so we can put our resources where they will have the biggest bang for the buck.

Mr. Shute asked what the difference is between the implementation measure and a to-do list. Do we want to leave this as an implementation measure with broader scope or put this on the to-do list?

Mr. Stockham said it is the same to him. The implementation measure says after adoption, so that means it goes on the to-do list.

Steve Teshara said to take Ms. Roverud's comment one step farther, he is hoping that we can integrate the management and administration structure in a way that services multiple needs. It seems like we are creating a lot of things that needs their own administration, monitoring, tracking administration structure and yet we have fewer resources. We need to investigate and integrate the management side of the EIP.

Mr. Sevison moved approval for Water Quality Goal 1 and related Policies with modification.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on the Water Quality Subelement Goal-2 and related Policies:

Mr. Stockham gave an introduction to Water Quality Element Goal 2.

Committee Comments & Questions:

Ms. Aldean asked under section 2.2 if it would it be appropriate to include proper maintenance. There is a lot of sewer lines right on the beach and if those aren't periodically inspected to make sure that there is not an impending problem. This should be part of our contingency plan to prevent spillage into Lake Tahoe.

Mr. Stockham said this is a good addition to the policy language and staff agrees with your recommendation. Maybe design, construction and maintenance practices could be added.

Ms. Aldean said under section 2.1 suppression is misspelled.

Ms. Fortier said under section 2.4, what is not recognized here is composting and is composting considered to be solid waste or not.

Mr. Stockham said staff was intending to do this into the definitions of what solid waste is to exclude garden compost. We could put it in this section if that would give greater comfort.

Ms. Fortier said in defining what solid waste is, we have to look at what all is considered to be solid waste in a bigger prism.

Mr. Stockham said once it is composted into compost or fertilizer, it is no longer a solid waste, which is what we need to reflect in our Ordinances and definitions.

Public Interest Comments & Questions:

Elizabeth Hale asked on WQ 2.7, how will this be monitored.

Madonna Dunbar, Tahoe Water Suppliers Association said water quality and the water's purity are of course of paramount concern to the drinking water suppliers at Lake Tahoe. More than half the people at Lake Tahoe are seasonal and year round residents who drink the water from their taps. Tahoe Water Suppliers Association would like to recognize the efforts of TRPA's making toward water quality improvements including some of the proposed pesticides and fertilizer management language. We also recognize that aquatic invasive species are a major concern to the Lake and the ego systems. Our concerns are that recently Lahontan Regional Water Quality Control Board lifted the former probation on chemical use in the Lake. Projects may now be proposed to Lahontan which are subject to extensive multi-agency review which could lead to the approved use of herbicides and pesticides in the Lake. It looks like TRPA WQ Goal 2 and your proposed Code 60.1.7 are written to reduce or eliminate point source and toxic discharge into Lake Tahoe. There is a caveat in the language for potential use of chemicals in order to attain and maintain a Threshold goal. However there is no Threshold for drinking water quality. Lake Tahoe is one of the purest drinking water sources in the world. There concerns are that approval of potential chemical use in the Lake is unprecedented. We oppose any chemical use in the Lake, except for use to deal with a state or federally declared emergency involving aquatic invasive species. We do not support chemical use for maintenance programs.

Committee Comments & Questions:

Ms. Fortier asked with WQ2.7, is the intent to reduce the number of boats on Lake Tahoe and how would this be done?

Ms. Marchetta said this question has been debated for 22 years before passing the set of Shorezone ordinances only for those ordinances to be overturned. We still don't have a set of Shorezone ordinances that actually went to the next step on this item. The single most important thing that we have done to address this policy was the ban on 2-stroke engines, which drastically reduced the discharge of hydrocarbons into the lake. When we can update our Shorezone ordinances after we have a final court ruling, this is when this will be addressed. We can then

debate the policy question of whether the Shorezone ordinances are being used as a ruse to control the number of boats on Lake Tahoe.

Ms. Aldean asked staff for clarification on the implementation measure at the bottom of page 71.

Mr. Stockham said this is to implement the change Policy 2.1. Right now there is a very limited exception for the use of treated waste water to prevent the eminent destruction of the STPUD Luther Pass Pump Station. In meeting with the Basin Fire Chiefs and other interested parties, there could very well be situations where treated waste water is a primary feasible way to put out a catastrophic wildfire. So they want to have the opportunity to use that fire suppression resource if it is catastrophic. This is where our prior catastrophic language came in and if it is consistent with the applicable state laws. The implementation measure would update the parallel Code section to reflect that policy change

Ms. Aldean suggested changing “discharge” to “use” would be more explanatory.

Ms. Aldean moved approval of Water Quality Subelement-Goal 2 and related Policies-with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on the Water Quality Subelement Goal-3 and related Policies-3.1 through 3.4:

Mr. Stockham gave an introduction to Water Quality Element Goal-3.

Committee Comments & Questions:

Ms. Fortier said this document is supposed to be an ongoing document and we are referring back to numbers that if we have already achieved them, either we celebrate those, or measure our goal.

Mr. Stockham said our intent was not to restore an additional 80% but to continue our efforts to restore from those benchmarks previously identified. One recommendation that came out of this discussion was the to-do list. Once the data is fully analyzed, there will be a lot better information to base realistic restoration targets on. There was a feeling that targets were need in the 1980's and we just don't know how much analysis went into these specific numbers. New information is not available yet.

Ms. Fortier said there is this perception that for everything that we do, we need to retire something else. Part of the problem is when we put this kind of a number in,

it creates this tradeoff and this is not really where we are, is it?

Ms. Marchetta said these two numbers, 80% and 25% are numbers that we report out against in our 5-year Threshold Evaluation, so those numbers are either the final or close to final numbers that will get reported in our Threshold Evaluation. We do know and keep track of what baseline we are measuring this against. We articulate this baseline in our Threshold Evaluation report, even though it is not articulated here.

Mr. Shute said in 3.3 it says restoration of SEZs in accordance with the Environmental Improvement Program. If a private party restores an SEZ as part of a mitigation permit, it wouldn't necessarily be part of an environment improvement program, isn't that too limiting?

Mr. Stockham said our guidance on these policies was not to change the substance of them. The existing language references the Capital Improvement Program and the EIP is our capital improvement program.

Mr. Shute asked if we know whether there have been instances where SEZs have been restored outside of an EIP project.

Mr. Stockham said yes.

Mr. Shute said then this is too limiting.

Ms. Regan said we are in the EIP update tracking those private sector contributions because typically when this has happened, there are partnerships and Sierra Colina is one example, where there is an EIP creek restoration project that went with a development project. Those contributions would be tracked as private section contributions in the new database. Then additional public agencies are also involved in that project because it is multi-faceted.

Ms. Marchetta said it may be broad enough here to say EIP, because we track private contributions.

Ms. Aldean said in that same section is there a reason why there is not a reference to the USFS. Do they not have SEZs or disturbed areas?

Mr. Stockham said they are considered another implementing agency.

Ms. Aldean said she would call them out.

Ms. Aldean said in WQ 3 "effect" should be "affect" in both instances.

Ms. Fortier said on 3.4 and on these mitigation fees for water quality, in some instances a project in the middle of the City may be able to do a certain amount toward water quality but they may answer another Threshold level. Is there any way to have, within this fee structure, a reduction in the water quality fees if it answers other Threshold levels? How does this impact things like the TMDL issues of street sweeping?

Mr. Stockham said in our introduction he should have pointed out the implementation measures at the end of this Goal 3 section. The first of those implementation measures is following adoption of the Regional Plan Update to modify the mitigation fees, which would be the point in time to address those considerations, along with the Air Quality Mitigation Fee Program. Maybe it would be better to take a more holistically look at the fee programs, rather than targeting specific changes with this language.

Public Interest Comments & Questions:

Hilary Roverud, City of South Lake Tahoe said there a lot of very good changes in this section to help align a lot of our efforts. WQ-3.1 talks about reducing loads of fine sediment particulates, she believes that the TPRA threshold for water quality is lake clarity as well. How will this affect the indicators that we use? The crossed out language in the second paragraph that talks about the littoral zone being important because the water is more susceptible to ecstatic degradation, which is getting out a lot of the discuss that we have had about nearshore. There have been statements made that the belief that by making the mid-lake clarity, that will also likely improve our nearshore situation, so we need to leave some of that language in. We don't want to lose sight of that goal as well. It is related to the fine sediment. In WQ 3.2, it is important in this policy to state what the baseline is, to make it clear what that baseline was. She is not clear if this is to restore these disturbed lands or to infiltrate the stormwater on these restored lands. In WQ3.4, the fee program to finance offsite improvements, if we could add language that perhaps these fees might go to finance other programs that would also mitigate water quality impacts of development.

Ann Nichols, North Tahoe Preservation Alliance asked in WQ3.1 is there a reason not to have sediment and only speak of fine sediment. Doesn't fine come from regular sediment? She agrees with Ms. Roverud's comments. On WQ 3.2 the baseline is really important and does this include hundreds of thousands of square feet from Incline Lake and Dollar Point Reservoir, is that part of this baseline? In WQ 3.4, we need teeth in this section.

Laurel Ames, Tahoe Area Sierra Club said she agrees with Ms. Roverud's comments on the nearshore. In WQ3.1, there is more to nearshore than what is happening in the mid-lake and the nearshore reacts quickly to what comes off the land and the

tributaries. In WQ3.3 there is the old language of Vegetation, Wildlife and Fisheries Thresholds and clearly that should include and scenic values, since SEZs are part of the important scenery for residents and visitors. In WQ3.4, she agrees with Ms. Nichols. What we have is a proposal to do all this wonderful TMDL and if you set aside money in mitigation pots, you may get the building first and the mitigation 10 years later. We cannot ignore algal productivity.

Doug Smith, Lahontan Water Board said in WQ3.1 a lot of the purple that you see there was a result of our meeting with staff and the first two words in purple, fine and particles, you can actually remove those and it would be more inclusive. He realized that when Ms. Nichols brought this up and Blackwood Creek is actually impaired for large sediment, not fine sediment. This would be a better fix.

Peter Kraatz, Placer County said on WQ 3.2-3.3, what are the expectation are as to how to better tract this, between what TRPA plans to do in the future and looking at local jurisdictions also. This could as small as a building permit for a residential structure where they may be restoring SEZs.

Mr. Stockham said staff is working on better information tracking systems in coordination with the local governments. It is TRPA's responsibility to identify the baseline and track progress toward it. We anticipate through the local governments activities, hopefully in an automated sense when coverage or those types of topics are permitted, that we would get this information transmitted to help us maintain a better tracking system.

Mr. Nielsen said the annual process for reporting in EIP accomplishments through performance measures that is the primary focus for these policy measures, to capture this in the report that is already happening. It would not be anything additional.

Peter Kraatz said in WQ3.4 he supports the comments from Ms. Roverud and we want to make sure we capture not just improvements on the ground, but programs like enhanced sweeping. He suggested a language modification where we say "offsite improvements," change that to "offsite environmental improvement projects and programs."

Mr. Stockham said there are some limitation on mitigation fee programs and what they can and can't be used for. We think that replacing "improvements" with "activities" would keep it broad enough to not preclude activities that are otherwise allowed under mitigation fee statues, but wouldn't get quite as details as your language.

Mr. Shute said would this finance offsite activity or just to finance activities and take off offsite improvements.

Mr. Stockham said we could probably delete “offsite” as well.

Mr. Shute asked if we could reference the 1987 plan as the database for those numbers.

Mr. Stockham said those are 1983 baseline numbers that were put into the 1987 plan.

Mr. Shute said it would be good to make this reference.

Mr. Stockham said we can do that.

Mr. Shute said in WQ3.4 maintain mitigation programs, where will be get at the notion that development projects should mitigate their water quality impacts as they go along and not by paying fees later.

Mr. Nielsen said he was concerned when there was a suggestion to delete offsite because the first choice is to mitigate onsite. If you can do that there is an option to pay a fee that goes into an account that is used to fund offsite improvements, such as water quality projects.

Mr. Shute said the way this is written there is no reference in the plan to prioritizing onsite improvements and should go in a separate section.

Mr. Stockham said it may belong here as well, but WQ 1.3 that we already reviewed this is the policy language that requires them to mitigate. We still may need additional language.

Mr. Shute summarized recommended changes as follows:

- 1) Language changes from affect instead of effect
- 2) Striking fine and particles in 3.1
- 3) Leaving in or rewriting the language in the second paragraph about water quality
- 4) Added baselines in 3.2 & 3.3
- 5) Added US Forest Service in 3.3
- 6) Add language about prioritizing mitigation of water quality impacts with development and the mitigation fee is for offsite as a second priority

Mr. Stockham said staff also recommends in 3.3 Ms. Ames suggested referencing the Scenic Threshold in addition to Vegetation, Wildlife and Fisheries. We need the new language that would need to specify onsite mitigation as the first option that we could develop for a later meeting.

Ms. Aldean moved approval of Water Quality-Goal 3 and related Policies-3.1 through 3.3 with modifications. The committee directed staff to develop language for 3.4 that prioritizes mitigation of impacts first on-site.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Ms. Aldean said under 3.1, the addition of nitrogen and phosphorous and other algal nutrients, aren't nitrogen and phosphorous the primary nutrients that promote algae?

Hilary Roverud, City of South Lake Tahoe asked to have a clarification on the intent of using the term restore in 3.2, 3.3, whether it is restoring to a natural state or just installing BMPs.

Mr. Stockham said 3.2 restore is in the language below and the intent is by application of best management practices.

Ms. Aldean said where the confusion comes in is, if it restored to a completely natural state, BMPs shouldn't be necessary. She thinks the implementation and maintenance of BMPs relates to the second portion that says or natural state or near natural state, which means there is still a deficiency that needs to be further mitigated by the use of BMPs. Maybe there is a more effective way of wording that.

Mr. Stockham said the interpretation we think should be carried forward at this point is the 80% includes categories, complete restoration and BMP to a near natural state.

Mr. Aldean said the confusing is if it is restored to a natural functioning state, BMPs are not required. But if it is only restored to a near natural state, BMPs will be required as it was not stored to 100%.

Mr. Hester suggested adding after the word natural, put in the word "state, or to a near natural state."

Ms. Fortier said nowhere does it state soft coverage. She knows the intent is soft coverage, but if I were to read this without any of the context, I wouldn't know this.

Mr. Stockham said we can add this parenthetically to clarify the existing interpretation. We spent a lot of time researching the interpretations of these policies and it was interpreted to be soft coverage back in the 1980s.

Ms. Aldean said the language proposed is “to restore to a natural state or a near natural state.”

Mr. Shute asked for clarification on the reference to soft coverage means.

Mr. Nielsen said it is important to distinguish between the two because we don’t want to set a goal of restoring 80% of the soft coverage in the Basin, which represents roads, buildings, hard coverage. That is governed by the Bailey Threshold and our overall goal to achieve the Bailey Threshold. This was dealing with disturbed areas out in the general forest, like dirt roads, landings, disturbed cut and fill areas that we want to take of except in those cases where you have a system road or something that is identified as being necessary.

Ms. Fortier asked staff to restructure this particular piece to better qualify what we are trying to repair.

Ms. Marchetta asked if you want language that is intended to be roads in the forest upland, etc.

Ms. Fortier said something that refers to what the policy is or more clarification.

Mr. Stockham said would replacing “disturbed” with “soft coverage” work.

Mr. Marshall said the definition of soft coverage that has a certain meaning to it in terms of the degree of which water infiltrates. Disturbed land is broader. You can have land that is disturbed that may impair to a certain degree infiltration that you may want to restore and he suggested leaving the language “disturbed lands” as is.

Ms. Aldean asked how you distinguish between hard and soft coverage.

Mr. Marshall said hard coverage portions of the Basin generally is addressed in the Bailey coverage limitations. Part of what this plan revision is addressing areas in which not only it may qualify as soft coverage, but also areas of disturbance that may not. We want to identify and to the maximum extent restore that disturbed lands as well as areas like dirt roads, parts of it may qualify as coverage but other parts of that same road system may not. You want to direct restoration of those areas as well. If your concern is that it is over inclusive and includes hard coverage, maybe we need some clarifying language as to that element.

Ms. Aldean said she thinks we do because the average person looking at this provision may think are we going to condemn developed property, which is the last thing we want.

Mr. Stockham said we will clarify that this doesn’t include hard coverage.

Mr. Sevison said but it could be disturbed and not impervious. So there are two other categories separate from hard coverage and maybe you need to define both of them so everyone understands. Impervious coverage can be converted to hard coverage in most cases, but not just disturbed and if it wasn't impervious it wouldn't count toward coverage calculations.

Mr. Stockham said he thinks it would count toward this restoration goal. We get there by clarifying that it excludes hard coverage because then it includes all other types of disturbances.

Public Interest Comments & Questions

Nicole Gergans, League to Save Lake Tahoe pointed out that the term soft coverage refers to land that was disturbed in a certain way before 1972 and there could be disturbed land that occurred between 1972-1983. She wants to make sure that this land isn't forgotten about.

Discussion on the Water Quality Subelement Policies-3.5 through 3.8

Mr. Stockham gave an introduction to Water Quality Subelement Policies 3.5-3.8.
Committee Comments & Questions

Mr. Sevison said it says all persons engaging in public road maintenance or snow disposal operations in the Tahoe Region shall maintain roads and dispose of snow to minimize discharge of deicers, fine particulate and other contaminants. This can be pretty tough sometimes because Caltrans fills the snow with sand and deicer. Does this mean that you can't put this snow anywhere else?

Mr. Stockham said we spent a lot of time on this policy for that very reason. We don't want to have nothing because pushing snow into a wetland is much more impactful than pushing snow onto a less sensitive piece of land. At the same time, we still need to have road maintenance and public safety activities going on. Your point is one of the reasons that we added road maintenance as well, because in the design of roadways as they are improved, the stormwater management facilities just how drainage is handled can do a lot to root the pollutants away from sensitive areas. That is why we didn't just say just minimize the discharge, but we said minimize the discharge to the sensitive areas.

Mr. Marshall said this would not apply to someone who is clearing their drive way because it refers to all public road maintenance and snow disposal.

Mr. Stockham said the type of abrasives that are used on the roadway also has a big impact. Some sands and abrasives break down fine sediment very easily

whereas others don't. This will likely be covered under TMDL as well, but we would like to promote the types of abrasives that don't turn into the fine particles that are such a problem once they are driven over.

Ms. Fortier said she has not checked with their road maintenance crews about the areas where they put a lot of their snow removal and what the impact of this is.

Hilary Roverud said the crews make every effort to minimize the impacts on SEZs as directed in this policy.

Peter Kraatz, Placer County said we are sensitive to this as we know we have certain roadways near the Lake that are water quality improvement projects. We do need to improve the BMPs which are some of our higher priority projects that we want to deliver in the near future.

Public Interest Comments & Questions

Doug Smith, Lahontan Water Board suggested on WQ 3.7 adding in front of deicers, "road traction abrasives and deicers" which would capture the road abrasives and the deicers.

Mr. Stockham said the reason this is not in there is that in 3.6 is the policy of minimizing impacts and 3.7 is a reporting requirement where the roadway departments report to TRPA where they are putting salt down. If we added the suggested language change, it would be a lot of information and we know that sand goes everywhere, so we thought it would be a lot of reporting for minimal if any benefit of what we would do with that information since we already know the answer without these reports.

Mr. Marshall said the deleted text below really describes it. We have issues with Board members regarding trees dying along the road and this is more of a vegetation issue than a water quality issue, which is why the focus here was on salt.

Ms. Aldean asked if Caltrans & NDOT are using brine now more frequently than salt.

Mr. Stockham said that is why we use the term deicer because it is not sand but salt.

Ms. Aldean asked if we have data to verify whether there is any beneficial impact. When they went from salt to brine they assumed there would be a beneficial impact on vegetation. They need to make the distinction of what type of product they are using as there is a beneficial impact to using salt suspended in water which

dilutes the effect on vegetation. If we require that they report what they are using, we need them to report what sort of deicer or salt they are using.

Mr. Marshall said maybe the addition of type in the list.

Mr. Stockham said yes the list should read timely, location and type of deicer.

Peter Kraatz, Placer County asked for a clarification on WQ 3.7. We report to Lahontan on the California side our traction of abrasive program every year in our annual report to Lahontan. This is more of an issue on vegetation, but they do overlap.

Doug Smith said this is not redundant. This is a recording not a reporting to TRPA, so you wouldn't have to report to TRPA but just keep records.

Mr. Robinson asked why we are getting the information if we are not enforcing. Are we reporting to someone?

Mr. Stockham said this policy has been in place since the 1980s and taking away this reporting requirement wasn't in the scope. He does think there is some value in having that information, because it can help inform our environmental improvement projects and other efforts. It is far less critical than some of the other policies that we have discussed. We weren't sure if we removed this policy it would require additional environmental analysis that isn't ongoing right now.

Peter Kraatz, Placer County said what we do for Lahontan is going to fulfill what this policy is requiring, because if it is not then we are just doing more administration than we need to.

Ms. Regan said Board members who might recall in years past we actually had year- end reports before the Governing Board of the amount of traction abrasives and deicers that have gone onto the roadways and what are new innovations in this market that can improve water quality. This would be something that we could do for Board education.

Laurel Ames said in the early 1990's we had thousands of trees die alongside the roadways because of the deicers and brine is salt but in solution. Reporting is important as you will want to know instantly what is going on and since TRPA is responsible for vegetation and Lahontan is not, there is a good reason for separate reporting.

Elizabeth Hale said she is concerned with noise. Who will help us with off road vehicle noise?

Mr. Stockham said there are ways we handle noise, although some of the noise does happen in areas outside of our control.

Ms. Marchetta said most of the off road vehicle use in the Basin occurs on Forest Service land. The Forest Service right now is going through a comprehensive planning process about their off road vehicle use. This policy memorializes the fact that there is a general prohibition unless an entity like the Forest Service that wants to sponsor this comes forward with a plan identifying ways in which the impacts from that use both to soil erosion or potential runoff as well as noise would be mitigated, which is what this policy reflects.

Peter Kraatz, Placer County said is this a project and not a renegade trail or road where this just starts to happen.

Ms. Marchetta said they are going through their comprehensive planning process so they identify permissible trails and then they will come forward and propose to restore and eliminate the rogue trails.

Mason Overstreet, Friends of the West Shore is concerned in WQ 3.6 and why this is just public and not private? There are a lot of private roadways where people are storing snow in SEZs. It is somewhat unrealistic in terms of monitoring. Where is it going to happen and does TRPA have designated areas where it is okay and how will this work? It is unrealistic that they will get out the BMP handbook and read it in terms of where to push snow. In terms of WQ 3.8, this is a difficult issue because these are fragile mountain ecosystems on Forest Service lands. There are new trails happening all the time which is a continuous impact. So creating a strong mitigation program is difficult and should be thought out.

Nicole Gergans, League to Save Lake Tahoe said the League supports Lahontan's recommendation to add road traction abrasives into WQ3.7.

Lew Feldman said he agrees with Ms. Gergans and when you watch these trucks throw sand all over the roadways and certainly the public safety issue is a paramount issue. We are spending hundreds of millions of dollars trying to deal with the consequence of these sanding practices and then the grinding up of the sand into dust. If we raise the bar a little bit for the well intention public folks that are buying these materials and are distributing them seems to be in our interest and may create some incentive to buy materials that are materials that are less erodible. He thinks keeping track of abrasives is very important. He questions WQ3.6 that suggests that we minimize the discharge of deicers, fine particulates and other contaminates. They may not be fine particulates when they are distributed but they become fine particulates after they are trampled on by vehicle after vehicle. This is probably the greatest opportunity to make a meaningful impact on reducing the fine particle contribution to water quality.

Peter Kraatz, said Placer County has put a lot of effort in the TMDL strategy plans, where we were told that the big bang for the buck is what kind of aggregated that we deliver on the roadway and how well we pick it up is already in motion on the TMDL strategy side. Caltrans already did a study mimicking cars travelling over the sand that they apply and how it breaks down. We are working on finding the hardest sand out there, so that the sand that does the best in the labs is what we will be using.

Jennifer Merchant, Placer County said on WQ 3.8 the language in red has been stricken it is not clear what type of off road vehicles this is referring to. She suggested adding back the word “motorized” unless you mean bicycles and other vehicles and you were intentionally broadening it. This would clarify off highway vehicles which we would consider to be motorized.

Mr. Shute said the suggestion has been made that persons engaging in road maintenance shouldn’t be limited to public roads, but also private roads. What are staff’s thoughts on this?

Mr. Stockham said private road and site maintenance is addressed in depth in the BMP handbook and we would recommend that private activities of that nature continue to be addressed through the BMP handbook.

Mr. Shute asked what the requirements are in the BMP handbook.

Ms. Navarro said snow storage and removal for private roads and private properties is required as a BMP. When we discuss policies that talk about BMPs required for private properties, snow storage and removal will be covered in that.

Mr. Stockham said it does cover many topics such as SEZs and sensitive areas, which are the same types of topics but through a different procedure.

Mr. Shute said there are several suggestions. The first is in WQ 3.7 to add road traction abrasives to the reporting requirement. The second WQ3.6 the suggestion was to strike “fine” as the restriction should be on particulates and not just fines.

Mr. Stockham said the reason we put fine in the language is because it is the fine particulates that we want to keep out of the surface waters. For instance, if the road maintenance agencies went to a type of abrasive that didn’t break down as easily into fines even if this was applied in the exact same areas, that change would help minimize impacts in accordance with this policy. He thinks our focus is to keep the fine particulates out of the water courses. If we change it just to particulates, we may lose that consideration of what kind of abrasive to use.

Mr. Shute said would you interpret that to mean those particulates which break down and become fines are also included in the policy.

Mr. Stockham said correct, because it is the discharge of contaminants to a stream environment zones. It may be sand on the road but by the time it makes it into the SEZ, it is pretty well broken down into fines.

Mr. Shute said in WQ 3.7 also will be location and type of deicers and in WQ3.8, off road “motorized” vehicles is suggested.

Ms. Aldean moved approval of Water Quality- Policies-3.5 through3.8 with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on the Water Quality Subelement Policies-3.9 & 3.10 and associated Water Quality 3 Implementation Measures.

Mr. Stockham gave an introduction to Water Quality Element Goal 3 and related Policies 3.9-3.10.

Committee Comments & Questions

Mr. Robinson asked what the opinion of the local golf courses is.

Lew Feldman said on behalf of Edgewood Golf Course they have reduced its fertilizer use by magnitudes over the last several years and generally supports the proposal with the exception that phosphorus is a necessary component particularly in greens maintenance. Edgewood utilizes a liquid form, which is much more readily absorbed. Since they monitor water coming into the golf course and water leaving the golf course, which is reported to TRPA demonstrating that they are meeting discharge standards. We think it is essential that the limited exception language be continued within this section 3.9, so that those more Regional users that have actual controls in place and a fertilizer management plan are allowed to continue.

Ms. Fortier asked is it possible rather than to use “fertilizer” and look at other types of fertilizers that perhaps do work here, but with this you have slashed and burned all fertilizer.

Mr. Stockham said that wasn’t the intent. It is lawn fertilizer containing phosphorus. There are types of lawn fertilizer that doesn’t contain phosphorus. This doesn’t limit fertilizer for other types of landscaping. The intent was definitely

not to target all fertilizer, but to target excess contributions of phosphorus.

Ms. Aldean said wouldn't the addition of the word chemical help resolve this. From a practical standpoint and the word encourage was specifically used, but this smacks at the attempt to regulate commerce. If you encourage the phasing out of the sale within the Region, as typically this is handled through local ordinance. He doesn't know that it is appropriate for TRPA to be focusing on something that has to do with local commerce. She suggested to amend this language to read "encourage the phase out of the use" of chemical fertilizers.

Mr. Stockham said yes.

Ms. Marchetta said we had an internal discussion on this and we identified that very issue. In other locations where this is done is an outright ban and is a state-wide ban, generally. It was suggested that we ban phosphorus fertilizer use in Tahoe. The practical reality of that is that anyone can drive to the Carson valley and buy phosphorus fertilizer, so a ban here doesn't affect the change. What we wanted to be able to do was to talk to the manager at Costco and ask if they would put signs up that say if you are using this fertilizer in Tahoe, use this kind instead of that. We didn't have a broad enough reach to ban anywhere outside the Region. This word sale was in here to give us some negotiating ability off the hill. We could probably delete this, but that was to give us the basis to go talk to those companies off the hill who might be selling fertilizer to ask them to direct those who might be using this in Tahoe to one kind versus another.

Ms. Aldean said the only problem is that the language says the sale and use of fertilizer in the Region which would not include Costco and other vendors off the hill. She suggested the word "use."

Mr. Stockham said in the research that has been done in outreach and education and focusing on point-of-sale, has been among the most successful strategies and is also a component of the grant funding we have to print flyers and to speak with the suppliers that sell fertilizer. We could request that they have the flyers on the environmentally sensitive types of fertilizer. It is meant to be an outreach and education, but if we drop the sale component, we lose that leverage and we also drop what has shown to be among the more effective strategies nation-wide in reducing use.

Ms. Aldean suggested a language modification of "encourage the phase out of the sale and use of chemical fertilizer containing phosphorus for lawns in the Region through education and outreach."

Mr. Sevison said where he lives, 99% of the yards are on the Lake all maintained by commercial landscapers. He suggested contacting the landscaping companies to

educate them.

Mr. Stockham said that is the intent with our education and outreach campaign and is also a component of the grant funding to help with this effort.

Mr. Robinson said the sign in the store saying TRPA say no, this may be interpreted as a regulation from TRPA.

Mr. Shute said he hasn't noted any changes suggested for WQ 3.10. In WQ3.9 there would be "chemical" in front of fertilizer every time it appears. There is an issue on whether we include outreach and education or leave it out.

Public Interest Comments & Questions

Elizabeth Hale suggested the language "phase out of the sale and use of fertilizer containing phosphorus for lawns and gardens in the Region."

Mr. Stockham said this only applies to lawns.

Peter Kraatz, Placer County said the language that states "except for maintenance for pre-existing landscaping." It seems like this could open the door a little too much and maybe you need to expand this language to say "except for maintenance for pre-existing landscaping that have TRPA approved maintenance plans" or something along those lines.

Madonna Dunbar, Tahoe Water Suppliers Association said this is a great effort to reduce contaminates that will keep feeding our algae blooms. She asked that staff link to the education campaign is that contaminates don't reach the Lake unless there is excessive run off from the irrigation. We have challenges getting irrigation systems to be efficient. She offers their support in the education efforts that if it doesn't run off, it is not going to the Lake.

Mr. Stockham said the BMP handbook addresses fertilizer application and limitations as does Code in some detail. It may be beneficial to say "except for maintenance for pre-existing landscaping that have TRPA Code requirements in the BMP handbook.

Laurel Ames, Tahoe Area Sierra Club said there was a time when the Lake was nitrogen limited and not it is phosphorus limited. It changes back and forth during the year. This refers only to phosphorus in fertilizer. One of the problems with nitrogen is it readily mobilizes in water. The soil does not limit it at all. She suggests adding the word "nitrogen" in all the language.

Sara Ellis, Nevada Realtors, said we don't have an opinion about the validity of the policy, but the appropriateness of this Agency interjecting itself into any kind of

commerce discussion. We think it is more appropriate that the goal be to phase out phosphorus use and then a local government who has the authority to regulate sales at their level through business licenses can turn this into an implementation measure at the local level.

Committee Comments & Questions

Mr. Shute asked what does “chemical” mean.

Mr. Stockham said this recommendation does not target nitrogen fertilizer. The Lake is presented phosphorus limited. His understanding of the TMDL work is that the source of phosphorus is largely fertilizer and the source of nitrogen is largely tail pipe admissions. The biggest bang for the buck and the best impact is targeting the phosphorus fertilizer. The next policy speaks to nitrogen from tail pipe emissions. We are very sensitive to balancing the priorities and where we will get the most improvement for the effort. To Mr. Shute’s question, we would add chemical fertilizer and will keep containing phosphorus for lawns and just add the word “chemical.”

Ms. Fortier said in the language you use “artificial”, wouldn’t that serve the same purpose.

Ms. Navarro said we are suggesting a change from “artificial” to “chemical” in the policy.

Mr. Stockham said we would properly define chemical fertilizer in the Code section of definitions.

Mr. Shute summarized the changes proposed as follows:

- 1) We would have, except for the maintenance for pre-existing landscaping in accordance with Code requirements in the BMP handbook
- 2) Should we have “through education and outreach”?

Ms. Aldean said also whether or not to regulate sales. The compromise would be to “phase out throughout education and outreach of the sale and use of chemical fertilizer containing phosphorus.”

Mr. Robinson moved approval of Water Quality- Policies-3.9 and 3.10 and associated Water Quality 3 Implementation Measures with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on the Water Quality Subelement Policies-3.11 through 3.13 and Related

Water Quality Implementation Measures:

Mr. Stockham gave an introduction to the Water Quality Element Goal related Policies 3.11-3.13.

Committee Comments & Questions

Ms. Fortier said this has real benefit in a project like Bijou because it offers that kind of consolidated approach to BMPs. Should we find another area that we can treat as a whole and how will that work? She would like to know staff's thoughts on using more prescriptive methods in a bigger area.

Ms. Marchetta said we offered to use our enforcement hammer and we didn't meet with full support.

Ms. Aldean said under the fourth bullet, she wouldn't describe the following sections as limitations, as there are more requirements in order to qualify for an area-wide treatment you have to meet these various requirements. She wouldn't substitute requirement for limitation. In the third to the last bullet, if the local jurisdictions are going to implementing these area-wide treatments in their local plans we need to perhaps include something that would mandate that property owners that have already treated their property with site specific BMPs receive some a credit. She doesn't know what that would look like nor is she suggesting a reimbursement, but some sort of credit. For example, if a fee is imposed in a specific area to implement a specific an area-wide BMP, perhaps they should be excluded.

Mr. Stockham said the language would benefit by stating that in an additional bullet. As a matter of equity, if someone spent \$10,000 on BMPs on their parcel and a neighbor hasn't, there contribution toward an area-wide facility should reflect this. Staff will work up some language to that effect.

Mr. Shute said with this alternate mechanism it can be so subjective. We have a well understood program with the BMP handbook. You know what you have to do on your property. He is concerned that there would be differing standards and different local plans, and it would make it would make it much less consistent than it is now. He also thinks there is a fairness question with people do did spend a lot of money complying with the rules and now the rules go into effect and they don't have to do as much and they would be perceived as having been taken advantage of with other people not being subject to the same requirements. He thinks that the process of doing local plans will be pretty overwhelming as it is and adding that as an additional chore, as it is understood by TRPA already maybe that should come later and not be part of this. Somewhere in the alternatives, there has been difficulty getting compliance with BMPs and one of the ideas was enforcing them at

point-of-sale. This is done all the time with property all over the U.S. You can't sell it until it has been remediated. He knows the argument is going to be it is additional cost.

Public Interest Comments & Questions

Peter Kraatz, Placer County said it has been a long standard effort of where we have been and where we are trying to go. We would welcome more enforcement from TRPA. This area-wide concept is a good approach. We have challenges with the area-wide concept and right now the tool is to still go to the property owners that are out of compliance to form a "county service area" that has been voted on. If you don't get a majority vote, it doesn't go forward, so he likes some of the language in WQ3.1.2 that talks about projects must meet TRPA BMP requirements as a conditional of approval. We are still stuck with this area-wide approach which is great because it falls into our TMDL strategy that more private properties with BMPs means more clarity for the Lake. The tools for us are a challenge right now and he knows it has to be a collective effort between the local governments, TRPA and Lahontan.

Ms. Marchetta said she has heard over the years, if TRPA would just enforce. All that she has asked for from the local jurisdictions prior to enforcement is support and public endorsement. TRPA will step up to the enforcement as long as you are beside us. We would like the local jurisdictions to say we support TRPA and in fact perhaps you even join us as a real party in interest.

Ms. Fortier said you are absolutely right and she believes that one of the problems is that the BMP problem has not been handled very well and it is very costly. She thinks that there is great potential to look at treating an area particularly in the commercial areas. That requires for the City of South Lake Tahoe enormous negotiations with both our business owners who are strapped as well as how it dovetails with TMDL. She is uncomfortable with this without having a good handle on what BMPs actually mean.

Mr. Sevison said during the Boulder Bay project he brought up the fact that the California Tahoe Conservancy, had tried very hard to take the Brockway area and make it an area-wide project. We were somewhat successful and Boulder Bay is now handling some of that effort. There was some receptiveness to have someone organize the community and tell them what their role is and what they can do on this project. He thinks that the Conservancy may want to pick up this part of the role and work with the counties and provide funding and expertise to the individual homeowner and let them know what is expected of them.

Hilary Roverud, City of South Lake Tahoe said we appreciate the flexibility to look at area-wide solutions to the water quality issues. We are currently working with the

business owners in the Harrison Avenue area to do street improvements. As part of the project, there would also be an area-wide water quality system. There are some properties their building covers the entire parcel, so for them to be able to do BMPs in a way that is effective, they would have to completely tear down and redevelop and we don't think that will happen. Through this project we propose to establish an assessment district or a business improvement district or service area and there are ways to put together financing of different types of improvements. As part of this you consider what the fair share of each of the properties that are involved is. Our intent is to look at this as a fair share system.

Mr. Sevison said we could get a partnership with the USFS and the Conservancy as there is a lot of parcels out there in these areas that could be used for disposal of runoff. We could save a lot of money if you didn't have to acquire property and it could automatically use lots that are already acquired.

Public Interest Comments & Questions

Harold Singer, Lahontan Water Board said in WQ3.11 the California regulations are more restrictive than what is being proposed in this water quality policy. From the Compact perspective, he is not sure if TRPA has the ability to be less restrictive than existing state regulations. Under current State of California regulations, you are looking at the requirement for installation of BMPs which can include a number of different things including infiltration. From the California perspective, we look at infiltration as being the first line of BMP requirements. The alternative is in lieu of being able to infiltrate onsite. We are requiring the 20 year 1 hour storm to be infiltrated onsite, if feasible.

Mr. Stockham said Lahontan has more restrictive regulations than TRPA. Work needs to be done in accordance with applicable state laws, but we are not proposing to duplicate that regulation, because we think areas-wide treatments done under the proper criteria have potential to be more sufficiently effective and less costly to install and maintain.

Laurel Ames, Sierra Club said it is questionable that area-wide will be cheaper. She believes it will be a lot more expensive. The maintenance & operations would be significantly more expensive. She commented about the exclusion of systems that are already in and would add a phase in the language that says "functioning effectively." Someone may have put in a system and it failed and then everyone has to pick up the cost of treating the runoff that is not being treated on the site, even if they have already spent money.

Ms. Fortier asked Ms. Ames if she is talking about functioning BMPs on each and every home.

Ms. Ames said if you are putting together an area-wide system, then you have a map of every parcel. You have the ability to check to see if a home has BMPs that are actually functioning. We have BMPs out there where they dug a trench deep enough, but it may not be functioning as it should.

Ms. Fortier said that over the years, we have had different approaches to BMPs on residential areas. The person that did put their BMPs in with these ditches with gravel on top and thought they had solved the problem. In fact that the standard has changed, she wants to make sure that everyone knows that this is not just one specific standard, but it has morphed over time, which could create problems with people who do believe they did the right thing.

Jennifer Merchant, Placer County said everything here really points toward a multi-pronged approach, and not taking anything off the list of possible solutions, including onsite area-wide, enforcement by TRPA and local jurisdictions working in partnership with TRPA and partners like the Conservancy. Working under California or Nevada law and leaving everything on the table, because different fixes will work in different circumstances.

Ms. Aldean said with the state mandated TMDL, things have changed. Suddenly BMPs are everyone's business, not just TRPA's business. As this is a means to an end, the local jurisdictions are feeling the heat and they need to comply with the TMDL requirements and the best management practices. She doesn't think that there will be the same sort of dynamic that may have occurred in the past where local jurisdictions are pointing to TRPA as the bad guy. This has to be joint enforcement and responsibility. She thought the point of sale issue was addressed in one of the alternatives analyzed in the EIS, is it not?

Mr. Stockham said yes, current Code requires disclosure at point-of-sale and at least one of the alternatives in the EIS requires installation at point-of-sale.

Mr. Shute said this is included in an alternative in the EIS and can be selected by TRPA as a policy and plan without going beyond the parameters of the EIS.

Mr. Stockham said yes.

Hayley Williamson, South Tahoe Association of Realtors said while it is true that other areas in the Country do have point-of-sale mandates, Tahoe is really unique in that we can't move dirt 6-months out of the year, so implementing BMPs, people couldn't sell homes. Also there is usually snow on the ground and so having a point-of-sale mandate would be infeasible from November to March. People have suggested having this money in escrow, but banks right now are not willing to do this. We put together statistics that homes in the Tahoe area changing hands are most of the same homes. This will not have the area-wide effect that people

believe it will have. We have been giving people notification requirements at the point-of-sale to give home buyers what TRPA requires and what BMPs are. We would like to work collaboratively in this process and we have a huge concern about this policy.

Ms. Fortier said she assumes that you are referring to a BMP certificate.

Ms. Williamson said yes.

Ms. Aldean said one of the alternatives may be that you encourage your clients to at least get their property evaluated and get an estimate of what the installation of BMPs may cost. This then becomes a negotiating point in the transaction. If the property owner doesn't have their BMPs done, but he knows the cost will be \$5,000, then he can deduct this from the purchase price of the home, knowing that the buyer will ultimately have to pay for this. This is an incentive to get the work done.

Ms. Williamson said realtors are on board with finding a solution to BMPs.

Committee Comments & Questions

Ms. Fortier asked when you install BMPs on your property, is there a recertification process in order to meet the BMP requirements.

Mr. Stockham said they have to be maintained in order to retain BMP certification.

Mr. Severson said this is not well understood by the public.

Mr. Stockham said we could do additional education. It is very difficult to enforce at the parcel level. But if you have some type of funding district that is charged with maintenance and a budget, we believe the maintenance would be improved.

Mr. Marshall said the point of sale requirement is a certificate that says you have installed your BMPs. We don't go out and check annually to see that they are functioning. There is an ongoing obligation in the Code that they continue to function.

Mr. Stockham summarized the proposed changes as follows:

- 1) We should say on the second line "sale of chemical lawn fertilizer."
- 2) At the end of that introduction it should be "exceptions" not "limitations."
- 3) There should be a third exception which is for properties with TRPA approved fertilizer management plans addressing phosphorus
- 4) A new last bullet would read "consideration shall be given to properties

that have already installed and are maintaining parcel level BMPs and financing components of area-wide BMP plans, shall reflect prior BMP installations.”

Ms. Aldean moved approval of Water Quality- Policies-3.11 through 3.13 and Water Quality Implementation Measures related to Best Management Practices with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Severson, Ms. Aldean, Ms. Fortier

Nays: Mr. Shute

Abstain: None

Mr. Shute voted against this section because this alternative plan, BMP has some potential, but he doesn't think it is ready. Should it be limited to commercial or require that each parcel be looked at before you go to an area-wide system. He believes there are still a lot of questions about this. He thinks we should see how we could do this at a later date because the local jurisdictions already have a lot on their plate. On the point-of-sale issue, it is so common in the U. S. and the fact that the banks aren't allowing people to hold money in escrow doesn't move him at all.

Discussion on the Summary of Coordinated Water Quality Subelement Policies, Programs, Laws, & Monitoring/Tracking Table

Mr. Stockham gave an introduction to the Water Quality Element Table.

Committee Comments & Questions

None

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club said there is no water quality credit for protecting vacant land in the TMDL and there is no water quality credit for restoring built upon land. When you have acres of un-built land it is a very effective water quality treatment system and yet in the TMDL source there is no credit for not developing.

Elizabeth Hale said if a house is on the Lake, shouldn't it have more stipulations on how much coverage it can have.

Mr. Stockham said coverage is based on the land capability mapping with the additional overlays of the town centers.

Committee Comments & Questions

Ms. Fortier said there is a lot places that go to an overarching plan. While this does layout exactly who is doing what and how, it doesn't look at what is the difference in the implementation of TMDL. For example, who is doing the TMDL tracking? It also has this sense of the bigger plan with BMPs, because we will get push back because this changes everything. It is her feeling that we have a more coordinated approach. The notion that the local plans can do all this without enormous support is probably pie in the sky. She is concerned with the chart on what the expectations are and who is doing what.

Ms. Aldean asked staff to clarify emissions for gas appliances.

Mr. Stockham said there are no new requirements proposed for gas appliances and there are some existing provisions dealing with this topic.

Ms. Aldean said you should add "chemical" in front of phosphorus fertilizer under commercial.

Ms. Aldean moved approval of Summary of Coordinated Water Quality Policies, Programs, Laws, & Monitoring/Tracking Table.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Aldean

Nays: None

Abstain: Mr. Shute, Ms. Fortier

Ms. Fortier asked if we can look at this once again and bring this back without holding up the process.

Mr. Stockham said there are no ordinances or additional implementation associated with this table, so we can continue to refine it without affecting the work that we will be doing over the next month.

Mr. Sevison said what effect will this have on TRPA.

Mr. Stockham asked if everyone would review this and if there are any concerns or modifications that would improve this we can bring back information later this month.

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

Chair Mr. Shute adjourned the meeting at 4.52 p.m.

Respectfully submitted,

Maaja Ambler

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.

**TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN UPDATE COMMITTEE**

TRPA Offices
Stateline, NV

February 1, 2012

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 9:34 a.m.

Members Present: Ms. Aldean, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Fortier

II. PUBLIC INTEREST COMMENTS

Ellie Waller said she is concerned that Alternative 2 from the January 6th Memorandum has more commodities than what is stated. She also supports the proposal for the area wide credits and suggested a definition for "area wide."

Roger Patching, Friends of Lake Tahoe suggested a resolution for inclusion into the RPU that biomass burning power plants of more than 100kw be banned in the Lake Tahoe Basin.

Elizabeth Hale suggested that some of the items that are in the commercial category could also be in the residential category of the water quality table.

Dave McClure, North Tahoe Citizens Action Alliance said he is concerned that there is such little discussion about water quality policies. He is Confused about who is going to be measuring and monitoring the water quality of Lake Tahoe in all of its various aspects and how it will be paid for.

III. APPROVAL OF AGENDA

Ms. Fortier moved approval.
Motion carried unanimously.

IV. APPROVAL OF MINUTES & ACTION SHEETS FROM PRIOR MEETING (S)

None

V. PLANNING MATTERS

Mr. Stockham provided an overview of today's topics of discussion. Before

beginning the discussion on Air Quality, he asked for direction on the desire of Placer and Washoe Counties to split the existing Community Plan at North Stateline, keeping all of the provisions intact but splitting into two distinct and separate planning documents.

Committee Comments & Questions

Mr. Severson said he has no additional information, but is not opposed to the idea. It has never been combined before, so it makes sense.

Mr. Shute asked if there is a combined plan now.

Mr. Stockham said he understands that there is a single document that covers property in both jurisdictions. Splitting would not change any allowed uses, or any development regulations; it would simply take the existing document and turn it into separate documents.

Mr. Shute asked if this is a Regional Plan committee issue.

Mr. Stockham said that it is probably not a Regional Plan Update issue, but he wanted to get it on the radar screen and see if there were any objections; if not, it could be processed through normal course.

Ms. Reedy said she supports that this is not related to the Regional Plan Update, but should go through the Governing Board.

Public Interest Comments & Questions

None

Committee Comments & Questions

Mr. Shute said he has no objections to splitting the Community Plan, but it is not necessarily a part of the Regional Plan.

Discussion on Air Quality Policy 1.4 and associated Air Quality -1 Implementation Measures

Mr. Stockham provided an introduction to the above.

Committee Comments & Questions

Ms. Aldean suggested creating a target date for the development of this program. Mr. Shute said he had difficulty correlating February 1, 2012 document with

January 18, 2012, document.

Mr. Stockham said the Air Quality subelement recommendations dated February 1, 2012 replaces the Air Quality-1.3 and the third Air Quality-1 Implementation Measure in original document dated January 18, 2012. He explained that substantive changes include fine-tuning the woodstove disclosure requirement and allowing half of air quality mitigation fees to be distributed for regionally significant projects.

Mr. Robinson asked who enforces the wood stove regulations.

Mr. Stockham said TRPA currently requires a disclosure statement at the point of sale and EPA-compliant stoves are required for new construction, but nothing requires removal of old woodstoves for replacement with new stoves.

Mr. Robinson said the EPA has standards, asked staff what the compliance rate is.

Mr. Stockham said it is approximately 70-80%.

Ms. Reedy asked for more details about EPA-compliant wood stoves.

Mr. Stockham said the units produce less smoke.

Ms. Aldean suggested on Implementation Measure-1 to add "conversion of fire places."

Mr. Stockham referred to an earlier statement by Ms. Aldean regarding a target date, suggesting January 2015.

Mr. Shute suggested working on Air Quality-1.4 separately and then revisit the other Implementation issues.

Ms. Fortier said there has been a significant reduction in wood stoves in the Basin. Wood stoves are still being used in older, lower-income houses and there is a question of the ability to afford replacement.

Mr. Sevison asked how to reduce emissions from natural gas and reduce wood stove use.

Mr. Stockham said staff is encouraging property owners to take advantage of energy efficient units. Having a specific policy on each topic prominent in the Regional Plan can be a factor supporting grant applications with the potential to bring additional outside funds to the region.

Mr. Sevison asked about a policy that says if an appliance is not the primary source

of heat, then it is exempt.

Mr. Stockham said staff is not proposing ordinance changes.

Mr. Lewandowski said fire places that are for aesthetic purposes and not a primary heating source are exempt.

Mr. Sevison asked the location of the language about leaf blowers.

Mr. Stockham said that the topic is covered under the first of the new policies on the handouts of motor vehicles and that the wording should be corrected to say “gas powered.”

Mr. Sevison said that the gas powered blowers create a cloud of dust that is counter-productive to air quality.

Mr. Hester asked for clarification from Mr. Sevison that he was talking about the dust blowing rather than the emissions from the machines.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista asked that since there is no enforcement, and just a disclosure at point of sale, who should be responsible?

Sara Ellis, Nevada Realtors said that in Nevada, Recorders will not record a deed without a wood stove disclosure; therefore, the Recorder is the enforcer. She suggested recognition of that in the Regional Plan Update to avoid duplication.

Laurel Ames, Tahoe Area Sierra Club is concerned that old stoves are being put back in homes after disclosure statements are completed. She reminded the Board that there is a public health element as well as an air quality element.

Dave McClure, North Tahoe Citizens Action Alliance, said the point of sale disclosure statements have been in place since the 1980s. He does not understand why a new provision is being discussed when the existing one has been in use in the Tahoe Basin for decades.

Lew Feldman said wood stove use has diminished enormously in the Tahoe Basin. Leaf blowers are not an issue of emissions, but rather fine particle sediment.

Mr. Shute asked if there is point of sale in any California jurisdictions.

Mr. Stockham said staff was uncertain about California jurisdictions. It is a disclosure requirement by the seller stating that a wood stove has been replaced. Staff is not proposing to be wood stove enforcers.

Nicole Gergans said the League to Save Lake Tahoe supports the comments regarding leaf blowers.

Ms. Fortier asked if there is any way of measuring whether or not we've reached the intended goal.

Ms. Marchetta said this is a policy that through the Environmental Improvement Program to find grant funding to create encouragement and incentives for homeowners to replace non-compliant wood stoves. There is no way to measure against that standard.

Ms. Reedy said that perhaps we are achieving a goal and threshold. She advocates for some reasonable solutions regarding leaf blowers and fine sediment.

Mr. Sevison said he feels we have improved on the wood stove program and have accomplished what we have set out to do.

Hayley Williamson, South Lake Tahoe Association of Realtors said that Placer County does have a point of sale requirement, but as of yet, El Dorado County does not.

Committee Comments & Questions

Ms. Aldean moved approval for Air Quality-Policy 1.4 and associated Air Quality-1 Implementation Measures with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on Air Quality Subelement Introduction, Goal 1 and related Policies 1.1 and 1.2

Mr. Stockham said there are enforcement issues regarding leaf blowers and suggested that this topic would fit best with Air Quality-1.5. He suggested the wording: "promote the reduction of air quality impacts from construction and property maintenance in the region." He said there would be a policy statement to reduce impacts, but does not believe there is a desire for a regulatory component.

Committee Comments & Questions

Mr. Sevison agreed that it fits into the fertilizer category.

Mr. Robinson asked what the scope of this compliance is.

Mr. Aldean said it is going to be hard to regulate the leaf blowers.

Mr. Shute said it needs to be acknowledged that the first priority of Air Quality-2.1 should be to reduce emissions as part of the development process. The second priority is mitigation.

Mr. Stockham said that the mitigation fee discussion does not recognize other requirements.

Mr. Shute said there is a lot of sensitivity across the board with mitigation, that it can be used without attempts to reduce or minimize the impacts. He suggests that there needs to be an acknowledgement that the number one priority is not mitigation by payment of fees, but mitigation by reducing through instruments or design change.

Ms. Reedy suggested simple language emphasizing that Goal Air Quality-1 is a priority before discussion of mitigation.

Mr. Stockham said staff will review the proposed language.

Mr. Robinson asked if mitigate could mean “status quo.”

Mr. Shute said that if there is an opportunity to mitigate by changing the design of the project or to pay a fee that we would rather people change the design.

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club suggested that the title of Air Quality-1.3, it should contain “and other machinery”, which would include leaf blowers and other machinery that have high emissions. She also suggested that removing language from the previous plan removes all sense of public health issues.

Mr. Stockham offered clarification on health issues, explaining that they are addressed in the first sentence of the introduction, as well as in the first goal and the first policy. Staff agreed with point that it needs to be emphasized.

Steve Teshara, Tahoe Transportation District Board said the TTDB has the same concerns regarding emissions from water vessels.

Ellie Waller, Tahoe Vista is concerned with unintentional consequences of technologies that reduce air quality. She agreed with Mr. Shute that there is an issue with in-lieu fees versus actually taking care of the problem.

Roger Patching, Friends of Lake Tahoe asked how we will verify that standards have been attained.

Mr. Stockham said that monitoring and evaluation are addressed in Threshold Evaluations.

Mr. Robinson added that State agencies are not changing anything regarding their jurisdiction or responsibilities.

Ms. Fortier said that the numbers regarding monitoring are not very solid to begin with, quoting from the own Lake Tahoe TMDL Pollutant Reduction Opportunity Report.

Crystal Jacobsen, Placer County suggested the following language modifications: In Air Quality-2.2, add “with concurrence and cooperation by local jurisdictions” to the end of the second sentence. In Implementation Measure, add “up to” 50%.”

Hilary Roverud, City of South Lake Tahoe suggested taking a second look at the EIP program to make sure it is up to date and aligned with new considerations. Air Quality-1.5 and 1.6 should have policy promoting technologies related to motorized vehicle emissions, not just construction activities and burning methods. AB 32 and SB 375 address greenhouse gases and carbon emissions and she suggested that the new Regional Plan be current in its discussions about those issues.

Mr. Stockham said the emissions are not just limited to greenhouse gases.

Mr. Shute suggested calling out “greenhouse gases.”

Mr. Robinson said Nevada monitors but does not have a regulation regarding greenhouse gases.

Ms. Fortier said that the City Council has requested more lenient policy towards drive-up windows.

Ms. Marchetta asked for clarification on what types of businesses.

Ms. Fortier said that pharmacies were the specific business mentioned.

Mr. Stockham suggested this item could be added to the to-do list.

Ms. Reedy said she supports the suggestion to add the item to the to-do list.

Ms. Fortier asked if it could be done now or would delay the EIS.

Mr. Stockham said there is potential for impacts that would require some form of analysis and could delay the EIS timeframe. A faster way is to do analysis through

local plans rather than through the Regional Plan.

Ms. Marchetta said TRPA's role is to reduce vehicle miles traveled. She agreed with Mr. Stockham's suggestion about including the item in local plans and doing the analysis on a focused area scale, rather than making it a region-wide policy to encourage drive-up windows.

Mr. Shute said that staff is not addressing the issue of drive-up windows at this time.

Mr. Stockham confirmed Mr. Shute's statement.

Ms. Aldean asked if the local plan is in compliance with the Regional Plan.

Mr. Marshall said it is a Code issue, not a Regional Plan issue. There may have to be additional environmental analysis done. TRPA would have to do an environmental document because it would be a Board action to find conformance.

Ms. Aldean said it is addressed in the air quality requirements of the Regional Plan.

Mr. Marshall said the prohibition of drive-up windows is an implementing element to the air quality plan.

Mr. Stockham said there is nothing a local plan prohibiting drive-up windows, it is a development standard, not a policy. There is no need for any new language in the Regional Plan for drive-up windows to be an option.

Hilary Roverud, City of South Lake Tahoe said the drive-up window issue is also to support the American Disabilities Act requirements. She suggested language promoting technologies for motorized vehicles that reduce emissions.

Lew Feldman suggested that drive up windows is a Regional issue and should be put on the to-do list. Suggested adding "replacement of energy inefficient buildings" following "construction of inefficient buildings" in Air Quality-1.3.

Dave McClure, North Tahoe Citizens Action Alliance is concerned with some of the language being removed on wood stoves that has been working. In Air Quality-1.6 he suggested adding "promote technologies that reduce the immediate air quality impacts of burning." He also suggested a reference to air quality goals that in another section.

Tom Thompson, Placer County clarified the EPA (2) rule effective January 1, 2012. He suggested in Air Quality-1.4 a rewording that require woodstoves to comply with EPA (2) emission standards.

Mr. Stockham said it is currently written so that it would encompass future changes.

Mr. Thompson suggested “comply with current EPA standards”.

Mr. Shute said that the Committee has voted on this issue.

Mark Novak, Tahoe Douglas Fire Protection District and Tahoe Basin Fire Chiefs said that promoting air curtain burners is detrimental to the implementation of forest fuels management programs.

Laurel Ames, Tahoe Area Sierra Club said the drive-up windows issue is a Region-wide issue as well as a public health issue.

Elizabeth Hale suggested a requirement that older vehicles be smogged.

Mason Overstreet, Friends of the West Shore agreed that there should be references to monitoring within the document. Supporting natural gas is supporting fracking. He said hidden costs of alternative energy need to be considered.

Roger Patching, Friends of Lake Tahoe provided staff with language modifications regarding the cross referencing of air quality monitoring.

Committee Comments & Questions

Mr. Shute suggested some language in the Introduction about monitoring to determine achievement and thresholds in the Regional plan so it is across the board, not just for air quality.

Mr. Stockham said staff has this in the Implementation element. No objection to it being in Introduction, as well.

Ms. Reedy said if it is in Implementation, then it is not in the Regional Plan document.

Mr. Stockham said Implementation is the one remaining element in the Regional Plan document.

Ms. Aldean asked staff to include a footnote at end of each section cross-referencing monitoring.

Ms. Marchetta said staff is planning to create an index.

Mr. Shute said the subject of monitoring to determine how we are doing on achieving and maintaining thresholds will be part of Implementation Element that we are discussing on February 21, 2012.

Mr. Stockham said that staff uses the term “measurement” but the concept of monitoring is covered on Figure 2 on the Introduction and in text.

Mr. Shute said Goal Air Quality-1 should be put in terms of intention instead of saying “will lead”.

Ms. Aldean suggested a language modification “It is intended that implementation of the control measures contained in the Air Quality Subelement and other TRPA programs will lead to attainment of thresholds and will also lead to attainment of Federal and State air quality standards.”

Ms. Fortier moved approval for Air Quality Subelement Introduction, Goal-1 and related Policies-1.1 and 1.2 with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on Air Quality Policies 1.3 A, B, C:

Mr. Stockham suggested language for both topics. In the bold text, “encourage the reductions of emissions from motor vehicles and other gas powered machinery in the region”. In the small text below, “significant emissions of air pollutants, including greenhouse gases, are produced by automobiles and other gas powered machinery.”

Committee Comments & Questions

Ms. Reedy asked if this is where new technologies would be promoted.

Mr. Stockham said that promoting technologies may be overly narrow. The language, “encourage the reductions of emissions” could be either through technologies or through reduced use. Staff feels the broader language covers the full range of emission reduction strategies.

Ms. Fortier asked if drive- up windows can be added to the to-do list.

Mr. Stockham said it should be added to the to-do list.

Ms. Aldean asked staff to read air quality-1.3 as amended.

Mr. Stockham said, “encourage the reduction of emissions from motor vehicles and other gas powered machinery in the region.” Then the small text, “significant emissions of air pollutants, including greenhouse gases, are produced by automobiles and other gas powered machinery in the region.”

Ms. Aldean asked for clarification that where “motor vehicles” occurs it will be substituted with “gas powered machinery.”

Mr. Stockham said that in the bold text staff wants to keep “motor vehicles and other gas powered machinery.”

Ms. Aldean asked if there is a nexus between maintenance equipment and land use.

Mr. Stockham said that the strategies in the Land Use and Transportation elements focus on motor vehicle use. Those strategies of reduced reliance on automobiles increased walking, etc.

Mr. Shute said that he thought Ms. Aldean was referring to the last sentence, “Additionally, TRPA shall pursue other feasible cost-effective opportunities to reduce emissions from motor vehicles.” He suggested it also say, “and other gas powered machinery in the region.”

Mr. Marshall asked if discussion about other gas powered machinery is discussion about the use of that machinery, not the emissions.

Ms. Aldean asked if that would be covered under opportunities to reduce emissions through substituting with another device or integrating more efficient gas powered machinery.

Mr. Stockham said that saying “from the use of” is limiting.

Mr. Marshall said that the fine particles that arise from the “use of” are not covered by use of other gas powered machinery.

Mr. Stockham explained that these are two separate topics. One deals with emissions from the combustion engines and the second is now numbered 1.5 that speaks about technologies to reduce air quality impacts from construction is where the blowing dust issue should be addressed.

Public Interest Comments & Questions

Laurel Ames, Tahoe Area Sierra Club suggested adding “diesel.”

Committee Comments & Questions

Mr. Shute suggested “fossil fuel” rather than “gas powered”.

Mr. Stockham said staff intended that the phrase be inclusive of diesel and natural gas.

Ms. Aldean suggested elimination of “gas” and add “motorized”.

Mr. Stockham suggested use of wording suggestion in the third policy by Lew Feldman, “construction of energy efficient buildings and replacement of inefficient buildings.”

Mr. Shute said it should read “construction of energy efficient buildings, replacement of energy inefficient buildings and improvements to the efficiency of existing buildings.”

Mr. Robinson moved approval for Air Quality-Policies 1.3, A, B and C with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on the Air Quality Policy-1.5

Mr. Stockham provided an introduction to the above.

Committee Comments & Questions

Ms. Reedy asked if the Codes and Regulations that are derived from this will go through this Board as well as the Governing Board for any changes.

Mr. Stockham said that the proposal is not to amend codes with the Regional Plan. Any future Code amendments would have to go through Governing Board.

Mr. Shute said that encouraging the reduction of emissions from fossil fuel machines discussed earlier includes encouraging development of technology and does not need to be repeated in 1.5.

Mr. Stockham said that staff’s recommendation addresses both technology improvements and reduced usage rates.

Public Interest Comments & Questions

None

Ms. Aldean moved approval of Air Quality-Policy 1.5 with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier
Nays: None
Abstain: None

Discussion on the Air Quality Policy 1.6

Mr. Stockham provided an introduction to the above.

Committee Comments & Questions

Ms. Aldean asked if it would be appropriate to add at the beginning of the second line “open burning”.

Mr. Stockham said he thinks the discussion is about open burning and explained that the intent is control burns related to forest management. He suggested “prescribed burns” as well. He clarified that the intent is that this policy not be used to encourage biomass facilities.

Mark Novak, Tahoe Douglas Fire Protection District asked if the intent is to promote technologies for prescribed fires, burning piles, and understory burns, then “prescribed burns” would cover it. “Open burning” would be dooryard burning, which is what happens in a residential setting.

Mr. Shute asked how the language discourages biomass facilities.

Mr. Stockham suggested that a second policy focused on biomass is appropriate.

Mr. Shute suggested having a separate discussion about biomass facilities.

Mr. Stockham suggested that “prescribed burning” is the best wording.

Public Interest Comments & Questions

Roger Patching, Friends of Lake Tahoe agreed that it should be a separate discussion.

Ms. Aldean moved approval of Air Quality Policy-1.6 with modifications.
Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier
Nays: None
Abstain: None

Discussion on Biomass Facilities

Mr. Shute said that Roger Patching proposed a prohibition on biomass facilities

greater than 100 kw.

Committee Comments & Questions

Ms. Reedy asked if this is a subject best noticed first to allow more people to attend discussion.

Mr. Marshall said that the Committee is within its Open Meeting Law perimeters to discuss biomass now, but may choose additional noticing for another meeting.

Mr. Shute proposes making biomass facilities discussion an agenda item for February 21, 2012, with proper noticing.

Discussion on the Air Quality Goal-2 and related Policy-2.1 and Air Quality- 2 Implementation Measure

Mr. Stockham provided an introduction to the above.

Committee Comments & Questions

Mr. Shute suggested that the diversion of “up to 50% of funds to local jurisdiction where funds are generated may be used where most cost effective and environmentally beneficial projects in the region” and the suggestion was made “with the concurrence of the local government.”

Mr. Stockham said staff supports additional language about coordination, but does not support a veto situation.

Mr. Shute asked what a similar suggestion was made in Air Quality-2 Implementation Measure to allow “up to 50%” means.

Mr. Stockham said the Board should have an opportunity to vote on a priority list that is regional in nature and not constrained by political boundaries within the region for half of those funds.

Mr. Shute suggested revisiting the EIP program as regards to air quality.

Mr. Stockham said staff supports that suggestion.

Ms. Aldean asked in Air Quality-2 Implementation Measure, if TRPA’s 50% of the air quality mitigation funds would be used across jurisdictional boundaries.

Mr. Shute said staff recommendation is to leave language alone about the 50-50 split and the “up to” and to add revisiting the EIP program under Implementation

regarding air quality.

Ms. Aldean suggested adding “in cooperation with local jurisdictions.”

Mr. Stockham said that coordination should go both ways.

Mr. Marshall said the local government makes suggestions, but the TRPA Board reviews and approves release of air quality mitigation funds.

Ms. Marchetta said the only change is for the 50 percent portion of air quality mitigation funds not how the mitigation release gets approved.

Ms. Aldean said mutual cooperation can be accomplished by rewriting last sentence to read, “a portion of mitigation funds shall be expended in the local jurisdiction where the funds are generated, in cooperation with TRPA and a portion of the funds may be used on the most cost effective and environmentally beneficial projects in the region in cooperation with local jurisdictions.”

Ms. Marchetta said the region-wide projects are taken on at the Regional scale and in consultation with all jurisdictions. It is too limiting to say “in cooperation with local government.”

Ms. Aldean withdrew her suggestion.

Mr. Stockham said the current procedure is to use the mitigation fees in the County where they are generated. The proposed plan is for 50 percent to be used where generated and the balance could be used elsewhere in the Region.

Ms. Aldean asked who gets credit for improvements if funds are generated in one county but used in another county.

Mr. Nielsen said regarding to the annual performance review evaluation, the amount of work would be projected by each jurisdiction in the air quality field would be reduced proportional to the reduction of the available air quality mitigation fees.

Ms. Aldean asked what happens if some of the fees generated in one jurisdiction are used to accomplish a regionally beneficial objective in another jurisdiction.

Mr. Stockham said it is a question of where the funds are generated versus where the funds are used.

Ms. Marchetta said each jurisdiction would get full credit based on the amount of funds they have to use.

Mr. Nielsen said it would be proportional credit based on funding.

Ms. Fortier asked why the change.

Mr. Stockham said there is a potential to get more air quality benefit per dollar by having regional priorities considered.

Ms. Reedy asked isn't this the point of achieving thresholds on a regional basis.

Mr. Stockham agreed and suggested adding a sentence to the Implementation Measure to make clear that this change would not impact the amount of credit received by each jurisdiction.

Mr. Shute asked for a better explanation of what the credit means.

Mr. Marshall explained there is no credit. The impact of having less mitigation dollars might appear in allocations.

Mr. Shute said that "credit" is measured against resources available, not the total generated.

Public Interest Comments & Questions

Tom Thompson, Placer County Air Pollution asked if this would apply to land use projects, where a jurisdiction would receive mitigation fees. He is concerned with their County funds being used elsewhere. He suggested that this issue be deferred and review at a later date.

Ms. Marchetta said that under the rules, TRPA assesses an air quality mitigation fee. SNPLMA funds are gone.

Hilary Roverud, City of South Lake Tahoe asked what would be regionally beneficial projects rather than local. She suggested implementation measures-incentive programs for other implementation measures.

Mr. Stockham said that some areas do not generate air quality mitigation fees. Without the proposed change, no air quality mitigation funds could be used to help with the financing.

Ms. Marchetta said this is not limited to just bike trails.

Mr. Robinson asked what kind of project would be beneficial locally and not have an impact regionally.

Mr. Marshall said that the mitigation projects have to benefit air quality, which is measured regionally.

Ms. Reedy said the goal is to be more regional. She asked staff how 50 percent was decided on. She suggested a stair step approach.

Mr. Sevison suggested to not make it part of the allocation rating system.

Peter Maurer, El Dorado County Planning Services suggested separate the air quality issue from allocations and performance standards.

Mr. Stockham said the proposed change is within the scope of the EIS. It would need to be done through a subsequent review.

Ms. Marchetta said staff recommends that allocation of mitigation fees does not affect the Performance Review Systems assessment for award of allocations.

Ms. Reedy asked if it will affect the EIS.

Mr. Stockham said it could have environmental impacts that would need to be analyzed.

Mr. Marshall said remove the incentive for air quality mitigation. Make it clear that the policy does not affect the distribution of allocations.

Ms. Reedy said 50 percent is a big step.

Ms. Aldean said she is concerned that taking money from one jurisdiction to give to another is denying those jurisdictions with more stringent air quality requirements.

Tom Thompson, Placer County Air Pollution said that mitigation moving from one jurisdiction to another potentially could be a violation of CEQA. He suggested adding a language modification "as agreed upon, and with approval of both the local jurisdiction and TRPA."

Ellie Waller said the list of prioritized projects should be reviewed, either by this committee or at the Governing Board.

Dave McClure is concerned with the proposal and the reduced vehicle traffic as proposed in all new projects will equate to no mitigation fees.

Ms. Fortier suggested this be deferred until she can discuss this with her council.

Mr. Robinson asked the amount of money being discussed.

Mr. Nielsen said the balances range from several hundred thousand to just under three million dollars cumulatively over the past five years.

Mr. Stockham suggested this issue become a to-do list item.

Mr. Shute said this will be deferred until February 21, 2012.

Ms. Marchetta asked if tabled and referred to local government or table until February 21, 2012 for this committee.

Mr. Shute said he recommended continuing to February 21, 2012, with local governments to meet in the meantime.

Ms. Reedy said we need to think regionally.

Ms. Marchetta said air quality in the Basin is Regional and TRPA should be able to pick projects with greatest Regional benefit. She said local governments potentially have a financial conflict of interest on this matter.

Ms. Reedy asked if this a better way of implementing changes that have a positive environmental impact.

Mr. Sevison suggested creating a list of Regional issues for possible review with local government committees.

Ms. Marchetta agreed may be best to create a Regional list. The topic could benefit by focusing on 50 percent or another number for discussion on February 21, 2012.

Ms. Fortier said this is a collaborative effort and should be addressed with the local government committee.

Mr. Shute said the matter will be continued to February 21, 2012.

Discussion on the Water Quality-1 Implementation Measure related to updating the Environmental Improvement Program

Mr. Stockham provided an introduction to the above.

Committee Comments & Questions

Ms. Fortier said the TMDL mandate has become a huge priority for local jurisdictions in California.

Public Interest Comments & Questions

None

Committee Comments & Questions

None

Ms. Fortier moved approval of Water Quality-1 Implementation Measure related to updating the Environmental Improvement Program.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on the Water Quality Policy-3.4 related to Mitigation Fee Programs and associated with Water Quality-3 Implementation Measures

Mr. Stockham provided an introduction to the above.

Committee Comments & Questions

Mr. Shute said it appears similar to what was done with air quality.

Mr. Stockham agreed staff tried to make it match.

Ms. Aldean suggested adding “on-site” after development.

Mr. Stockham said that mitigation fees can have an on-site component, along with a whole range of site development requirements.

Mr. Sevison moved approval of Water Quality Policy-3.4 related to Mitigation Fee Programs and associated with Water Quality-3 Implementation Measure with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Discussion on opportunities for Local Plans to be prepared by non-local government

Mr. Stockham presented staff’s recommendation. He suggested replacing “local plan” with “area plan” throughout the Regional Plan document.

Committee Comments & Questions

Ms. Aldean supported the suggested change.

Public Interest Comments & Questions

Hilary Roverud, City of South Lake Tahoe suggested addition of “or other TRPA regulations” to end of “governments are encouraged to prepare conforming local plans that supersede existing plan area statements and community plans” in Land Use-4.6.

Mr. Stockham said that text change remains consistent with interpretation.

Mr. Sevison said Federal and tribal should cooperate in creation of local plans, but it does not seem necessary to provide plans in and of themselves.

Mr. Stockham that the issues arose in part from specific request of US Forest Service to coordinate and have a coordinated single plan.

Peter Maurer, El Dorado County said “area plans” has a different connotation from “local plans”, at least to El Dorado County.

Mr. Stockham suggested defining “area plan”, as used in the document.

Brandy McMahon, Douglas County asked the difference between an “area plan” and a “specific plan.”

Mr. Stockham said both are a plan that gets developed for a specific geographic area. Replacing “local plan” with “area plan” is not a substantive change.

Ms. Reedy said reason for the change is to avoid “local plan” meaning just governmental jurisdiction, but to incorporate any entity plan.

Mr. Stockham agreed that no matter what each jurisdiction calls it, it would be treated as a “local plan”, or whatever word is chosen, for TRPA purposes.

Ms. Aldean suggested the following language modification under Land Use-2.5(b), “non-conforming structures may not be enlarged, replaced or rebuilt without the approval of TRPA, except as provided for under Land Use-2.4.”

Mr. Stockham agreed with the suggestion.

Ms. Aldean said there is redundancy in some of the language.

Mr. Shute suggested adding language to Land Use-4.7 and 4.11 that the findings

required to approve plan amendments that include promoting achievement of thresholds would have to be met for approval.

Ms. Fortier asked if local plan approval will be held up by TRPA for April 2014 deadline.

Mr. Stockham said local plans can be submitted any time after adoption of Regional Plan and there is no reason a local plan cannot be submitted sooner.

Mr. Severson asked if there should be a time certain for significant interruption.

Mr. Stockham said subsequent analysis would need to be done. The period for significant interruption is one year. If an existing non-conforming use is discontinued for a period of one year or more, then the right to continue the non-conforming use is lost.

Mr. Nielsen said a provision in the Code that says if a non-conforming commercial use has been abandoned for a certain period of time, then it cannot be continued without TRPA review and approval.

Ellie Waller, Tahoe Vista asked what happens to a development if it is found not to be in conformance.

Mr. Marshall said if it was permitted but found it was not in conformance in the local plan, and was built, there is a vested right to that construction.

Ms. Reedy said she thought the language was there because locals submit their plan, it's going to be according to the Regional Plan and we will verify.

Mr. Hester said it is true for both Nevada and California, whether TRPA exists or not, local governments are to issue permits only consistent with building code and zoning and development regulations.

Ms. Reedy said that since TRPA is delegating, it can be taken back.

Mr. Stockham agreed with Ms. Reedy. Second issue that applies to governments no matter the system it is under.

Committee Comments & Questions

Mr. Shute said change "area" for "local" universally.

Mr. Stockham said the removal of duplicative language under 2.5(b). The only change from what was previously approved was "local" to "applicable."

Mr. Marshall said it should read, “non-conforming structures may not be enlarged, replaced or rebuilt without approval.” The next sentence will then go into from where approval can be received.

Mr. Stockham said Hillary Roverud’s suggestion in Land Use-4.6, the fourth line, “that supersede existing Plan Area Statements, Community Plans, or other TRPA regulations for areas within their jurisdiction.”

Mr. Marshall said that there should be an addition to Land Use-4.7 regarding the findings necessary to approve.

Mr. Stockham asked if it is to clarify approval of plans are treated the same as approval of a TRPA plan for purposes of findings being made.

Public Interest Comments & Questions

Hilary Roverud, City of South Lake Tahoe asked if there will be additional findings beyond those that are specifically listed in Regional Plan.

Mr. Stockham said that the TRPA Code currently has findings that are required in order to approve a plan and that the local plans are subject to the same findings.

Ms. Marchetta said that when TRPA reviews a plan for approval evidence will be presented that the findings can be met.

Hilary Roverud, City of South Lake Tahoe asked if the findings for approval of a Community Plan are in the Code.

Mr. Stockham asked if the findings are specific to Community Plans or to any plan.

Mr. Marshall said Code 6.4, applies to whenever the Board amends the Regional Plan it must make a finding that implementation of the Regional Plan will achieve and maintain thresholds. Code 6.5 says that whenever the Board amends the Code, it must find the Regional Plan, as implemented by the Code, achieves and maintains thresholds. A local plan is more applicable to 6.4.

Hilary Roverud, City of South Lake Tahoe said it sounds like making an amendment to Land Use-4.8, 4.9, 4.10.

Mr. Stockham recommended finding language better in an implementation policy directly targeting findings.

Hilary Roverud, City of South Lake Tahoe said wants it to be very clear what findings will be required when a local plan is approved.

Mr. Shute said they are the same findings required for a TRPA Plan amendment about achieving and maintaining thresholds.

Committee Comments & Questions

Ms. Fortier moved approval to support opportunities for Local Plans to be prepared by non-local government in certain areas with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Committee Comments & Questions

Mr. Marshall suggested the removal of “delegation of certain” in Land Use-4.12(1).

Mr. Shute asked the meaning of the clause “and implement the conforming local plan.”

Mr. Marshall said that TRPA would be implementing it.

Mr. Stockham said that in the very rare instance local governments are approving something they should not be and TRPA retracts authority.

Public Interest Comments & Questions

Ellie Waller asked if the intent of Land Use-4.12(2) is that the Governing Board will review.

Mr. Stockham said that the Governing Board would hear, but the Governing Board could choose to delegate to staff or other officer. Staff recommended leaving language as is.

Ms. Aldean moved approval of Land Use-4.11, 4.13 and Community Design-2.1 with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: None

Abstain: None

Ms. Reedy moved approval of Land Use-4.12 with modifications.

Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute, Ms. Aldean, Ms. Fortier

Nays: Mr. Shute

Abstain: None

VI. PUBLIC COMMENT

Elizabeth Hale said the Reno DMV advised that Nevada cars are required to pass smog tests only when registered in Washoe and Clark Counties in areas population over 100,000 persons. Therefore, cars in Incline Village are not required to pass smog. To change the rule a group must bring it up to the Environmental Commission.

Mr. Shute said it is not within the purview of this committee.

Ms. Fortier said February 21 is a City Council meeting.

VII. ADJOURNMENT

Chair Mr. Shute adjourned the meeting at 1:48 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Maija Ambler".

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.