

**TAHOE REGIONAL PLANNING AGENCY  
RPU COMMITTEE**

TRPA Offices  
Stateline, NV

December 6, 2011

**MEETING MINUTES**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order on December 6, 2011 at 1:06 p.m.

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

II. PUBLIC INTEREST COMMENTS

Dave McClure, Tahoe Vista resident said he would like to see the qualitative studies. He also wanted on the record the list of documents that he had previously provided to staff and committee members.

Ellie Waller, Tahoe Vista resident asked if some of the future meetings can be held at the North Shore. She also asked what Tourist Accommodation Units are as a commodity.

Roger Patching said the Friends of Lake Tahoe are concerned that there is not enough uniformity or clarification of the term "Stakeholder."

III. APPROVAL OF AGENDA

Ms. Aldean moved approval.  
Motion carried unanimously.

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

Mr. Stockham asked the committee not to take any action on the November 15 & 16 minutes until staff makes revisions.

Ms. Aldean moved for non-approval of November 15 & 16, 2011 minutes.  
Motion carried unanimously.

Discussion on Action Sheets

Ms. Aldean suggested a language modification on Land Use-4.13, number 14, 4<sup>th</sup> line, changing from states "also seek review and comment from all responsible

public agencies” to “also seek review and comment from all public agencies with jurisdictional authority at appropriate points in planning process.” She also suggested on Land Use-4, Implementation Measures, 4<sup>th</sup> bullet point, modifying language to “amend the Code to state that the Code, Plan Area Statements, and Community Plans as amended by the Regional Plan update will remain in effect until superseded by local government plans.”

Mr. Shute asked if there are other Ski Area Master Plans, etc., that may be in the same category.

Mr. Stockham suggested modifying language to say “adopted plans.”

Ms. Aldean suggested modifying language to “remove Plan Area Statements and Community Plans” or “Plan Area Statements” would remain and then refer to “all adopted plans in lieu of Community Plans.”

Mr. Stockham requested a motion be made to amend policy language.

Mr. Marshall said it would depend on if we are intending the local plan to be a substitute for all applicable plans within a particular area.

Ms. Aldean said she believes the intent is to institute solidarity, and merge all plans into a uniform plan of direction.

Mr. Shute said the local government can include the ski area master plans without changing its local plans.

Mr. Marshall confirmed a committee member’s recommendation for a language change, “and other TRPA plans and other adopted plans.”

Mr. Robinson asked about the recertification process.

Mr. Stockham said Ms. Aldean’s language is correct and that the annual recertification process will be in the introductory comments.

Ms. Aldean suggested adding “resource management” under Public Service and providing a definition.

Mr. Stockham said staff will provide a definition at a future meeting.

**Ms. Reedy moved to approve Action sheets with modifications for Land Use-1.2, 4.13 and Land Use-4 Implementation Measures, 4<sup>th</sup> bullet.**

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

**Nays: None**

**Abstain: None**

V. PLANNING MATTERS

Committee Membership

Mr. Stockman said that committee member Ms. Bresnick resigned and asked the Regional Plan Update Committee to take action to modify the membership to six or recommend the Governing Board to appoint a replacement.

Ms. Aldean asked if we could continue to provide Ms. Bresnick with materials to receive her input or if she could attend the meetings through remote access. She suggested that this committee hold action until options are discussed with Ms. Bresnick.

Ms. Reedy said information is currently available to all non-members of the committee and suggested this be discussed at the next Governing Board meeting.

Mr. Shute asked if there are any issues if a non-committee member participates.

Mr. Marshall said he will research the feasibility of options discussed here today.

Mr. Shute said members of this committee will follow up with Ms. Bresnick.

Ms. Aldean said the options are for Ms. Bresnick to discontinue her membership, but continue to receive material and submit here comments or allow her to continue membership by attending by phone. She said it would be difficult bringing in anyone new at this time.

Mr. Sevison said it is this committee's responsibility to recommend a new membership to the Governing Board.

Ms. Marchetta said the potential ratification of the change in committee membership has been agenized on the Governing Boards Consent Calendar.

Mr. Shute asked to defer consideration of Ms. Bresnick's membership until committee members are able to speak with Ms. Bresnick.

Mr. Stockham said this will be agenized for the Regional Plan Update Committee's December 15 meeting.

Ms. Reedy asked if this committee needs to address the subcommittee membership and the review of Land Use-4.12.

Ms. Shute said he recommends that Land Use-4.12 come back to the full committee for discussion and possibly designate a subcommittee for non-controversial subjects in the future.

Ms. Fortier said she agrees that Land Use-4.12 be discussed with the full committee.

Mr. Stockham said staff will go with committee recommendations.

Mr. Stockham gave an overview of today's topics.

#### Committee Comments & Questions

Ms. Aldean asked staff to check the accuracy of the language in Land Use-2.4. Also, why is the focus on private and not public in Land Use-2.8?

Mr. Stockham said that staff is not recommending any changes to Land Use-2.3 through 2.10.

Mr. Shute asked where are the criteria located for Stakeholder participation in the local planning process.

Mr. Stockham said that during a previous review, it was stated that local plans will include stakeholders.

Mr. Sevison said that through all the available processes there is ample opportunity for everyone to be involved.

Mr. Stockham said it's a local government planning issue.

#### Discussion on Land Use Policy-4.5

Mr. Stockham gave an introduction to the above policy.

#### Committee Comments & Questions

Mr. Sevison asked how we are going to formalize arrangements between TRPA and the local governments and would the process go through the Board.

Mr. Hester said staff is proposing this be done through multiple Memorandums of Understanding.

Mr. Sevison asked at what point a project would go from the local level to the TRPA.

Mr. Stockham said that is defined in Land Use Policy-4.12.

Ms. Fortier asked if the adoption of local plan would be done through a Memorandum of Understanding in Land Use-4.5 after the Regional Plan was approved.

Mr. Stockham said that the local plan would be implemented through a Memorandum of Understanding after it was found in conformance with the Regional Plan.

Mr. Sevison suggested that there be a planning process to review areas that are inconsistent.

Mr. Stockham said that is acceptable and could be different for each plan area.

Mr. Shute said he is not requesting public comment since it was done earlier and this is only editorial at this point.

**Mr. Robinson moved to approve Land Use-4.5 as proposed.**

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

**Nays: None**

**Abstain: None**

#### Discussion on Land Use Policy-5.2

Mr. Stockham gave an introduction to the above policy.

#### Committee Comments & Questions

Mr. Shute asked what the term “realization” is.

Mr. Stockham said this is language from the Compact and staff will add to the definition list.

Mr. Shute asked if the Compact specifies that the Agency may engage in collaborative planning.

Mr. Stockham said the Compact says “we may” and prior policies says “we shall.”

Mr. Shute said he is not requesting public comment since it was done earlier and this is only editorial at this point.

**Ms. Reedy moved to approve Land Use-5.2 as proposed.**

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

Discussion on Land Use Policies-4.1

Mr. Stockham gave an introduction to the above policy.  
Mr. Stockham said the committee took action on the Regional Center language but did not endorse the policy as a whole.

Committee Comments & Questions

Mr. Sevison said under the redevelopment definition as it is defined, a parcel owner may not be able to tear down and rebuild.

Mr. Stockham said staff will clarify the language.

Mr. Shute asked if definitions are going to be in the plan or Code.

Mr. Stockham said the definitions will be in the Code.

Ms. Aldean said “substantially” is not defined in the Compact, and asked if it is defined in the Code.

Mr. Marshall said it would usually be defined as a “standard of significance.”

Ms. Aldean suggested tying the above term into something more specific.

Mr. Shute asked for clarification on what the intention and purpose of “redevelopment” or “redirection” is.

Mr. Stockham said “redirection” are places where we want to move development away from and “redevelopment” are areas we want to encourage development.

Mr. Shute is concerned with the word “redevelopment.”

Mr. Stockham said staff recommends that “R” TRPA redevelopment areas be eliminated from the Code.

Ms. Aldean asked if “rehabilitation” is defined in the Code.

Mr. Stockham said it is in Chapter 90 of the new adopted Code.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista resident asked for the definition of “physical structure” and how the physical structures of bike trails fit into development.

Mr. Stockham said “physical structure” is currently not defined, and staff will provide more details as to what qualifies as a “development.”

Mr. Sevison said the local jurisdictions should be able to assist with the qualifications of a development.

Mr. Stockham said the intent was for these to be working definitions and to be refined and incorporated in the Code.

Dave McClure, North Tahoe Citizens Action Alliance is concerned with some of the working definitions, in particular “smart growth.”

Mr. Stockham said the definition of “smart growth” came from the ICMA/EPA.

Roger Patching said the Friends of Lake Tahoe said definitions are not necessarily universally applicable.

#### Committee Comments & Questions

Ms. Reedy said definitions should be defined as to how they fit our needs in the Compact, Code, etc.

Ms. Aldean asked why we would allow the use of the term “smart growth” if it is going to cause further controversy.

Mr. Stockham said if staff finds the term “smart growth” is not used in the document, we would recommend the term be stricken.

Mr. Sevison said if it not necessary, he suggested removing that section.

Mr. Shute said the committee is in agreement to discontinue working on the definitions.

Ms. Aldean said her suggestion was to eliminate any reference to “smart growth.”

Mr. Shute wanted to confirm that we had discussed Land Use-4.1 previously as a committee.

Mr. Stockham said there was a discussion on Land Use-4.1, but no action taken.

Mr. Sevison asked if the lakes specified in Backcountry are the only ones.

Mr. Stockham said the definition is from US Forest Service plan and suggested that examples could be deleted.

Ms. Marchetta said the intent was to use the definition from the US Forest Service and Congress.

Mr. Sevison said if the TRPA is not going to be involved with granting use permits, it may be helpful to state that the US Forest Service would permit on lands under their ownership.

Ms. Marchetta said there would be occasions where TRPA would get involved. She said staff will review, but the Land Use overlay may not be the proper place to define to whom the permitting jurisdiction is delegated.

Mr. Shute said blanket language would be inaccurate since majority of situations, would not be in TRPA jurisdictions.

Ms. Fortier suggested that in the paragraph that starts with "Since the development permitted under this plan is generally limited to" and in the third line "the concept of this land use plan is directed toward regulating infill" should be changed to "encouraging infill."

Mr. Sevison suggested changing to "directed toward infill and redirection."

Ms. Reedy said that we are regulating infill.

Ms. Aldean said that she prefers Ms. Fortier's language suggestion.

#### Public Interest Comments & Questions

Jennifer Merchant, Placer County asked about the "Industrial Land Use" definition.

Mr. Stockham said Industrial is categorized as mixed use.

**Ms. Reedy moved to approve Land Use-4.1 with modifications, changing language, "regulating" to "encouraging."**

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

**Nays: None**

**Abstain: None**

#### Discussion on Land Use Policy-4.12

Mr. Stockham gave an introduction to the above policy.

#### Committee Comments & Questions

Ms. Aldean asked if we are going to defer this to the local government committee, as it may be valuable to have their input first.

Mr. Stockham said we would not, these specification are under the purview of this committee.

Mr. Hester said the draft staff report recommends the local government input go back to the Regional Plan Update Committee.

Ms. Reedy said in a previous discussion we agreed we would not go back and review something that had been already decided.

Mr. Hester said the local government committee is reviewing implementation issues and will provide information to this committee in February 2012.

Ms. Fortier is concerned with the amount of cost and time to the City of South Lake Tahoe and what flexibility they will have in the development of the local plans.

Mr. Sevison said we need to encourage good business opportunities while at the same time gain environmental benefit.

Ms. Fortier said we need to create a redevelopment policy that encourages old properties to fund what we need.

Ms. Reedy suggested taking language from 2.d. to 2.e., "all development outside Town Centers and Regional Centers." Also, suggested that the local government committee review.

Mr. Robinson asked if we should review 2.a-2.f. today.

Mr. Shute said some members want to vet this through their staff first.

#### Public Interest Comments & Questions

Jennifer Merchant, Placer County suggested a similar process that is currently being used for residential building allocations in Placer County. Also, do not recommend that the local plans be recertified every year.

Dan Siegel, CA Attorney General's Office said he is concerned with the mandate for TRPA to review of all projects and mandate that plans meet and attain Thresholds

and that the no appeal rights is not consistent with the Compact.

Ms. Aldean said that under the definition of “projects”, there is a built in appeal process.

Ellie Waller, Tahoe Vista resident said the appeal process should be more definitive.

Hilary Roverud, City of South Lake Tahoe said she would be in favor of having the local government committee’s input on this first. Also, we want to incentivize private investment.

Mr. Shute said originally this concept was for delegation to local government, now it appears it is going towards language of the Compact which is in TRPA’s direct jurisdiction.

Mr. Marshall suggested staff review of Mr. Siegel’s comments regarding the requirements of the Compact, etc.

Mr. Severson asked if there was an appeal, would it stay at the local jurisdiction level.

Mr. Marshall said it would depend on whether it was an “activity” or “project.”

Ms. Marchetta said in the future, staff will review and update as necessary the list of activities that would not be an impact to the environment.

Mr. Stockham said that more safeguards in the local plans should allow a larger project to fall under an activity.

Mr. Shute is concerned with taking the process all at once from complete TRPA control to no TRPA review.

Ms. Fortier said her understanding is that is everything in Town Centers and Regional Centers would be reviewed by the TRPA.

Mr. Shute said that is not correct under Ms. Reedy’s proposal.

Mr. Stockham said item D is to capture projects for TRPA’s review that are more than two stories. Item E has mechanisms with Town Centers, Regional Centers and High Density Tourist Districts to establish different numbers triggering a project in different areas.

Ms. Reedy said that Town Centers and Regional areas that are contributing a lot of pollutants and should be “r” rehabilitated/redeveloped. She asked where these

limited areas are.

Mr. Stockham said it is just over 1% of the land area and is largely covered with pavement.

Mr. Shute said by moving E to D, would require TRPA approval if more than 50,000 square feet, but no TRPA approval or appeal process in the Town or Regional Centers.

Ms. Aldean suggested that this be deferred to the local government committee and advise them that there is not unanimity with this committee.

Mr. Shute suggested that there needs to be some clarification on this discussion.

Mr. Marshall suggested committee review on where the line is between exempt and projects and if it is a project, determine delegation authority.

Mr. Robinson asked if there would be a middle level of delegable projects that are able to be appealed.

Mr. Stockham said the language is written so the policy would identify what is a project automatically. By Memorandum of Understanding it will not automatically obligate local government to assume all developmental review authority.

Mr. Shute suggested that in item 2, there should be an option for the square footage number to be different for different areas. Also, there should be an option to retract a certification if it is found that the activity is not in compliance with the local plan.

Mr. Robinson suggested that the recertification process be a delegation that can be revoked.

Ms. Aldean suggested changing language to "TRPA may retract the delegation of certain permitting authority."

Mr. Stockham said the intent of language is not to have it automatically retract the permitting authority.

Mr. Sevison said there could be circumstances that we want the ability to change square footage numbers.

Mr. Stockham said he would like some policy guidance for the local government committee.

Mr. Sevison asked if a plan is found in conformance, could this be a Consent item.

Ms. Aldean said she endorses paragraph 1 for permitting authority with modifications and recommends it goes to the local government committee.

Mr. Shute said he encourages the rewriting of the introduction to track the difference between “project” and “exemption.”

Discussion on Proposed Stricken, Relocated and Amended Language from former Policies 3, 4, 5 & 6 under Land Use Goal-2.

Mr. Stockham gave an introduction to the above policy.

Committee Comments & Questions

Ms. Aldean asked when the local plans are developed, would we know where the coverage is going to be and where the development will occur.

Mr. Stockham said we will know more, but will not know where the exact square footage will be.

Mr. Shute asked if stricken language for Plan Area Statement planning process is being replaced with performance standard of local plan. He also asked for clarification on the green stricken text.

Mr. Stockham said performance standard of a local plan is correct. The green stricken text was relocated and amended to policy Land Use-2.2.

Public Interest Comments & Questions

Dave McClure, Tahoe Vista resident is concerned with the language for both conformance and meeting the Thresholds.

Mr. Stockham said findings made to approve this plan get to the environmental thresholds and conformance through the EIS. Redevelopment in appropriate areas will remove barriers and provide economic opportunities.

**Ms. Reedy moved to approve stricken, relocated and amended language from former policies 3, 4, 5 & 6 under Land Use Goal-2. Language removed from page II-6 to the top of page II-12.**

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

**Nays: None**

**Abstain: None**

### Discussion on Land Use Policies-2.3-2.9

Mr. Stockham gave an introduction to the above policy.

### Committee Comments & Questions

Ms. Aldean asked if “public” could be added to Land Use-2.8.

Mr. Stockham agreed to add.

Mr. Shute asked if non-conforming structures and non-conforming uses have the same meaning in Land Use-2.5.

Mr. Stockham said non-conforming items can continue but there are additional incentives to encourage them to not to continue.

Mr. Shute suggested striking first sentence in Land Use-2.9.

Ms. Marchetta suggested removing “in blighted areas.”

Mr. Stockham asked committee to defer action on Land Use-2.9.

Ms. Fortier asked what the policy is for non-conforming structures if property owner wants to do something beyond repairs in Land Use-2.5.

Mr. Stockham suggested leaving this policy in for now.

Mr. Marshall said there are implementing regulations in the Code regarding non-conforming structures.

Ms. Fortier asked staff to review policy for non-conforming buildings.

Mr. Marshall suggested local jurisdiction review their local policies as well for non-conforming structures.

Ms. Aldean suggested we entertain the possibility of a modification that might involve the enlargement or rebuilding of non-conforming structures.

Mr. Stockman suggested modifying the implementing ordinance.

Mr. Shute said the local government should have the option under local plan to eliminate the non-conformance.

Mr. Shute asked to defer Land Use-2.5 & 2.9.

Public Interest Comments & Questions

Ellie Waller, Tahoe Vista resident said there needs to be more clarity on Land Use-2.5.

Steve Buelna, Placer County is concerned with the two step process in Land Use-2.3.

Mr. Stockham said staff has an implementation measure to make this a one-step process.

Jennifer Merchant, Placer County suggested language revisions for “non-conforming uses.” She is concerned that Land Use-2.12 is a disincentive.

Mr. Sevison suggested that bike trail exemptions also be reviewed.

Committee Comments & Questions

Mr. Shute asked to defer Land Use-2.5, 2.6 and 2.9.

Mr. Stockham said subdivision provisions are under Land Use Goal-3.

**Ms. Aldean motion to approve Land Use-2.3, 2.4, 2.7 & 2.8 with modifications. Land Use-2.5, 2.6 & 2.9 will be deferred.**

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

**Nays: None**

**Abstain: None**

Discussion on Land Use Policy-2.10

Mr. Stockham gave an introduction to the above policy.

Committee Comments & Questions

None

Public Interest Comments & Questions

None

**Mr. Robinson moved to approve Land Use-2.10.**

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

**Nays: None**

**Abstain: None**

Discussion on Land Use Policies-2.11 & 2.12

Mr. Stockham gave an introduction to the above policy.  
Committee Comments & Questions

Mr. Sevison asked what a “direct offset method” is.

Mr. Marshall said when you transfer in coverage over and above the Bailey coefficients that is offset directly through retirement.

Public Interest Comments & Questions

None

Committee Comments & Questions

None

**Mr. Sevison moved to approve Land Use-2.11 & Land Use-2.12**

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

**Nays: None**

**Abstain: None**

Discussion on Land Use Policies-2.13

Mr. Stockham gave an introduction to the above policy.

Committee Comments & Questions

Mr. Shute asked what the scientific bases are there for this.

Mr. Stockham said staff is recommending scaling it up from the parcel level to the hydro logically related level.

Mr. Sevison said it may have a small benefit for the California Tahoe Conservancy.

Public Interest Comments & Questions

Dan Siegel is concerned that there is no scientific data that this will not have an adverse effect in the Lake.

Mr. Stockham said the Environmental Impact Study is the science as to whether this will have environmental impacts. Staff is not asking for approval without science data.

Low Feldman said there are layers of safeguards in the proposed plan.

Committee Comments & Questions

Mr. Robinson asked if the recommendation is not unscientifically based.

Mr. Stockham said that is correct.

Mr. Stockham said the committee has the option to vote on just the provision of Land Use-2.13 but it should be merged organizationally with Land Use-2.14 a-f, etc. etc.

Mr. Severson asked if we should include previous coverage in Land Use-2.13.

Mr. Stockham said this will be reviewed in other sections.

Ms. Aldean said since Land Use-2.13 has references to Land Use-2.14, she suggested continuing the review of Land Use-2.14 and vote on them together.

Mr. Shute asked to defer the discussion of Land Use-2.14 to the next meeting.

VI. PUBLIC COMMENT

Jennifer Merchant, Placer County asked for more detail on agenda items in order to have the appropriate staff present.

Dan Siegel, California Attorney General's Office asked staff to review language in the coverage management system that is going to be discussed at the next meeting.

Committee Comments & Questions

Ms. Fortier said she has a conflict with the December 13 meeting.

VII. ADJOURNMENT

Chair Mr. Shute adjourned the meeting at 5:36 p.m.