

TAHOE REGIONAL PLANNING AGENCY  
REGIONAL PLAN IMPLEMENTATION COMMITTEE

**Meeting Minutes**

TRPA  
Stateline, NV

April 24, 2013

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 1:04 p.m.

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

III. PUBLIC INTEREST COMMENTS

None

IV. APPROVAL OF AGENDA

Ms. Aldean moved approval.

Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Aldean moved approval.

Motion carried unanimously.

**Recommended Performance Measures for the 2012 Regional Plan Update**

Mr. Stockham provided a brief presentation of the highlights for the Performance Measures.

These are focused on the plan amendments that were approved in 2012. They are intentionally distinct than other standards and measures for other purposes. Most importantly the Threshold standards focus on the environment more broadly. We have EIP performance measures, Transportation indicators a suite of similar measures but for different topics. This is focused on the plan amendments and goes out for a four year period. We had a lot of input from the stakeholder group; the group of five came to agreement on 14 measures and benchmarks for each. Several of those measures have sub components.

Exhibit D of the staff packet has the definitions, what is a performance measure, what is a benchmark, etc.

The document you have in front of you is an amended version of the staff summary that was sent out in the packet one week ago. During his presentation he will be referencing Exhibit C, a table of each measure and the benchmark for each measure.

Considerations of what these should be focused on the Regional Plan Update with meaningful but achievable targets.

There are five categories of these measures addressing different kinds of topical areas. Regional land use, travel behavior, environmental improvement, scenic improvement, and economic vitality. Each of the suggested performance measures and benchmarks are in Exhibit C.

Performance Measure 1 is modifying the distribution of development, more of the development in centers, less in auto oriented locations. It is an important measure that keeps track of where the development is, how much is in a walkable setting and how much is auto dependent.

Performance Measure 2 tracks and has benchmark targets for the transfer program, development transfers to centers. It is similar to the first one addressing the distribution of development but focused more in on the transfer of development amendments and whether those are working, especially the transfer ratios to accelerate coverage removal from Stream Environment Zones, etc.

Performance Measure 3 relates to the new program that has yet to be developed. The plan update encourages the development of a buyback program for existing non-residential development. This is a little different, it is a program that needs developing but it is something the group wanted to track and make progress towards.

Performance Measure 4 involves housing availability and that would use the utilization rate for bonus units. How many bonus units are awarded which generally corresponds to more affordable, moderate income housing and accelerating that utilization rate.

There are three measures recommended on travel behavior. This is the overarching one, mode split, what percentage of trips are by car, bike, walking and transit. The goal is to increase the non-auto modes of transit.

Ms. Aldean asked how other than survey, are we going to quantify that people are driving a lesser distance on a per capita basis.

Mr. Stockham said these are measures that are information developed and

assembled every four years as part of the Transportation Plan Update. This is data that we already have; the models are fairly complex but there is an industry standard that involves some sampling and extrapolation. The model gets improved regularly as new technology comes on line. Both vehicle miles traveled and mode split are both standard measures of transportation behavior that we collect anyway. All of these measures utilize information that is readily available. There may be better information to use if we had but there would be a large expense associated with it, this was the best available information.

Mr. Cole asked what the “buy back” was of the commercial floor area.

Mr. Stockham said historically public monies have been spent for a number of environmental improvements, but none of that money has gone towards acquiring existing non-residential development especially in the stream environment zones. There was a fairly broad interest in trying to develop a funding source to acquire some of these more impactful properties. It is program that has not been developed yet, there is some policy language in the plan to encourage it.

Mr. Cole asked if the goal of that is to retire it for perpetuity or to put it in a bank like the Conservancy does where it could be bought and then taken to the town centers. He is worried about the success of the two centers. The biggest impediment is because commercial floor area is so hard to get and expensive. If we are going to take some of it out of where we want it, out of the equation altogether makes the existing stuff more expensive and difficult to get. Is the goal to put this in a bank where it could be purchased or got with environmental improvements?

Mr. Stockham said it is his understanding is the goal would be to retire it. There are different points of view in terms of the appropriateness of the supply that is on the ground now but that was the result of the plan update process.

Mr. Cole asked if there is a program in place.

Mr. Stockham said no there is not.

Mr. Stockham said mode split measures for each trip what percent go by which mode but it does not get into travel distances. This would be a measure of how far people are driving to complement the mode split measures. Number 5 and 6 work closely together between the two of them captures the full range of travel behavior.

Mr. Cole said when we talk about vehicle miles traveled are you taking into consideration retail leakage and how many miles traveled are caused because people are leaving the area to do their shopping.

Mr. Stockham said it is the overall number that would include that. It is a per capita number so it is how many miles per person. The measure as drafted excludes

through trips, people coming from outside the region and going through the area but the numbers capture that leakage. If there was less leakage, presumably there would be reduced vehicle miles traveled.

Ms. Aldean said tourist accommodations are one thing, retiring commercial floor area is another especially if you want to prevent people from traveling long distances for shopping. There is some merit to the idea if we are going to concentrate development in these town centers that want an inventory of CFA, so we can provide what people need so they are not inclined to leave the Basin and increase the VMT.

Mr. Stockham said the policy was adopted as it was and went through that process. In this process we didn't go back into the policy discussion of the appropriateness of those policies.

Mr. Cole said it is a big component for our City, it is not only an economic issue but an air quality and vehicle miles traveled issue.

Mr. Stockham said the details of this program, assuming a program gets funded would have to come back through the process to develop where those funds go to. There may be a good argument to target certain use types versus other use types.

Mr. Shute asked why you choose per capita vehicle miles traveled rather than vehicle miles traveled.

Mr. Stockham said they were trying to get a measure of are the policies working. The policy objective is basically to get people in the region to drive less. To keep it apples to apples this measures how much each person is driving. It isn't influenced as much by outside factors as something like a total VMT would be. Per capita VMT is also the measure that is utilized in California legislation; SB375 uses a per capita VMT as a proxy for greenhouse gas emission. The group generally felt it was a more appropriate measure of changes in behavior.

Mr. Marshall said in addition to that there was a realization that this exercise was not to develop more Threshold monitoring criteria since we already have that and do measure that. VMT is one of our Thresholds so it would be duplicative of what we are already doing. This would be more targeted to the actual policies that were adopted; hopefully what will be the end result of aggregation of all those policies.

Mr. Stockham said that applies to a lot of these; there are distinctions from the Threshold standards that these focus on, are the policies having an impact on behavior and activities in the region. Whereas the Threshold standards are targeted towards a related but different topic of how is the environment doing. These are much more targeted then the Threshold standards are in general.

Number 7 is one that we got into some topics where the level of public investment

and the policies both affect a topic. A lot of trails and sidewalk construction is dependent on outside money, but at the same time policy amendments made it cheaper and provided other incentives to build trails and sidewalks. This is a measure of how many miles of pedestrian and bicycle facilities get built each year, the historic trend has been 4.15 miles. This is one where we were getting into this because the funding levels are relatively known for the next four years. It has been modeled and we believe we can make that level 2 benchmark of nine miles per year, which is doubling the rate of improvement from historic rate. This one is a little different than some of the others in that there is overlap with the EIP performance measures and also with some Transportation indicators.

The Environmental Improvement category is like the first measure of an overarching one addressing coverage removal. Sub components of it, how much coverage is removed from stream environment zones, how much coverage is removed from other sensitive lands, and the excessive coverage mitigation fee collections. These capture the private contribution to coverage removal; the EIP measures focus more on the public contribution to coverage removal where public dollars go into restore these areas. That is how they complement each other and their targets for accelerated coverage removal and response to the policy changes in large part through the development transfer program and other related amendments. The base line for this has been quite slow; the coverage removal has not been fast historically.

Number 9 addresses BMP certificates issued in conjunction with property improvement. A lot of policy changes that encourage things like coverage credits and exemptions but all of them require a BMP certificate. This would track how much the accelerated issuance of BMP certificates resulting from accelerated property improvements. They do not include BMP certificates that are issued through enforcement actions or those other activities that are not related to policy.

Ms. Aldean asked if it would be more meaningful rather than basing this measurement on a number of certificates issued on a total number of square feet of BMPs.

Mr. Stockham said that could be one way but also this can get complex because it is not really a per acre BMP. If you have areas like a heavily developed commercial site that may be small in acreage, but it is impactful in terms of the environmental improvement from getting BMPs installed and also expensive. The group landed on the more general measure of tracking this. If you wanted to get more detailed it is in your discretion. It is information we have but if we go there we may want to also look at those location characteristics which are probably more important than the acreage.

Ms. Aldean said you could use a cost of the BMP, linear footage. There are a number of ways of quantifying the benefits that accrue from one piece of property in putting BMPs, as opposed to another piece property only putting in a drip line

infiltration trench under the eaves.

Mr. Stockham said if the group would like to make that change, we could do a check of our data tracking system to make sure whatever measure we use that we have that data available.

Mr. Cole said it is important because we have come to the realization that other than the roadways, one of the primary contributors to our pollution is these heavily asphalt commercial areas. If we want to have performance standards and benchmarks those are the ones we want to improve, but we need to make sure we give them more credit than we go a residential home putting in a drip line trench in.

Mr. Stockham said we have that data and this could pretty easily be grouped into land use categories of residential, tourist and commercial BMPs and track each. We are also expecting accelerated residential installations especially involving these coverage credits. If we want to subdivide it we could track both.

Mr. Cole said we want to incentivize the most important things if we are going to set baselines and standards. We ought to target what we want to get done the most and make sure those are incentivized.

Mr. Marshall said there is an additional measure which measures the amount of redevelopment activity which also relates to and perhaps more targeted on those town center commercial areas. If you are going to redevelop you are going to have to do some sort of BMP improvement. Whereas, this one is focused more on those land owner measures that we have. Although, it is not segregated out per land use for residential, this one is more focused on those residential BMP measures.

Mr. Stockham said another thing to add is we did not attempt to create the incentives through this program that was done through the update. We are trying to track whether the incentives are working; there are incentives in the update both for non-residential and residential. Some overlap and some are different. It is a good comment that tracking them separately may have some good value for informational purposes.

Jim Lawrence asked if you could track them by impervious coverage as BMPs, he agrees with the comment. If you have a one quarter acre parcel that only has five percent coverage on it, which is a lot different than a one quarter acre parcel that has 50 percent coverage. BMPs are beneficial in both cases but one in his mind is more beneficial to the other. Could that be a benchmark or metric that could be used as opposed just acreage which is not going to tell you anything if you do not know how much is being coverage has BMPs.

Mr. Stockham said we should look into some of these; some of those distinctions are going to get very complicated to track and others maybe not so. After the

discussion here if you could give us some direction; we are getting the desired sub categories here. Getting into pervious versus impervious is starting to get complex. He would like some time to look into this to make sure this is feasible before we finalize that approach.

Patrick Wright asked if it is clear what it means to be area wide. If it is area wide and you have a mix of residential areas and business areas and as we are finding now the businesses are not part of it, does that count.

Mr. Stockham said in some of the details of the staff summary there are sub categories for tracking purposes so we track them separately. In terms of issuance of BMP certificates, if a properties is in an area wide BMP program the area wide facility has to be installed and operational. Once it is operational, BMP certificates are issued for properties within it. Properties that a BMP through an area wide system would be captured in this number and it would be accounted for as a separate category. That got quite a bit of discussion from the stakeholder group of how we capture area wide versus parcel level. The system would track those separately and in terms of the benchmark the goal would be accelerating the overall number of BMPs no matter how you get to that certificate.

Maureen McCarthy asked if any of the functionalities for the BMPs are tracked. Because it has become clear that on some of the bigger ones like the area wide, if you are not doing operations and maintenance on it every two to three years you are losing the effectiveness of it. Is there a recertification or something else you are tracking to determine whether or not these are going to stay functional past their initial installation?

Mr. Stockham said under the new policies to develop and get approval of a new area wide system it requires a maintenance plan and program as part of it which would address that. In general, the area wide is easier to maintain and that it is more of a combined facility instead of having every property owner have to go out and vacuum and rake, etc. The other part is that yes maintenance is required. It is an enforcement issue and administrative challenge dealing with enforcement. That was one of the arguments for authorizing these area wide programs because in general has improved maintenance.

Maureen McCarthy asked if it would be possible to add something that says you are not just tracking the certification but maintenance requirement also.

Mr. Stockham said if BMPs are not maintained the certificate can be taken away. He is not sure that has historically happened at all or with much frequency but having a BMP certificate and keeping it requires maintenance. He is not entirely clear of what they would do in terms of tracking maintenance.

Ms. Marchetta said now you are getting into the territory of having to go back out and re-inspect every property. She is not sure that we have identified resources for

that kind of expansive new inspection system.

Maureen McCarthy said if the certificates require maintenance in then you already have that information. You may not be able to validate it, but it is not just the issuance of the certificate, there are notes included that you expect them to adhere to in order to keep that certificate.

Mr. Stockham said number 10 is incorporated by reference, the TMDL load reduction targets from the states. It is not establishing the requirements of the states, we would just track because it is an important component of water quality and we would report those by reference whatever they may be adopted and amended over time.

Measure number 11 addresses scenic improvement on urban roadways. The response is increased redevelopment is going to approve the appearance of our built environment. We have a quantification system for scenic rating scores and would expect the improvement rate for these scenic scores to accelerate over time.

There are two related to Regional Plan Implementation. One is doing the new area plans and maintaining them in conformance with the Regional Plan. Three sub components; how much area gets included in a plan, the recertification rate and public involvement for each plan. This gauges our plans being updated in accordance with the new Regional Plan.

Measure 13 is to complete the mitigation measures in the EIS.

Measure 14 addresses economic vitality. Measures the closest proxy we could come up with for the rate of redevelopment. There is a category of TRPA permits called rebuild/addition/remodel permits that cover when you have an existing development and you either add on tear down rebuild or you remodel it. Getting one of these permits issues requires a BMP certificate and redevelopment of large and small scale are classified as this type of permit. We would like to see that rate of redevelopment accelerate.

In closing, he wanted to express appreciation both for the stakeholder group and the time they spent working through this. Also, for a lot of staff work that happened behind the scenes to assemble our baseline data. Some of which was easily available and some was a little less so. A number of people worked hard to assemble these stats to have meaningful measures.

#### Advisory Group Comments & Questions

Darcie Collins, League to Save Lake Tahoe said she had the pleasure of chairing this advisory group and she would like to also thank everyone who spent the two day's meeting and discussing these benchmarks as well as the staff that put in a lot of



time and preparation. Our discussions focused on addressing and narrowing down what can we measure that can isolate the amendments to the Regional Plan that were adopted through the Regional Plan Updating process and the effectiveness of implementing those changes. Those measurements can then be used as we look at environmental conditions moving forward and how environmental conditions have changed. We can tie in what has been implemented from those Regional Plan Updates and what of those implementations have caused these changes in environmental indicators. It was a great process and she recommends that you adopt these benchmarks as they have been presented.

Lew Feldman said he appreciated the opportunity to participate in the process and echoed Ms. Collins comments and thanked her for chairing this group. It was an intense couple of days (separated by a day) and staff performed above and beyond the call of duty. The amount of information that was turned around virtually overnight was impressive. Conceptually, you touched on this a little bit, the temptation to measure Thresholds as opposed to trying to quantify how these plans and policies are being quantified on the ground is a bit of a twister. It was a hard one and it took a while to get our arms around it but he feels the 14 measures are a good barometer for RPU quantification and hopefully responsive to the California legislative mandate and would encourage you to adopt the staff recommendation.

#### TIE-Steering Committee Comments & Questions

Patrick Wright said you mentioned SB375 earlier and obviously to the extent to which these match any that are already part of state law, the easier it is for all of us to be able to submit grants recognizing that we are tracking various items. It sounds like you have done this and this will be a big asset. In grant making, in order to get money you have to show demonstrated quantifiable benefits so this will be a big benefit. He asked if you have looked at SB375 type measures that they are looking for.

Mr. Stockham said these complement some related measures on vehicle miles traveled both for total VMT, per capita VMT as defined by SB375. This one is slightly different so there will be a suite of measures tracking travel behavior with this one focusing in on the effectiveness of the policy modifications.

Maureen McCarthy said this was an absolutely necessary first step because if we want to go between Threshold attainment and policy making we needed to understand what the physical measures were that we are going to assess whether or not the policies were being implemented. Then we can look at mapping these 14 benchmarks and figuring out which Thresholds will be connected to those benchmarks. Step two will take a little longer and a lot of iteration. Without this we were missing that critical step between Threshold attainment, the changes in the environment and the policies. This was a necessary interim step. It give us the basis by which we start to say let's step back here are the 14 benchmarks and how

do the Thresholds relate to those. There will be a lot of different Thresholds that will relate to each one of these benchmarks.

Steve Teshara asked if one of the end users is going to be the Budget Subcommittee in California.

Mr. Stockham said yes.

Steve Teshara asked what they anticipate doing with it. One concern is we are measuring these things but some of them will take time to manifest one way or another. Is there a consequence that we expect in the budget discussions and decisions for the Agency for the coming year, do we get penalized if these are not determined to be what was asked for?

Ms. Marchetta said we had made a commitment to the California legislature's staff that these would be delivered through an adoption of the Governing Board by the end of this fiscal year. How they intended to use these is unknown.

Steve Teshara said he has a concern that they are going to have the same dilemma that Lew and others have articulated. Are these getting caught between, are these the measurements of Threshold indicators or Threshold achievement versus are they measures of the performance of the Regional Plan Update. That is somewhat tough; it is almost counter intuitive to what we have been raised to believe. This has been a good faith effort on the part of many people. There was a lot of robust discussion at these meetings. He hopes that if we do not get enhancements that we are at least penalized.

Mr. Shute said there has been a lot more contact with the legislative staff perhaps that there had been in the past, and they see in general what is being proposed and believe they thought it was fine. There is language in the staff memo pointing out given the Sierra Club litigation and the time it takes for people to gear up and make private investment, etc., how much is going to happen in the first four years.

Mr. Stockham said we kept in mind throughout this process the expected rate of response to these policy changes. That is in part why you see level 1 and 2 benchmarks. Level 1 measures positive progress and level 2 sets a more aspirational target. Why you see different targets for different performance measures because some of them will take longer to happen in response to policy changes whereas others can happen more quickly. We tried to reflect what could reasonably be expected but there are many things outside of our control that could impact this, the economy, litigation, etc.

Jim Lawrence commended staff and the committee for doing all of this in two days' time. This is quite a body of work and is impressive. He understands the need to have some benchmarks to see how we are doing with the Regional Plan Update and how successful it is, but there are just going to be things out there that are out

of our control. It is going to take time to ramp up and build capacity to implement some of these things. But some like land use planning incentives to encourage the behavior we want to see which he would think many of these are going to be economic driven; that may happen in the short term or happen in the long term. He does not believe anyone really knows the answer to that. When you report these out to the California legislature is there going to be a mechanism or means to show items like conformance with area plans which is primarily in our control as opposed to these other incentives which have many things out of our control that are attached to whether we are successful or not.

Mr. Stockham said that is part of why the staff summary is so long, we tried to explain that rather than just putting the measures down like you see on Exhibit C. We tried to include that discussion in each of these so there would be a reasonably accurate anticipation of what we think is going to occur.

Ms. Marchetta said what we are trying to do is to build or rebuild a certain level of trust with the legislative representatives in California. We believe that these measures will go some distance toward rebuilding some of those relationships. We would hope that we would be given in the future the opportunity when we report out on these measures to offer some suggestions as why they have either been met or not met. The rate of this is going to depend upon the confidence that exists within the Basin to act and to invest. We will look forward to the opportunity to continue to build the relationships so we can have an ongoing dialogue about the meaning of these measures whether or not we are hitting them.

Mr. Hester said before we went to the working group the staff group that worked on this looked at a lot of the annual reports other organizations did including the one related to this one is San Diego Association of Governments. They had a long discussion about how the economy has gone up and down and what can you measure that is immune to that. On this measure where we have the percent within centers, whether you have a lot of development or a little development or redevelopment is the percent that is going in centers going up compared to where it was before. We tried to the degree possible on some of these where we could to make them not so economic cycle sensitive.

Mr. Marshall said he wanted to emphasize that this effort is also to inform the Board. Every four years we go through a Threshold Evaluation, etc. This will be additional information to tell whether or not the policies that we looked at in 2012 are effective; in order to drive either additional environmental restoration or whatever policy needs to be advanced. Yes, we need to do it for some political reasons but he also believes it was a good planning exercise to provide information that will be useful inside the Basin in the near future.

Maureen McCarthy said you did benchmarks for the first four years so these are envisioned for 2016.

Mr. Stockham said correct.

Maureen McCarthy asked if there is a process that takes this to the next four years, a twenty year horizon and then four years out past this.

Mr. Stockham said the recommendation from the group is to try and not set those targets beyond four years now; but to have a process associated with the next Regional Plan Update where they would be revisited and potentially revised moving forward. We had discussion of that and it is speculative enough trying to predict rates in the first four years and the further out you get the more it becomes a wild guess. Presumably, this would be revisited with the Regional Plan Update in 2016 and modified in some way to reflect policy changes made at that time.

Maureen McCarthy said so it is an evolving process and that it is not a onetime deal.

Mr. Stockham said we would also track this on a regular basis and report out how we are doing annuls but revisit it every four years much like a lot of other things in the Regional Plan.

Mr. Sevison asked if you would typically report on this at the budget process in Sacramento each budget session.

Ms. Marchetta said no this is new additional measures. This was called for in the 2012 budget language in California; this is to satisfy one element of that budget language.

Mr. Sevison asked if there was ever a cost tied to it to produce and manage it.

Ms. Marchetta said no.

Mr. Sevison said it seems like it should be tied to it at some point.

Ms. Aldean said she assumes there will be a memo cannibalizing the information that is in the memo to this committee that will accompany Exhibit C, which is a short version of a more lengthy explanation. Because we have spent some time talking about limiting factors, her recommendation was to identify in each of these categories what the potential limiting factors are that are specific to each of these measures. For example, we are talking about including 20 percent of private land in new area plans, 100 percent recertification. That presupposes that the area plans are adopted and are not legally challenged. You have identified one of the risks as being litigation. For ease of understanding what the limiting factors are in connection with each one of these performance measures she said we need to identify what those specific limitations are. Once Douglas County's area plan is approved by this Board, if we get sued as a result of approving that plan it is going to affect our ability to perform pursuant to these measures.

Mr. Stockham said that is a good suggestion.

### Public Comments & Questions

Pat Davison, Contractor's Association Tahoe Truckee said the measures are all great and her comment is on implementation. Some of her members are in contact with property owner who have the parcels in sensitive areas. There are many real estate agents that would be involved in the transfer of residential development units or the rights, she suggested a promotional add or flyer be created in the near future that can be used not only for her to distribute but other organizations as well. Getting to the idea of who is your target audience, you do not want the transfer program to be the best kept secret in town.

Peter Kraatz, Placer County Public Works Department said he is also a member of the Tahoe Interagency Executive Steering Committee. On one of the measurements, the TMDL, he appreciates the effort, he has always felt there should not be repetitive programs and there is a lot that goes into the TMDL. It goes over a five year term and there is a lot on the plate for the TMDL for the local jurisdictions that we have to try and achieve and meet, it is clearly regulated. It is important to note that we are not trying to create something in addition to the TMDL. You are deferring to the local jurisdictions to do your job as regulated by Lahontan and Nevada Division Environmental Protection and appreciates that. He echoes his colleagues on the TIE-SC and the effort that went into this. He attended one of the advisory group meetings and said there was a lot of robust conversation. Accommodations to Mr. Stockham because he and Ms. Collins reigned in everyone to make this list valuable as we go forward.

### Committee Comments & Questions

Mr. Cole said since we are the second to the last set of eyes to review this, it is an opportunity for word smithing and input. He appreciates Maureen McCarthy's comment about the operations and maintenance of the BMPs and that ties into separating their uses. Because commercial BMPs tend to be easier to monitor, where residential are very difficult to monitor or maintain; he feels we need to separate the uses because there is a lot more bang for buck on the commercial BMPs. When we bring this forward he would like to see number 9 separate the uses.

Mr. Shute said on number 9, page 3 of 4, Exhibit C we could insert "certification rate, by land use category."

Mr. Cole said for monitoring that is an important distinction.

Mr. Stockham said staff has the information and could easily add that in.

Mr. Cole said performance measures 1 and 2 seem to conflict with number 3. One

is supposed to increase the percent of development located within centers, decrease the development outside of centers, and accelerate the retirement of non-residential units of use and under number 3 it says we want to retire. Wouldn't it be better instead of saying retire existing non-residential to create a program to remove existing non-residential. The idea is to have a program to fund and to acquire. If we put in "remove" it would include retiring; if we remove it and acquire it, this will help us a long ways to do 1 and 2. Number 1 says increase the percent of development located within in the centers; increase the transfer rate to the centers. If we have a program under number 3 where we can acquire it and then transfer it to the centers it would help accommodate 1 and 2.

Mr. Stockham said the thought process was to reflect the policies that were approved. He believes there are some policy differences in views as to whether these units of use should be retired or moved and tend to agree that we could track the removal and it would capture retirement and transfers. For tracking purposes not knowing what this program is.

Mr. Cole said if the program was to remove it could mean retire but he does not want to see competing paragraphs. We want to increase the transfers on sensitive lands.

Mr. Stockham said he is not sure they are competing because he believes it was anticipated that if units of use are acquired and retired the centers would not be the target areas. It would be in a stream zone in an outlying area, it would be the most impactful type development which by definition shouldn't be in a center. They are not necessarily competing but your point is well taken.

Mr. Cole said you cannot retire it and transfer it.

Mr. Stockham said correct it is one or the other.

Mr. Cole said two our goals are to increase the transfer of non-residential development to town centers; another goal that would probably decrease the opportunity for some of those transfers. Would you consider creating an acquisition program to remove the existing non-residential units from sensitive lands? One of the big aspects is to have a program like the California Tahoe Conservancy does where we have some money to acquire these units of use that we do not want there. If there is an opportunity later to transfer them where we need those it would help 1 and 2.

Ms. Marchetta said this harkens back to the recent study that was presented at the South Lake Tahoe City Council. We have somewhere near 11,000 tourist units here on the South Shore. There is sentiment among certain quarters that it is impeding the economic revitalization of the South Shore. There is sentiment that some portion of those ultimately needs to be retired.

Mr. Cole said you know why it is impeding is because it can't be changed. We have too many tourist accommodations.

Ms. Marchetta said retiring some units does not necessarily preclude when we talk about the design of this program underneath the policy for the conversation that you are having. Is there any portion all be it how large is that portion that could be removed and banked as opposed to removed and retired? There is strong sentiment that some portion needs to absolutely retired but she believes there is an open conversation to be had as policy matter whether some portion could be banked and transferred. She does not feel that this performance measure precludes that policy discussion. It says we are going to track as a performance measure the numbers that have been retired. She does not assume where the policy discussion will end, she just does not think that the option is precluded by this performance.

Mr. Cole said he does not disagree with the tourist units, but he feels the commercial floor area is going to be problematic.

Patrick Wright said he believes what staff is saying is we need to track both. This is not the place for the policy discussion and what we are finding internally with our bank is North Shore and South Shore are different. In one region you may want to transfer them in South Lake or you may want to retire them. It maybe for tourist accommodation units you want to retire them but for commercial floor area you want to transfer them. This is not the arena for that policy call. The point is we need to track all of that so we have a better sense of what is working and not working.

Mr. Cole said the benchmark under number 3 is to retire 5,000 square feet of commercial floor area in four years, not transfer, not bank but retire.

Mr. Shute suggested we change that to say "removal" because that is neutral it covers both retirement and taking it off.

Ms. Aldean said she agrees with that. We do not want to communicate the wrong message to the California State Legislature. If we ultimately don't retire them but we relocate them, they will say we are out of compliance with this performance measure. The Chairman's recommended language change would be appropriate.

Mr. Shute said he has heard two items. One is in benchmark number 3, page 2 of 4, delete "retirement" and put in "removal" rate for existing non-residential use. Where "retirement" appears in several places, it would be replaced by "removal." In number 9, it would be "Increase the average annual rate of BMP certification, by land use category, in conjunction with property improvement." The same thing would go under level 2.

Mr. Marshall said by that clarification are you saying that for example the level 2

would be 25 percent in each land class or reporting all land classes but 25 percent overall. He believes the key to report by land classification but whether or not you want to attach that 25 percent to each land classification itself or overall.

Mr. Shute said overall is fine. He asked staff to work on the language for that.

Mr. Cole said that would allow policy makers at some point if we realized yes it is a much better bang for the buck on the commercial and we have the numbers we could adjust that 25 percent to something else.

Mr. Shute asked for a motion to approve this staff recommendation for these benchmarks as set forth in Exhibit C as amended with the staff to come up language making clear that the 25 percent is the measurement for the overall land use categories.

Mr. Cole moved approval of the motion as articulated by Chair Mr. Shute.

**Motion carried unanimously.**

Public Comments and Questions

None

Chair Mr. Shute adjourned the meeting at 2:06 p.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board

*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.*