

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

Chateau
Incline Village, NV

May 26, 2010

North Tahoe Event Center
Kings Beach, CA

May 27, 2010

REGULAR MEETING MINUTES - AMENDED

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chair Mr. Biaggi called the meeting to order at 9:30 a.m.

Members Present:

Ms. Aldean, Mr. Biaggi, Mr. Breternitz, Mr. Beyer, Ms. Bresnick, Mr. Cashman,
Mr. Cole, Mr. Merrill, Mr. Miller, Ms. McDermid, Ms. Montgomery, Ms. Ruthe, Ms.
Santiago, Mr. Sher

Members Absent: Mr. Reid

II. PLEDGE OF ALLEGIANCE

III. PUBLIC INTEREST COMMENTS

John Shuff stated there is a Waterborne Transit Project (Water Bug) being developed in Tahoe. He reviewed the project's history and encouraged the Board to support the project.

John Falk, Tahoe Sierra Board of Realtors, thanked the TRPA staff, specifically the Erosion Control team, for their time and effort with BMP issues.

Pat Davidson, Contractors Association of Truckee/Tahoe, presented the new Directory entitled: "Building and Remodeling Guide." She noted there is a paragraph regarding the need for BMPs in the Tahoe Basin on page 50-51.

Ina Phelp noted the need for better public transportation. She commented on pollution in the lake caused by invasive species and sewer systems and the need to address these issues.

John Sell expressed opposition to TRPA's new direction to improve the economy of the area through increased density, when the original mission of TRPA is to protect the area's natural pristine environment.

Ellie Waller stated she was in support of the "Water Bug." She suggested staff request a copy of the proposal to review the environmental benefits and for the Board to show their support of this project.

George Koster stated he wanted to also support the "Water Bug" project.

IV. APPROVAL OF AGENDA

Ms. Aldean moved approval.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Ruthe moved approval.
Ms. Bresnick and Mr. Miller abstained.
Motion carried.

VI. CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

TRPA CONSENT CALENDAR

1. Acceptance of April 2010 Monthly Financial Statement
2. Release of \$50,000 in Water Quality Mitigation Funds Interest to Washoe County for the Development of a GIS Tool Associated with the Inventory of Stormwater BMPs Project

Ms. Ruthe stated the Operations Committee recommended approval of Items 1 and 2.

Mr. Breternitz moved approval.
Motion carried unanimously.

Ms. Bresnick moved to adjourn as the TRPA and convene as the TMPO.

VII. TAHOE METROPOLITAN PLANNING ORGANIZATION

A. TMPO Consent Calendar (see Consent Calendar agenda below for specific items)

1. 2008 Federal Transportation Improvement Program Amendment (FTIP) #17
2. TMPO Lake Tahoe Transportation Overall Work Program (OWP) for FY 2011

Ms. Santiago moved approval.
Motion carried unanimously.

Ms. Aldean moved to adjourn as the TMPO and reconvene as the TRPA.

VIII. PLANNING MATTERS

A. Regional Plan Update Milestone and Direction to Staff

1) Land Use and Air Quality

Ms. Marchetta introduced the process and policy for the Land Use and Air Quality Milestone.

Staff Member Harmon Zuckerman and Staff Member John Hitchcock presented the milestone for Land Use and Air Quality.

Ms. Bresnick requested that staff provide direction on what background information should be read along with the fact sheets in preparation for these milestones.

Land Use Issue #1: Should the TRPA develop additional measures to facilitate land bank programs?

Advisory Planning Commission Clarifying Questions:

Mr. Upton asked how many of the nine watersheds were impaired versus non-impaired.

Mr. Zuckerman stated that question was answered in the footnote in the FactSheet and that policy direction was being requested at this time.

Mr. Upton asked if there could be a transfer of non-impaired sub-watershed into another non-impaired sub-watershed.

Mr. Zuckerman replied yes.

Mr. Smith requested clarification on how large projects are defined. He suggested policy language state that sub-watersheds would not become more over covered.

Mr. Zuckerman responded that the language of non-transfer of watersheds, once it is determined to be impaired or over covered, is already written in the measure. In terms of a definition for large projects, that is provided through direction from the Governing Board.

Governing Board Clarifying Questions:

Mr. Sher expressed concern with allowing in-lieu fees for large amounts of excess coverage with the elimination of the limit on in-lieu fees for only small amounts of excess coverage. He asked why the limit on in-lieu fees only for small amounts of excess coverage was eliminated.

Mr. Zuckerman stated the proposed language was to allow for large projects to use the in-lieu fee program that cannot remove coverage on or offsite, if it can show coverage cannot be removed.

Ms. Montgomery asked if consideration was given to allow jurisdictions to continue using the in-lieu fee program for EIP Projects and bike trails.

Mr. Hitchcock stated that would still be allowed. The proposed language would focus efforts on getting coverage reduction on large redevelopment projects when there is an opportunity.

Ms. McDermid commented that having flexibility for local jurisdictions would be helpful in getting other benefits from EIP projects.

Mr. Cole asked for if what's being proposed is to have Transects take precedence in Community Plans and Plan Area Statements.

Mr. Zuckerman clarified that the proposal is to replace the current system of zoning within Community Plans and Plan Areas with Transects.

Ms. Aldean asked why coverage reduction is being requested when, by paying an in-lieu fee, coverage removal can be facilitated in watershed areas and low capability lands.

Mr. Zuckerman replied coverage reduction on high capability lands is sometimes preferable to coverage reduction on low capability lands to infiltrate stormwater more effectively.

Ms. Aldean commented that it was not intuitive that there would be greater benefit by removing coverage on high capability lands. She requested that issue be further examined.

Ms. Santiago asked for clarification that the definition of large projects will be part of the implementation discussion and strategies.

Mr. Zuckerman stated that is would be.

Ms. Santiago stated she did not hear the answer to Mr. Smith's question regarding language about sub-watershed protecting sub-watersheds.

Mr. Zuckerman clarified that this proposal would not allow coverage to be transferred into an impaired watershed.

Ms. Santiago asked Mr. Smith to ask his question again because there may be an issue that needs to be addressed.

Mr. Smith stated he would like to see something that says the intent isn't to continue to exacerbate any over coverage situation on a watershed or sub-watershed basis.

Mr. Zuckerman asked Scott Frazier, TRPA Soil Conservation Program Manager, to address this issue.

Mr. Frazier stated they were not at that level of build out, but the intent is neither to transfer the impairment from an impaired watershed to a non-impaired watershed or to exacerbate an existing problem by allowing additional coverage to a watershed or sub-watershed that is already over covered.

Ms. Santiago stated this is an issue that should be addressed during the

implementation process.

Ms. Bresnick asked if a non-impaired watershed could potentially have impaired watersheds, but that the total watershed is not considered impaired. She asked at what point a watershed becomes impaired based on what's occurring in sub-watersheds.

Mr. Frazier stated the current TRPA policy does not have a mechanism to address coverage issues on a watershed scale, but to address it on a hydrologically related area scale, which is a collection of watersheds.

Mr. Cole commented on the two different kinds of low capability lands. He asked if the new Regional Plan Update would provide language regarding the separation of these different low capability lands.

Mr. Zuckerman acknowledged there were different factors that determine land capability. He asked John Hitchcock to provide a better explanation.

Mr. Cole asked if it was the time to consider different factors on which to base low capability lands.

Mr. Hitchcock stated that could be addressed when the transfer matrix was being developed and when transfer rules are being updated.

Mr. Cole asked if local jurisdictions would be restricted on other requirements for the transfer of hard coverage outside of their jurisdictions or would this be Basin-wide.

Mr. Hitchcock stated that aspect of the coverage rules was not being changed. Currently, transfer of coverage does not require local jurisdiction approval, but they were proposing to allow coverage to be transferred across boundaries. He noted the focus on the use of in-lieu fees is to remove coverage from sensitive lands. He stated Mr. Cole's concerns should be taken into consideration when developing the implementation matrix.

Mr. Cole commented that development might be more difficult to control and direct with the transfer of hard coverage.

Mr. Hitchcock stated, in sub-issue 1B, they were proposing changes that would allow soft coverage to be used only for residential uses, but not for commercial and tourist accommodation uses. They were proposing in the Regional Plan to allow soft coverage to be used for commercial and tourist-type uses as long as the coverage is located within Community Plans and is transferred from sensitive lands.

Ms. Bresnick asked for an update on the development of the matrix.

Mr. Hitchcock stated stakeholders requested transfer rules be reconsidered and to create additional incentives to get development moved out of sensitive lands, so a transfer matrix is being considered that would incentivize the transfer out of sensitive lands and provide greater benefit for the developer or applicant. They

have been partnering with CTC who has offered to help hire a contractor that would look at transfer provisions to see if they make sense from an economic and scientific standpoint. The contract for environmental incentives should begin shortly.

Land Use Issue #2: What is the relationship between Community Plans and the RPU?

Advisory Planning Commission Clarifying Questions:

Mr. Greene pointed out this is a new concept that he likes and that the additional information provided during today's presentation was helpful. He suggested each map be posted in the communities to be seen by individuals. He asked who created the Transects and if they can be alternated and, if so, how. He explained the difficulties that will be faced when determining who the majority of community members will be to help achieve the goals being set.

Ms. Merchant stated that in the staff report under Placer County, they were concerned about the interim period between when the Regional Plan is completed and when the Community Plans are completed, because the current proposal would not have an allocation of commodities for commercial floor areas during that time. Also regarding the Baseline Condition Analysis, she asked how it would be funded, who would do the analysis, and how long it would take.

Mr. Zuckerman stated the vision for the environmental benchmarking is a mapping and data collecting exercise. They were looking for funding sources to pay for that and that they would provide the funding if received. He did not believe the exercise would take a long time because it would be collecting data that already exists. If the exercise succeeds, it would give them the ability to achieve environmental performance and Community Plans with better monitoring.

Ms. Merchant commented that there is no air quality/emissions budget currently Basin-wide therefore; communities may have to be monitored as it may need to be developed on a community basis.

Mr. Zuckerman stated he did not have the answer to that, but that it could be determined through the benchmarking project by using existing data.

Ms. Merchant asked about the different results from a transit level of service from an auto level of service considering the same road system is used.

Mr. Zuckerman stated auto level of service regards vehicle delay and transit level of service takes into consideration bus time factors.

Ms. Merchant asked if TRPA was planning on doing a capacity analysis by jurisdiction to review transfer of development rights and if they work within Community Plans or outside of Community Plans. She stated her concern is that there may not be capacity everywhere to transfer rights and this may affect incentives in different areas.

Mr. Hitchcock stated some of that would have to be analyzed in the EIS, but they can talk with CTC about completing an analysis.

Governing Board Clarifying Questions:

Ms. Bresnick asked if, with respect to the Community Plans and RPU, the environmental improvements would be better defined and that would this be the basis for allowing transfers.

Mr. Zuckerman replied that this process will be streamlined. Also, the concept is to incentivize development through that bolstered transfer matrix, if the Board supports the process. The checklist would contain definition of environmental performance. Then the project proponents would state what environmental gains they are adding to their project application. This, along with the CPU idea of environmental benchmarking, will provide clarity as to what factors TRPA is looking at

Ms. Bresnick requested clarification of the statements: "Staff is looking for ways to promote and assist in the updating of Community Plans concurrently with the RPU", and "Therefore, the place-based zoning process cannot begin before adoption of the new RP." She commented that this seems to be inconsistent.

Mr. Zuckerman stated that there is an extended RPU team within TRPA. Per legal advice, these two concurrent processes can take place since the CP process involves only mapping and data collection.

Ms. Santiago asked about the guidelines for the jurisdictions during this interim period, since jurisdictions will need to come up with sustainable Community Plans or strategies. How are the thresholds going to be met based upon the legislation now in place? She stated that the work needs to begin now to take advantage of the current funding opportunities.

Mr. Zuckerman replied that the Sustainable Community Strategies required under SB375 in California are already being addressed. Some funding is already in place and more is being sought.

Ms. Santiago stated that there needs to be some policy statement in the Regional Plan Update regarding sustainable communities and what is trying to be achieved.

Mr. Zuckerman replied that the TMPO meets the requirement of the Sustainable Communities Strategies, and that work will be incorporated into the Regional Plan. Sustainability is also imbedded throughout the Regional Plan.

Ms. Aldean commented that she wasn't sure Ms. Merchant's previous questions regarding whether this proposed revision would affect anything other than Commercial Floor Area was answered. Also, how would developable parcels outside of Community Plans impact the availability of Commercial Floor Area in those areas?

Mr. Hitchcock stated that the incentives would not be available until that

Community Plan is updated. Regarding development outside of Community Plans, mechanisms are already in place in the Code that allows local jurisdictions to use their Commercial Floor Area allocations, if they have allocation mechanisms in place. No change to this process is being proposed in the Regional Plan Update.

Ms. Aldean asked for confirmation that this would apply if they have Commercial Floor Area to transfer, and they would not be receiving any additional Commercial Floor Area to accommodate these areas.

Mr. Hitchcock replied that this is correct. They would not receive additional Commercial Floor Area until the Community Plan is updated or TRPA allocates its first five year allocations of Commercial Floor Area, which wouldn't happen in this proposal for five years. The proposal does contain a provision for allocation of Commercial Floor Area for transfer purposes.

Mr. Zuckerman stated that this means that the Commercial Floor Area that would be allowed within the first five years of the Regional Plan Update would be allocated to individual projects and not to jurisdictions.

Mr. Cole asked if incentives are going to be provided to encourage development from outside the Community Plans to move into the Community Plans. If not, could an additional provision be considered that would do this?

Mr. Zuckerman agreed and noted that the concept is to create a transfer matrix that would determine how much benefit would be achieved depending on where you come from and where you end up.

Mr. Cole asked if language could be added regarding the relocation of development from outside of the Community Plans into the Community Plans.

Mr. Zuckerman stated that if this is something that the group would like done, that would be satisfactory.

Mr. Cole commented that currently there is a procedure to allow a Tourist Accommodation Units to become Commercial Floor Area. He requested that this convertibility of uses be intensified if they are coming into a Community Plan. He asked if this is intended in the proposal.

Mr. Hitchcock stated that this is something that staff should look at in the build out of the matrix. He noted that in the development of the matrix, the goal is to look at all aspects of transfers that will get environmental redevelopment and gain.

Mr. Cole commented that his community would like to see this type of transfer take place, so the old motels could be torn down and the space used in another way. Further discussion of this aspect needs to take place.

Mr. Zuckerman stated that the real question is: Do we want to have a matrix that provides for projects that give environmental benefit? He provided examples of issues that the matrix could address.

Mr. Cole stated that he would like assurance that an environmental benefit would include moving development from outside the Community Plans into one.

Mr. Zukerman responded that this is guaranteed.

Mr. Cashman noted that on Page 13, 2nd paragraph there is a statement that is pretty strong, and asked for an explanation. He read the excerpt: "In the new model, there would be a limited amount of increased height and density available in appropriate transects to promote compact, walkable town centers. This density and height would be tied to environmental performance standards and only available if coupled with the transfer of development from sensitive lands." He asked if this would be spelled out specifically in the matrix and/or stated in the Code.

Mr. Zuckerman replied that the concept is that the transfer matrix would become part of Code, and the Code is the zoning.

Mr. Cashman asked for confirmation that the transfer matrix would follow this specific statement, because it goes to the core of a lot of the community concerns being heard.

Mr. Zuckerman responded that this is correct, but pointed out that the verbiage "only if coupled with the transfer of development from sensitive lands" is inconsistent with previous discussions. He stated that there might be some availability of extra allocations for environmentally beneficial projects that might not conform to that exact concept. He suggested that this sentence be deleted.

Mr. Cashman commented that the sentence could be modified to have the sentence end with the word "standards", and the remaining portion of the sentence deleted.

Mr. Zuckerman agreed that this modification would be better.

Mr. Cashman commented that he would be interested in how this is addressed in the matrix because it is core to protecting the communities involved. Secondly, on Page 13, 4th paragraph, language is written regarding collaborating with CTC to analyze existing transfer and development rights' programs in the matrix. He asked when that analysis would be done.

Mr. Hitchcock replied that CTC has hired a consultant for the project. Discussions are still taking place regarding the schedule to ensure that the recommendations coming from the analysis can be incorporated into the Regional Plan Update.

Mr. Cashman commented that he was curious because this is another important part.

Mr. Hitchcock stated this is correct and the idea is to try to get the two processes to track hand-in-hand.

Mr. Cashman asked how, in the Community Plan process does community members get the opportunity to give input in the place-based portion of this.

Mr. Zuckerman responded that there is a good model for this in past planning processes utilized by TRPA. He commented that recommendations for the update of each Community Plan would be brought to the Board for approval.

Ms. Marchetta commented that the present system was designed to streamline the Community Plan Update process. This will ensure that the process will go smoother and be of shorter duration than it has been in the past. Also, the process has been refined at the TRPA level so that as projects are brought forth, environmental considerations will be much easier to assess.

Mr. Merrill stated that although the Community Plan Update process has been streamlined, the details of how it works and the implementation are something that the Board needs to be very careful about. He noted that the cost, the lack of consensus and legitimate concerns that were not incorporated in past updates point out the need to tighten the process, but still leave opportunities for meaningful community input.

Mr. Zuckerman agreed, and commented that this is the concept behind the establishment of character areas.

Mr. Merrill asked if there is a need to review the boundaries of Community Plans during the Regional Plan Update.

Mr. Zuckerman replied that it would be appropriate to conduct this review as part of the Regional Plan Update. If the decision is to go forward with this new Community Plan Update concept, then this could be discussed as part of that process.

Ms. Marchetta commented that this process would give the template to the local jurisdictions, so that they can determine their own Community Plans rather than it coming from the TRPA.

Mr. Zuckerman stated that another issue currently under discussion is the need for Environmental Impact Reports in California Community Plans. These plans need to do their own Environmental Impact Reports pursuant to SEQA. TRPA is not a SEQA agency and only requires an Environmental Impact Statement, which doesn't meet Environmental Impact Reports requirements for the Regional Plan. Staff and their consultants will endeavor to address the required questions found in the Environmental Impact Reports during the Environmental Impact Statement process to assist these jurisdictions.

Ms. Montgomery asked when the environmental benchmark set will be completed.

Mr. Zuckerman replied that talented consultant firms could complete this in four to six months. The question is how long it will take to acquire the funding for this since multiple firms will need to be concurrently performing this work. He noted that with twenty two Community Plans around the Basin, even if some

consolidate, it is still a lot of Community Plans.

Ms. Marchetta stated that funding is currently being sought.

Ms. Montgomery stated that her concern is that these benchmarks need to be established in order to finish the Regional Plan Update and in order to get to the Community Plan process.

Mr. Zuckerman pointed out that the Regional Plan Update can be completed prior to the individual Community Plans being environmentally benchmarked.

Ms. Montgomery asked, in terms of the transect zoning as part of the Community Plan Update process, is the Board the entity that would approve the character areas that are proposed by a community?

Mr. Hitchcock responded that this is correct. The Community Plan is a joint document of the local jurisdiction and TRPA. The Board would have to adopt it in order for the allocations and incentives to be available in that particular location.

Ms. Montgomery asked for clarification of how the process would work, and if the Board would have the ultimate approval authority.

Mr. Hitchcock commented that staff would be working with the community during the process and making recommendations to the Board, but the Board would need to adopt the Community Plan with whatever standards it contained.

Ms. Marchetta pointed out that the intent of this is that TRPA has designed a process whereby the local jurisdiction would self-determine standards within that boundary.

Ms. Montgomery stated that her concern is that the process is followed. She doesn't want to wind up with something totally different than what the community asked for and the ramifications of that occurrence. She commented that even with the streamlining, she believes that this will be a lengthy process. She asked how this would affect redevelopment projects versus individual projects.

Mr. Zuckerman responded that the proposal is that individual projects that provide environmental benefit would be able to come directly to TRPA for bonus commercial floor area, whether the local jurisdiction has that floor area or not.

Ms. McDermid asked if something that is adopted by the Regional Plan generates a lawsuit, how would this affect the Community Plan process that must dovetail on an adopted Regional Plan.

Ms. Marchetta replied that is not known. All that can be done is to develop a process that is legally defensible.

Ms. McDermid asked if the Community Plan Updates could be done if there is a lawsuit on the Regional Plan.

Ms. Rinke responded that this would largely depend on what the claims are in the

lawsuit.

Ms. McDermid commented that she was part of a group that did some work in the past in the lower Kingsbury area. She asked if the items on the checklist for environmental performance were going to be reasonable, achievable and measurable. Also, a concern is that many of the properties have absentee owners and getting them involved will be a difficult process.

Ms. Marchetta stated that they would be willing to start the discussion now with local jurisdictions regarding how they can get their second homeowner population involved in the dialogue.

Ms. McDermid suggested that things that can be started now with local jurisdictions be done.

Mr. Zuckerman commented that the work that was done in the lower Kingsbury area was incorporated into the preliminary transect maps for the Tahoe Basin. He noted that similar work has also been done for other areas.

Mr. Sher asked if the governmental entity or a local jurisdiction is going to be determining what goes into the Community Plan.

Ms. Marchetta replied that TRPA will create a template which local jurisdictions can then tailor.

Mr. Sher asked what Ms. Marchetta means when she says local jurisdictions. He noted that communities, such as Kings Beach or Crystal Bay, don't have a governmental body or elected officials.

Ms. Marchetta stated that they exist within government jurisdictional boundaries. These local governments will have to engage with their local public constituencies to develop the Community Plan.

Mr. Sher asked where you would go to ascertain this for a place like Kings Beach. Would you go to Placer County, or is there an identifiable body located in Kings Beach?

Ms. Marchetta replied that it would start with the government jurisdiction within which the sub-communities exist.

Mr. Sher asked if Ms. Marchetta means a governmental entity such as the County or City.

Ms. Marchetta responded that this is correct.

Mr. Sher asked if this means that the County would determine what the "character" of a community will be.

Ms. Marchetta replied that this would be the public input process, and work will be done with the affected counties to design a process to update each Community's Plan process within their governmental jurisdiction.

Mr. Sher asked if it was accurate to state that communities will need to accept environmental developments in order for them to achieve the required environmental thresholds.

Ms. Marchetta responded that accelerating environmental threshold attainment is the basis for the entire Regional Plan, and the greatest gains can be seen in the Community Plan areas. Therefore, they are one area of focus.

Mr. Sher stated that the concern is that a community might not want a particular development and it would be forced to accept it in order to meet the environmental gains that are described in their Community Plans.

Ms. Marchetta commented that all local jurisdictions are going to have to meet the new TMDL requirements. That regulatory overlay is being used to adopt a land use pattern that is consistent with the local jurisdictions getting the credit that each of them needs to be in compliance with its new TMDL permit.

Mr. Breternitz commented that he, as well as other elected officials, have concerns about this new process. He requested that TRPA sponsor a joint meeting with the various entities involved.

Mr. Zuckerman commented this is a good suggestion if and when the Governing Board endorses this concept.

Land Use Issue #3: Is transect zoning a better system than the Plan Area Statements we have today?

Advisory Planning Commission Clarifying Questions:

None

Governing Board Clarifying Questions:

Mr. Sher commented that it is difficult for him to understand how TRPA's transect zoning system works with the local jurisdictions.

Mr. Hitchcock replied that TRPA has been working with the local jurisdictions to make sure that there is consistency. He noted that some local jurisdictions defer to TRPA's system. If an inconsistency is identified, the most restrictive standard applies. The goal is that local jurisdictions will amend their standards to be consistent with TRPA.

Mr. Sher asked if each of the five transect zones will be consistent between counties.

Mr. Zuckerman responded that there are five transects; within each transect there are districts; and, within each district there are character areas. The zoning of any location around Lake Tahoe would be determined by the character area rather than transects.

Ms. McDermid asked how much flexibility is built into Community Plans for changes in the use of land in transect zoning.

Mr. Hitchcock replied that the goal is to develop predictability with transect zoning. Once a character area is designated, then everyone knows what is expected. He noted that there are mechanisms in place that allow for amendments to the Regional Plan and Community Plan, if they are needed.

Ms. McDermid commented that the Lake Tahoe Prosperity Plan is looking at seven different economic clusters around the watershed. If any of these were implemented, it could change a particular character area. How would this be addressed without going through a complex process?

Mr. Zuckerman provided an example of how this would be addressed.

Ms. Montgomery commented that she encourages lots of communication so that people will understand what their role will be in transect zoning system and the importance of their input.

Mr. Zuckerman agreed that more effective communication to communities will be beneficial.

Mr. Merrill stated that he supports this concept, but he agrees that more community education needs to be done along with providing more clarity on hot button issues.

Mr. Cole commented that it was his belief that this concept would allow communities to have more flexibility. He stated that if he understands the previous discussion correctly, they would still need to come back to TRPA for an amendment if there was a character area change.

Mr. Hitchcock replied that this is correct. Unfortunately, it is not possible to predict all of the uses that might be wanted in the future. He commented that he isn't sure how this can be solved, but more research of the issue could be done.

Mr. Cole commented that this would be good.

Mr. Zuckerman noted that he believes that some of these issues would deal with character changes rather than environmental changes. He would prefer that these be kept as local as possible.

Ms. Marchetta agreed that this should be reviewed.

Ms. Aldean requested clarification regarding how transects intersect with Plan Area Statements, with respect to allowable and special uses.

Mr. Hitchcock stated that each of transect is incorporated into the plan area, and plan areas and Plan Area Statements are still in use. He noted that plan areas establish geographical locations. For each transect, a permissible use matrix for each one would need to be developed, which would specify if the use was allowed or special.

Ms. Aldean stated that if what is an allowed use and what is a special use is being redefined, then the Plan Area Statement is being replaced.

Mr. Zuckerman stated that the Plan Area Statement as it currently exists, is a large package of information about a plan area, which is a geographical area. He pointed out that one of the good things about transect planning is that it allows a lot of information to be incorporated on the map which lessens the size of the package.

Ms. Aldean asked if the permissible uses may be different than the current allowable uses within an existing plan area based on transect zoning.

Mr. Zuckerman replied that he does not believe that this is necessarily the case. He provided an example.

Ms. Aldean commented that this would address her concern regarding allegations that there would be down-zoning if the existing uses that are contained in the Plan Area Statements will be consistent with the allowable uses in the transect zoning. Ms. Aldean asked if in this transect zoning there are any large pieces of property in the Tahoe Basin that may end up with split zoning.

Mr. Hitchcock stated that there were some areas that had the split zoning and an attempt has been made to fix that situation.

Ms. Santiago commended staff on their explanation of transects. She stated that she believes that this is a better system. She asked what the relationship was between PTOD and transect zoning as it relates to the two-step subdivision provisions.

Mr. Zuckerman replied that although it has been stated that land use issues are connected, this question really ties several issues together.

Ms. Santiago commented that she agreed, but believed that this question might speed up the process.

Mr. Zuckerman explained that there is no appetite in the Tahoe Basin to allow mixed use in the T3 Zoning District which is single family neighborhoods. PTOD is defined as being the walkable centers that allow mixed use and multi-family and it only exists in T4 and T5 transect zoning. Because TRPA Code requires two-step subdivisions that require both single family and multi-family residential use available within that zoning district, you have them available in the PTOD zoning districts. You can be assured that the only two-step subdivisions that will be allowed in transects will also be PTOD developments.

Mr. Biaggi proposed that discussion continue on the issues, and hopefully fairly quickly it can get to a point where the APC can begin their deliberations. The APC can then give the Governing Board their recommendations. The Governing Board will then finish their discussions and public comment, adjourn and reconvene tomorrow.

Mr. Upton requested clarification that the Governing Board would postpone voting on the questions currently under consideration until the end of the day.

Mr. Biaggi replied that the voting would take place at the end of the day tomorrow since there are some weighty planning issues to deal with tomorrow as well.

Ms. Bresnick stated that the intent today was to finish Board clarifying questions, go to Public Comment.

Mr. Biaggi commented that the agenda item regarding Land Use Issue #7 having to do with TAUs could be a lengthy discussion in itself. He asked, per previous comment by Mr. Zuckerman, if this item should be referred back to staff to conduct a working group to study this very controversial issue. He asked if there were any objections to this from the Governing Board or the APC.

Mr. Upton commented that as a citizen, he would like to see faster conversion of existing old motel TAUs into some new vehicle. If that is the goal, then he would be interested in making some suggestions along those lines.

Mr. Biaggi suggested to Mr. Zuckerman that Mr. Upton be included in the working group. He noted that public comment will also be taken regarding the TAU issue at the appropriate time.

Ms. Montgomery requested clarification regarding ideas that the Governing Board has on the issue. Should they be given to Mr. Zuckerman?

Mr. Biaggi stated yes. This issue will again be presented to the Governing Board as a policy discussion item and public comment will be taken once it's better defined.

Land Use Issue #4: Will PTOD really work in Tahoe?

Advisory Planning Commission Clarifying Questions:

None

Governing Board Clarifying Questions:

Ms. Bresnick requested clarification of the information contained in the Table on Pg. 20 titled "How Much Land Could Be Up-Zoned in The Proposed Transect Planning System."

Mr. Zuckerman provided clarification.

Ms. Bresnick asked for further instructions on how to read the table.

Mr. Zuckerman provided this information.

Ms. McDermid asked why PTOD was only included in Alternative Two.

Mr. Zuckerman responded that transects are only available in Alternative Two.

Ms. McDermid noted that there are other examples from communities similar to Tahoe where PTOD works well. She asked if that doesn't indicate that it has the ability to work here.

Mr. Zuckerman responded that staff believes that this is correct. The reason the issue is being brought up is because there are people in the area who don't believe that it will work.

Ms. McDermid stated that she believes that it depends on where that concept is going to be put into practice.

Mr. Sher commented that in spite of the fact that it's worked elsewhere, he would need further information. He noted that some people would like to see in the Regional Plan Update, an alternative where the goal is to accelerate threshold achievement without these increases in height and density and he supports this desire.

Mr. Biaggi noted that the discussion seems to be leaning toward deliberation.

Ms. Marchetta stated that she believes it is important to answer this because we do have alternatives.

Mr. Zuckerman pointed out that Alternative 4 does provide for a way of creating environmental gain without necessarily height and density or concentrating on PTOD and accelerating development in the very center commercial core areas. He noted that the diagram in Alternative 2 addresses the question of where the density comes from.

Mr. Tolhurst commented that the Boulder Bay example is not parallel or comparable. Also, the statement at the beginning of Paragraph 4 on Page 21 concerning Boulder Bay's "intense economic growth" makes their situation not comparable to that of Tahoe. He commented that a compacted PTOD here would need to have open space surrounding it. He did not believe that this is something that would be well received locally.

Mr. Biaggi clarified that public comment on TAUs can be given to staff, but this issue will be brought back to a future Board meeting where public comment on the issue will be taken. Also, a public sign-up sheet is available if anyone would like to give public comment at this meeting.

Land Use Issue #5: Should TRPA amend the "two-step" subdivision provisions?

Advisory Planning Commission Clarifying Questions:

Mr. Upton stated that he supports staff's recommendation on this issue, but requested that the terminology of "subdivision" be changed to something that more accurately describes the activity and does not have a negative connotation. He suggested "structural parcelization", or "two-step multi-family ownership process" be considered.

Ms. Merchant asked if members were allowed to comment, or were they only permitted to ask clarifying questions.

Mr. Hitchcock replied that only clarifying questions from the APC members were being sought at this time.

Ms. Merchant asked if staff has considered the difficulty of the California Building Code that requires different things from multi-family residences versus single family owned residences. She asked how this would be resolved in the proposal not to change this.

Mr. Hitchcock replied that this hasn't been resolved because it is a Building Department issue. He commented that it should be the applicant's responsibility to let the local jurisdiction know up front that they are proposing a subdivision, so that the local jurisdiction can review it appropriately.

Ms. Merchant commented that there is a different application process between a multi-family residential project and a subdivision.

Mr. Zuckerman replied that is correct, and in those cases applications for both of those steps are accepted and processed as one project. The Governing Board would take two different actions, one approving the multi-family project and then immediately afterwards, one approving the subdivision.

Ms. Merchant stated that she would like to discuss this further during the comment section.

A question was asked regarding whether or not Placer County is having difficulties with creating multi-family projects and then turning them into single family ownership because of an issue that is caused by TRPA Code.

Ms. Merchant stated that she doesn't know if other locations are encountering issues, but in Placer County when the Building Code changed in 2008, there was a project that had applied as a multi-family residential project per requirements. They then wanted to change it to a subdivided two-step, but because of Code requirements they couldn't get approval from the Placer County Building Department, because they had applied for multi-family residential and built it. It was a lengthy dispute. She suggested that this could be addressed in the application process.

Ms. Marchetta stated that staff is aware of this issue, and it tends to be a communication issue. If staff is aware of the end use of the project, it can be built in as a dual application. Further discussion could be held regarding how to best notify applicants during the application process.

Ms. Merchant agreed that this would be good.

Ms. Aldean commented that there is also an issue because California requires that a subdivision map be recorded at the beginning, but TRPA doesn't want the subdivision map recorded until the units are built. This contradiction should also

be addressed.

Governing Board Clarifying Questions:

Ms. Bresnick requested that further discussions be held with the California Attorney General's office to assure that they are in agreement with this proposal.

Mr. Cole commented that this may be a difficult task, but the purpose is worthwhile. If the process could be streamlined, that would be beneficial.

Land Use Issue #6: Should TRPA continue to link CFA allocation to environmental performance?

Advisory Planning Commission Clarifying Questions:

None

Governing Board Clarifying Questions:

Mr. Cole asked if there are commercial development areas outside of the Community Plans that are being encouraged.

Mr. Hitchcock replied that there are a few, some in Placer County.

Ms. Montgomery commented that there are also some on the West Shore.

Mr. Cole stated that it is his understanding that the West Shore doesn't want a lot of commercial development. He commented that he wants to make sure that there is a tie-in between the transfer of development match and the Community Plans to incentivize this type of development to take place in the T4 and T5 zones.

Mr. Zuckerman commented that the concept here is to evenly distribute the bonus Commercial Floor Area that would be available between the transfers of development match that would be distributed directly from TRPA to projects, whether or not they are in Community Plans, and to Community Plans, which really means distribution to local jurisdictions.

Mr. Cole commented that he just wants to assure that the transfer of development match doesn't preclude most of the Commercial Floor Area going to the Community Plans.

Mr. Zuckerman stated that he believes that most of it is going to end up in the Community Plans anyway.

Mr. Cole commented that he can have further discussion with Mr. Zuckerman regarding how a TAU can go to Commercial Floor Area as long as it is in the Community Plan.

Ms. Aldean commented that having conveniently located neighborhood commercial developments is a good thing, as it promotes walking to them.

Therefore, there needs to be some flexibility in how Commercial Floor Area is distributed, because there may be opportunities to reduce VMT by awarding that Commercial Floor Area to projects outside of Community Plans.

Mr. Sher requested clarification regarding if the question before the Board is, if there is additional commercial floor allocations, should it be linked to environmental performance/

Mr. Zuckerman responded that the idea of creating a pool of Commercial Floor Area for TRPA to distribute, based on environmental performance doesn't mean that CFA has to be distributed. It's based on environmental performance being achieved.

Mr. Sher asked if the Board voted positive on this, would they be barred at a later time, voting that they would rather have Alternative 1.

Ms. Rinke replied that as a technical matter, the Board could vote one way now and vote differently later, because this is a straw vote to give direction to staff on policy issues. As part of this process, she believes that staff is hoping for clear guidance and an indication of which direction the Board would like to go.

Ms. Montgomery referred to Page 25, the last three paragraphs, and asked why the different approaches to Commercial Floor Area. She also asked what does holding off on the new Commercial Floor Area until after five years do to potential redevelopment projects brought forward by jurisdictions.

Mr. Zuckerman replied that the reason for the bifurcation is that if an individual project comes forward with an excellent project that required a CFA match, it is desirable to have that match as soon as the Regional Plan Up-date is adopted. He noted that TRPA is not sitting on Commercial Floor Area. It's been distributed to the local jurisdictions and to special projects. On the other hand, the Community Plans are now sitting on 160,000 sf of Commercial Floor Area that currently no one is seeking. Also, he reviewed the plan to provide meaningful incentives for local jurisdictions to meet their TMDL targets. If a local jurisdiction were to come forward with a redevelopment project and needed more CFA than they already had banked, provided they were the project applicant, they could come to TRPA and request additional Commercial Floor Area from the transfer and development match pool

Ms. Montgomery requested confirmation that if the local jurisdiction is the project proponent, they could request additional Commercial Floor Area directly from TRPA.

Mr. Zuckerman responded that is correct. He pointed out that a theme running through the Regional Plan Update is public/private partnerships.

Ms. McDermid asked why square footage would be held by TRPA versus just giving it to local jurisdictions to hold.

Mr. Zuckerman replied that it is believed that currently there is adequate Commercial Floor Area available, and it is important to have some Commercial

Floor Area available for projects that don't take place in Community Plans.

Ms. Marchetta commented that TRPA does have an interest in trying to direct where the environmental gain comes from in that public/private partnership. She provided examples of how TRPA could direct their environmental target of a particular project using the Commercial Floor Area award. She noted that TRPA is part of a public/private partnership, because of their obligation to meet their threshold standards.

Ms. McDermid stated that unless a project applicant is in a Community Plan, they would have to go to TRPA instead of the local jurisdiction if they want additional Commercial Floor Area, and that is her concern.

Ms. Marchetta responded that she believes that the local jurisdictions may be holding Commercial Floor Area, so the local jurisdictions would have the option of taking it from their pool, rather than from TRPA's pool.

Mr. Hitchcock replied that Commercial Floor Area for projects outside of a Community Plan can be earned from by local jurisdiction provided that there are certain types of allocation mechanisms in place. Also, transfers can be made by buying someone else's Commercial Floor Area.

Mr. Merrill asked where the allocation of Commercial Floor Area comes from when the 200,000 sf of new Commercial Floor Area is put in place per the Regional Plan. Is this based on the assumption that the Tahoe Basin will need this additional Commercial Floor Area plus what is currently in the Basin and what is banked by local jurisdictions?

Mr. Zuckerman replied that the original 1987 Regional Plan allocated 800,000 sf of Commercial Floor Area, and about one-half of that allocation has been used to date. The recommendation in the Regional Plan Update is to allocate 400,000 sf for Commercial Floor Area, which is the one-half left from that original amount. He noted that it is not known whether this much is needed, but the goal is to have the Commercial Floor Area available to incentivize the transfer of development to desirable areas rather than undesirable ones.

Mr. Merrill asked how a current business could be incentivized to move from an undesirable area, since there is so much Commercial Floor Area currently available.

Mr. Zuckerman replied that the goal was to have Commercial Floor Area available in the Regional Plan Update, but it may not all be used.

Mr. Beyer commented that the verbiage should be such that an environmental gain is attained. Any development should be the right development in the right location at the right time, and this needs to be kept in mind when the Commercial Floor Area allocation is done.

Land Use Issue #7: Should TRPA limit the size of TAUs that are redeveloped?

Staff will bring back additional information to the Governing Board and Advisory Planning Commission on this issue.

Air Quality Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?

Advisory Planning Commission Clarifying Questions:

Ms. Merchant asked if the highest priority will be looked at based on a Basin-wide priority list; or would it be by jurisdiction since funds are currently collected by project by jurisdiction.

Mr. Zuckerman responded that an example is given on Page 34, which states that the mitigation funds are distributed in the jurisdiction where they were collected. He noted that in the implementation phase, there may be discussion of how certain programs would be best handled on a Basin-wide basis.

Governing Board Clarifying Questions:

Mr. Cole commented that he believes how the funds are used should be changed. He gave an example of an issue in his area. He asked if the funds should be used to maintain and improve existing projects aimed at improving air quality, or should they be used just for new projects.

Mr. Zuckerman responded that he believes that the process has already been started to revise the mitigation structure to allow the use of funds for existing projects.

Mr. Cole commented that he supported the use of the funds for the maintenance and improvement of existing projects.

Ms. Montgomery asked how the highest ranked projects would be defined.

Mr. Zuckerman replied that staff has ideas on how to prioritize by cost effectiveness, such as grams of pollutant per dollar spent. He noted that exactly how this would be done has not been fully developed.

Ms. Montgomery stated that she is aware that TRPA staff has been working with Placer County staff, and she is glad to see this happening as Placer County already has some very good guidelines in place. She commented that she does have a concern regarding Basin-wide efforts, since there are two different air districts in the Basin. She noted that this would be discussed later in the meeting under another agenda item.

Mr. Merrill commented that funds should be used for maintenance and monitoring of projects, as well.

Ms. Rinke commented that there are some legal constraints that will need to be considered in the monitoring of projects versus the implementation of monitoring, instead of mitigation.

Air Quality Issue #2: Why is TRPA proposing changes to the existing wood stove program?

Advisory Planning Commission Clarifying Questions:

Mr. Tolhurst asked what the definition of what a woodstove is.

Mr. Zuckerman replied that it is called a wood heater and is defined in TRPA Code. It was noted that it does state that coal will not be used as a fuel source.

Mr. Tolhurst commented that this was his point.

Mr. Zuckerman pointed out that a wood heater started out as a fifty-five gallon drum with a pipe where wood chips were used.

Mr. Tolhurst noted that a wood heater is something that you use to heat the house, and he asked what that is.

Mr. Hitchcock stated that this is a fireplace.

Mr. Tolhurst asked if that means there is no restriction on fireplaces.

Mr. Hitchcock responded that the proposal is that there will be no changes to the rules, as they apply to a fireplace.

Mr. Tolhurst asked if a person has a wood stove insert in their fireplace, could they take the insert out and burn wood in the fireplace and still be in compliance.

Mr. Zuckerman replied yes and read the definition of a wood heater from the TRPA Code.

Mr. Tolhurst stated that this is a definition of a wood heater, and the material he has says woodstove. His concern is, if the goal is to have all fireplaces removed within ten years, this could be a major remodel for the homeowner. Or, is the goal that all fireplaces need to have an insert in them.

Mr. Zuckerman replied that woodstove and wood heater have different definitions. He stated that he would be willing to take this issue back for further review.

Mr. Tolhurst commented that he believes that a fireplace is different than a wood stove, but was reading that in this language that it means anything that burns wood in the house. He requested that further discussion be held on the issue.

Ms. Merchant asked if TRPA has, or proposes to create, an Air Quality Attainment Plan with the Regional Plan Update.

Mr. Zuckerman responded that staff is proposing something along those lines.

Ms. Marchetta commented that there is an old, outdated plan currently in place.

Ms. Merchant asked how implementation measures could be recommended if the Attainment Plan is outdated.

Mr. Zuckerman read an excerpt from page 39 regarding Issue 3 and pointed out that throughout the document, it is stated that air quality mitigation measures won't be required when the basis is not present to do so.

Mr. Merchant asked for clarification that the plan would be developed first and then the mitigation measure after the fact, or is the proposal that the mitigation measures be done first.

Mr. Zuckerman commented that some mitigation measures will require background on some scientific basis prior to requesting them. He provided examples of items that would and would not require this type of baseline information.

Ms. Marchetta commented that it is her understanding that the implementation strategies in the current plan is what is out of date, rather than the overriding standards that are trying to be met.

Ms. Merchant thanked Ms. Marchetta and commented that clarification at a later date would be good, regarding what measures are the most cost beneficial.

Mr. Jepson requested clarification that the definition of a woodstove is different than a wood heater. He asked if the goal is to eliminate fireplaces. He commented that previous discussion with the committee determined that if a fireplace that was not used frequently, but rather was for aesthetic purposes, would be exempt.

Mr. Zuckerman stated that it was not the intent of TRPA to have people remove their fireplaces. He noted that a wood heater includes fireplaces, and what is listed in the FactSheet relates to woodstoves. Further discussion is needed with staff to clarify the issue, but the intent was not to require the removal of fireplaces.

Governing Board Clarifying Questions:

Ms. Aldean requested clarification of the language in 2C that the buyer or seller must replace any non-conforming units with one that meets certification requirements, prior to the close of escrow on a property. She noted that a buyer doesn't have the authority to make changes to the property prior to the close of escrow.

Mr. Zuckerman replied that this will need to be further discussed and clarified.

Mr. Cole commented that if someone remodels or rebuilds a home that has a built-in fireplace, they have the right to put in another one. He suggested that this be reviewed to see if language requiring an alternative could be required at that time.

Mr. Zuckerman agreed. He commented that a possible solution is to create new

definitions for a wood heater and a woodstove.

Mr. Cashman asked if these recommendations should be evaluated under the current definition of a woodstove, or should the new definitions be done and then the issue be reconsidered.

Mr. Biaggi commented that he believes that when the Board gets to deliberations, one of the items can be directing staff to develop consistent definitions.

Mr. Cashman requested confirmation that the implementation measures referenced are part of the Regional Plan Update and not current existing Code.

Mr. Zuckerman stated that is correct.

Mr. Cashman referred to IMP 15, Sub-issue B; the original recommendation in the Regional Plan Update was "ban woodstoves in all new residential construction."

Mr. Zuckerman stated that is correct.

Mr. Cashman asked for clarification that this is a recommendation for a change from the current Regional Plan as part of the Regional Plan Update.

Mr. Zuckerman stated that is correct.

Mr. Merrill commented that earlier it was stated that 20% of the fine particulate matter from burning in the Basin comes from woodstoves. He asked what other factors contributed to this pollution.

Mr. Zuckerman responded that he wasn't sure that anyone knows the amount of the fine particulate matter contributed by forest fuel reduction projects. It is more important to have best smoke management practices used when this is being done, so the smoke does not settle in the Basin.

Mr. Emmett stated that there are other contributing factors to fine particulate matter in the air including roads, aircraft, watercraft and off-road vehicles.

Ms. Marchetta commented that when this issue was discussed by staff, the burning of excess fuels needed to be considered as a policy matter. Alternatives to burning them are to leave the material on the ground or bio-mass utilization.

Mr. Biaggi commented that the bio-mass plant in Carson City is being shut down due to cost issues.

Ms. Montgomery referred to Sub-issue 2C, and asked if there was language regarding the requirement for the destruction of any old non-compliant wood stoves and proof of this being done.

Mr. Zuckerman replied that currently there is no requirement that the stove be destroyed.

Ms. Montgomery suggested that language regarding the requirement that it be destroyed be added.

Air Quality Issue #3: Should TRPA require a reduction in pile burning?

Advisory Planning Commission Clarifying Questions:

Mr. Goldberg asked if this would be done through the Tahoe Fire and Fuels Team or through another permitting process.

Mr. Zuckerman asked if Mr. Goldberg was referring to the delivery of the Smoke Management Plans to TRPA.

Mr. Goldberg replied yes.

Mr. Zuckerman responded that it would be an informal process rather than a permitting process.

Governing Board Clarifying Questions:

Ms. Aldean requested clarification of the authority of TRPA with respect to pile burning by the US Forest Service. She commented that the Forest Service has not burned in a responsible manner in some instances.

Ms. Marchetta replied that TRPA is not a hazard fuel reduction implementing agency, but rather relies on the implementers to apply best practices.

Ms. Aldean commented that there is a burn permitting process for the State of Nevada and it is her understanding that the Forest Service does not always secure the needed permit for their burns. She asked why TRPA couldn't similarly require permits for this.

Mr. Biaggi stated that each state has their own permitting requirements. He noted that he sits on the Bi-State Fire Commission, and it was their position that each state implements its own smoke management and permitting process. He commented that he believes that it would be a step backwards for TRPA to become involved in this aspect of the issue.

Ms. Aldean commented that further discussion can be held on the agenda regarding whether or not the area should be treated as one air basin.

Ms. Montgomery commented that the agenda topic is a little different than the proposed language, which deals with fire agencies providing Smoke Management Plans and collaboration with TRPA on the best methods for reducing forest fuels with the least impact to air quality. She asked for clarification on what best methods would be, or would this be further reviewed when implementation is discussed.

Mr. Zuckerman replied that best methods are defined in the footnote on Page 38. He noted that the agenda topic is worded the way it is, because the original

implementation measure would have required a 40% reduction. When meeting with stakeholders, it was pointed out by them that they was already that much reduction. It was determined that TRPA shouldn't require the reduction, but rather be at the table to work with them on how they already accomplish this.

Ms. Montgomery stated that she would like to see wording included pointing out that pile burning is a tool that will need to remain an option.

Mr. Zuckerman responded that he believes that it will remain as a fuels reduction policy.

Air Quality Issue #4: Should TRPA require Basin-wide air quality standards?

Advisory Planning Commission Clarifying Questions:

Mr. Goldberg asked if the difference between AQ IMP27 versus 30 is because of the different regulations in California and Nevada.

Mr. Zuckerman replied that IMP 27 would allow the different states to adopt their own Air Quality Standards, and 30 would require the single most stringent standard be applied Basin-wide.

Mr. Goldberg asked when "region" is being referred to in IMP 27 and 30, is that referring to El Dorado and Placer County on the California side.

Mr. Zuckerman responded that "region" would be the political boundary of TRPA, so it would be the Tahoe Basin.

Mr. Lefevre asked the difference between the current situation and Alternative 2.

Mr. Zuckerman replied that there is very little difference now. The difference is that Alternative 2 required adoption of standards by TRPA, whereas in Alternative 3, TRPA is currently silent on the issue.

Governing Board Clarifying Questions:

Mr. Sher commented that the staff recommendation is inconsistent with what is said under the first Air Quality Issue that states "... It may be more cost effective to reduce air pollutants through Basin-wide efforts." He noted that there is one basin here, and having two different standards is not the best way to go.

Mr. Zuckerman replied that the argument that it's one basin and needs one set of standards was what staff believed for a long time, but after looking at the effect of having two sets of standards, it changed our minds. It is believed that having just one set of standards will not benefit air quality in the Tahoe Basin at all.

Mr. Sher commented that he did not believe that TRPA should get into incentives for the purchase of hybrid vehicles.

Ms. Montgomery asked if baseline data is currently available that shows where

the emission sources are, their types, the Basin's carrying capacity to absorb them, etc. so that if these standards are adopted, the improvement can be measured.

Mr. Emmett replied that an inventory of what is believed to be the sources are in place. The carrying capacity, which can be thought of as a TMDL, will be a three to four year, multi-million dollar, process.

Ms. Montgomery asked if an analysis of emission trends over time is available.

Mr. Emmett responded that some data is available regarding sources, but it depends on what pollutant you are researching. This information has been incorporated into the information provided to the Board.

Ms. Montgomery commented that it sounds like an Air Quality TMDL will be developed.

Mr. Hitchcock stated that the answer is yes.

Ms. Montgomery asked if TRPA will identify the source of funding to make this happen, or will the local jurisdictions need to do this.

Mr. Hitchcock replied that this will need to be a collaborative process.

Ms. Santiago requested clarification of Alternative 2 regarding: "adopt and implement Air Quality Standards whichever are strictest in the respective portions of the region for which the Standards are applicable." She asked if the requirements for whatever jurisdiction is being discussed would be applied. Also, are there new SEQA requirements regarding air quality and how does this fit into the Alternatives?

Mr. Zuckerman replied that the proposed implementation measure is taken straight from the compact.

Ms. Rinke commented that she believes the question is whether El Dorado rules will apply in El Dorado, Placer rules will apply in Placer, etc.

Mr. Zuckerman commented that the important thing to remember is that these are really not rules. Rather, these are caps that get tripped, that let TRPA know that they are out of attainment. The question is whether or not TRPA wants to force Nevada to raise their standards in the Tahoe Basin, so they are at the level of California standards. This will not be necessary because TRPA will know when the Basin is out of attainment, based on the trigger in California getting tripped.

Ms. Rinke noted that when it is stated "...the Standards of the region", this is not referring to the procedural requirements of SEQA, etc. or the measures that are used to achieve the standard, but rather this is referring to the statewide standard. She commented that the language perhaps needs to be more precise.

Ms. Santiago commented that this language does not reflect this and it would be good for it to be clarified.

Ms. Bresnick agreed that the language needs to be clarified.

Ms. Marchetta stated that the language will be revised to make it clearer.

Mr. Zuckerman commented that his belief is that the whole issue should be removed.

Mr. Beyer stated that we need to keep in mind that whatever requirement is included, there needs to be thought given to how the mitigation of that quality is going to be implemented. His concern is that whatever standard is set, there will still be maintenance of the ability to reach the mitigation that is desired. Lastly, the mitigation factor of any type of environmental enhancement is money.

Ms. Aldean commented that the sovereignty of each state needs to be upheld.

Mr. Biaggi noted that there is enough flexibility within TRPA to allow this to happen.

Public Comment:

Laurel Ames reviewed their concerns with Land Use Issues.

Mr. Zuckerman commented that the verbiage that was of concern to Miss Ames only affects this packet.

Jennifer Merchant, Placer County Executive Office, thanked staff for their patience and perseverance. She reported that the staff concerns regarding the document have been reviewed with the elected officials from Placer County. She outlined their concerns.

Ellie Waller, Friends of Tahoe Vista, commented that she was delighted on the number of questions asked by TRPA which mirrored her concerns, but that the agenda was too aggressive in the amount of information that would be presented in a single meeting day, which diminishes the public's opportunity to comment. She requested more information regarding transect zoning in order to clear up confusion and information that needs more clarification. She asked to be allowed to review the same information that is provided to environmental groups and the list of business stakeholders.

Alvina Patterson expressed concern about the view if four story buildings were allowed and suggested this issue be addressed. She stated she had concerns about higher height limits and more density. She commented that staff was pushing for Lake Tahoe to become more "city-like" in order to increase revenues. She suggested TRPA investigate this issue and inform the public.

Mark Novak, Tahoe Basin Fire Districts, commented that Air Quality Issue #3 would duplicate the air quality regulatory authority above carb and NDEP in both

California and Nevada, which would be in opposition to the Governor's Bi-State Blue Ribbon Committee recommendation, which states that implementation of forest fuels reduction projects should not be impeded by redundant regulation. Regarding Air Quality Issue #4, Mr. Novak noted the Tahoe Basin Fire Agencies have always used best methods for reducing forest fuels which are reviewed for each project by the Tahoe Fire and Fuels Team and the MACK which includes TRPA staff. It was requested that the Governing Board direct staff to meet with fire agency stakeholder groups to further refine Air Quality item #3 and that language for item #3 to be amended as follows: "fire agencies will continue to follow air quality regulations of the respective State regulatory agencies. The Tahoe Fire and Fuels Team will collaborate with fire agencies to refine smoke best management practices." Mr. Novak noted that the Tahoe Basin Fire Chiefs support Air Quality Item #4, if standards remain in relation to their respective States.

Pat Davidson, Contractors Association of Truckee/Tahoe, stated they support staff's recommendations for amended language or the deletion of certain items. She noted a "Minority Report" was included in the Association's comments to present different point of views on some issues that were not discussed today. She added they support residential allocations that are earned by local jurisdictions and for local jurisdictions to be able to hold onto those allocations. Lastly, they support allowing State agencies to take the lead in developing carb regulations.

George Koster provided feedback in support of land use elements of the Regional Plan Update that would generate revenue, provide affordable housing and develop more pedestrian-friendly areas.

Amanda Royal, League to Save Lake Tahoe, thanked staff for their work on the FactSheet and TRPA for questions asked during today's meeting. She stated the League supports responsible redevelopment that achieves environmental restoration, but this was not shown in Land Use Issue #2, which will only allow increased height and density, if coupled with transfer of development from sensitive lands. She suggested further review of the soft coverage issue before making a decision that could create detrimental consequences. There was also a concern with increased traffic with the proposal to allow more development and that it was suggested to limit high density development to the already dense casino corridor on the South Shore and for TRPA to put a cap on allocations.

Margaret Martini reiterated Ms. Waller's concerns regarding the lack of transparency of information being provided to the public regarding these meetings. She noted the public should be considered a stakeholder and that these proposals were only to generate more revenue.

Jennifer Quashnick, Sierra Club, suggested having more monitors for air quality and emissions inventory. She commented on the need to maintain public health by one standard for the entire Basin.

John Sell commented on TRPA's "favoritism" towards developers at the expense of the public.

Ann Nichols commented that staff pulled the transect maps from the website because of “wild” comments sent in. She stated public input was needed and that the public should be included as a stakeholder. She clarified the significant height and density difference in the transect proposal. She commented that transect zoning does not work and provided an example. She suggested Community Plans be done before this proposal is decided upon and that more information be provided to the public.

Susan Gearhart, Friends of the West Shore, commented on the concerns by West Shore residents regarding the proposal and suggested reducing development.

Judy Tornese stated she urged TRPA to look at other alternatives especially Alternative 4 which has fewer units or develop other compromise alternatives to address concerns presented today. She also asked TRPA to include full-time residents from the Lake Tahoe Basin to represent the public, in addition to government officials, to reduce community concerns. Building should not be allowed on raw, vacant or sensitive land. Development should be based on market demand in order to prevent developing “white elephants.” There should be plans to phase in new development based on the number of units and cumulative impact on the environment and traffic.

Justin Brogglio, Tahoe City Downtown Association, stated they were in support of Placer County’s recommendations and concerns and for Community Plans to be allowed to move forward in parallel with the Regional Plan Update.

John Falk, Tahoe Sierra Board of Realtors, expressed support for the transect planning. There was concern with the “benchmarking” listed in Land Issue #2, because those issues should be addressed by the private sector. Regarding Land Use Issue #4, they were in support of increasing incentives both by type and availability. They were also in support of a date certain for installing universally-mandated woodstoves, but there should be no escrow entanglement. There was concern about regulating open masonry fireplaces.

Lea Kaufman expressed concern with the complexity of issues and the lack of additional information. She suggested making the proposal simpler, respect community desires for individuality, offer real incentives to gain environmental improvements, and to codify the criteria in Community Plans.

Steve Teshara commented that they will continue to work with the TRPA on some of the issues that they are concerned about.

Patricia Wallup pointed out staff proposals would prevent the Boulder Bay Project from being developed, because the project does not comply with these proposals.

Mr. Tolhurst, Chairman APC, requested developing Universal Development Rights (UDRs) to prevent the development of matrixes and to allow property owners to determine what is best for their properties.

Mr. Biaggi opened the Thursday, May 27, 2010 meeting at 9:40 a.m.

A. Homewood Ski Area Master Plan & CEP Project Briefing

Ms. Marchetta introduced the Homewood Ski Area Master Plan briefing.

Art Chapman, JMA Ventures, presented the proposed project.

Staff member David Landry presented the alternatives that will be analyzed in the draft environmental document.

Board Comments & Questions:

Mr. Sher asked about the matrix for the six alternatives. He asked for confirmation that five of the alternatives would encompass retention of the skiing and that the only alternative that would lead to closing would be the residential estates. Are the five alternatives based on economics?

Ms. Marchetta replied no. TRPA has not analyzed the economics, but designed the environmental alternatives to frame the environmental constraints and trade-offs. The economic question would have to be addressed by the project applicant.

Mr. Sher asked for clarification that the five alternatives would permit skiing, but the residential estates would not.

Ms. Marchetta clarified there is the one alternative that would remove the ski facility from the possibility of operation on the site.

Mr. Sher asked if it was changed because it would not be feasible to build the fourteen estates with a ski facility.

Mr. Wells stated Alternative 4 consists of approximately 16 estate lots that would be placed on the mountain in place of ski facilities.

Mr. Merrill commented that the Environmental Impact State would include snow making which would produce run-off. He asked about the environmental impact with the increase in run-off.

Rob Breuck, Consultant, stated there was existing snow-making at the base areas currently. The proposal was to increase the amount of acreage that can be covered with snow making. The analysis was looking at the increased use of water for making snow and potential noise impacts. They would also look at the increased snow pack and how that might change run-off during spring.

Mr. Merrill commented that the public was also interested in the building phase of the project and asked about the building phase.

Mr. Chapman reported the first phase would be the North Base and the Mid-Mountain Lodge, the public area. Construction would take approximately two years and the absorption and stabilization would take another two years. The

South Base would not be developed, but would remain open during construction of the first phase so the mountain can be opened to the public.

Mr. Merrill asked if the first phase would include all hotel and residential units being considered for the North Base.

Mr. Chapman stated that was correct. The goal was to have all construction complete so it can be stabilized.

Mr. Merrill asked about the types of units that would be available.

Mr. Chapman stated there would be no timeshare units and fractionals would eventually be replaced with whole ownership units.

Mr. Merrill asked how many hotel and residential units there would be.

Mr. Chapman reviewed the amount of hotel and townhouse condominiums that will be developed that would amount to 14-15 units per acre.

Mr. Cashman asked if separate or connected structures were being proposed under Alternative 1.

Mr. Chapman stated it made sense, from a green building principle, to build it in one structure and that they would take into consideration TRPA's concerns regarding height requirements.

Mr. Cashman asked if they would like to see the separate construction that would require a height amendment by TRPA.

Mr. Chapman replied yes, otherwise they would be required to break the buildings up.

Mr. Wells reviewed the connected and separate buildings being proposed.

Mr. Beyer commented that height would have a visual impact and that they were developing a code structure that would allow a height base. He asked if staff took into consideration the visual and environmental impact to the lake with the possible height of this project or another project that may require a height amendment. He also asked staff to explain why Alternatives 3 through 6 were being considered and what happens to the ski resort if there is no alternative.

Rob Breuck, Consultant, stated the project was proposed for the North Base with large structures on the side of a steep hill that would meet TRPA's current height definition. Alternative 3 would have the same visual impact, but would create more land coverage and disturbance because the same number of units would be separated. Alternative 5 would take all uses in a smaller area in the existing parking lots in the North Base, but density would increase. Alternative 6 would look at the environmental impact if the number of units were reduced and separated into lower heights and lower densities. Alternative 4 would include closing the ski resort and selling off the estate lots in order to get an economic return back on the project.

Mr. Beyer commented that there was a balance between doing a development like this and not doing a development and the environmental impact to the Lake.

Ms. Aldean asked if components of the development would be sold off to other builders if the project is approved. Would the areas be pre-sold or pre-leased in order to determine the economic viability of the project or is there a source of private capital or commercial financing to ensure the project will get off the ground.

Mr. Chapman explained there is no capital today for any developments, but once entitlements are obtained a loan commit can be obtained from a bank that may have conditions on pre-selling residential units. Therefore, the earliest the project could begin would be 2012. Residential units on the South Base would be built in phases with pre-selling of each building.

Ms. Aldean asked if Mr. Chapman would be the Master Developer that would oversee the project until its fruition.

Mr. Chapman stated it was his intention to build this project.

Ms. Aldean commented that there were several e issues in the Draft Environmental Impact Statement that are marked with an asterisk. She asked about the distinction between the issues that were marked with an asterisk and the issues that were not.

Mr. Landry stated the asterisks were to identify the issues that may be more emotional than other issues, but all issues would be analyzed equally in the Environmental Impact Statement.

Mr. Biaggi asked about the institutional legal constraints to Alternative 4, in terms of developing the single-family residential lots or if they would require Code amendments.

Mr. Wells stated his understanding was that no Code amendments would be required for residential estates, but permits would be required.

Mr. Biaggi asked about the scenic impacts from the Mid-Mountain Lodge.

Rob Breuck, Consultant, stated they were looking at that issue from the Lake views. Alternative 3 would look at compliance with existing height, which would reduce the structure height of the lodge.

Ms. Santiago asked for clarification that there was a current storm water system that would be removed once the project is underway.

Mr. Chapman clarified that was correct because they were proposing to keep water on the mountain, because the current system treats and puts the water into the Lake.

Ms. Santiago asked if the current asphalt would be removed.

Mr. Chapman stated the entire area would be re-vegetated.

Ms. Santiago asked about the location of the new storm water system.

Mr. Chapman stated it would be underground.

Ms. Santiago stated she was impressed that the project was becoming somewhat of a "lab" for possible technology transfer. She asked if they were considering asking for funding for this type of development.

Mr. Chapman stated not for the project, but the consortium was the recipient of a \$650,000 grant from the Environmental Protection Agency with a local match requirement.

Ms. Santiago asked if environmental impacts were taken into consideration when assessing each of the Alternatives.

Ms. Marchetta stated there is no formalized environmental performance matrix to compare benefits of one alternative to another, but they will make an attempt to do that type of comparison in the Environmental Impact Statement.

Mr. Wells added special findings would be required for Code amendments that will be required with some of the alternatives, and some of the special findings related to environmental improvements. The Community Enhancement Program will also have an overall requirement.

Ms. Bresnick asked about the square footage of the Mid-Mountain Lodge.

Mr. Tillman reported it was 15,000 square feet.

Ms. Bresnick asked how the units would be broken down in Alternative 1 to total the proposed 316 total units.

Rob Breuck, Consultant, stated 40 of the TAUs being proposed would have lock-offs, which would require 60 TAUs.

Ms. Bresnick asked if the total would be 316 plus 13, which is the number used in the EIR/EIS.

Rob Breuck, Consultant stated the number used in the EIR/EIS is the number listed in the table.

Ms. Bresnick requested that information be clarified.

Mr. Wells added the matrix on slide 26 totals the amounts and shows 336, which is exclusive of the 13.

Ms. Bresnick asked if there would be a significant increase in units, but that there would be a decrease of 16 acres to 14 acres in the Compact Project Area Alternative.

Rob Breuck, Consultant, stated that would be residential units and that the alternative would include less tourist accommodation units.

Ms. Bresnick asked why that would be considered a compact project area.

Mr. Wells stated this particular alternative would take the entire North Base development and put it in the existing parking lot, which condenses the area, but drives up building height and density in order to get the same basic unit count.

Ms. Bresnick asked if the total unit count would remain the same.

Mr. Wells stated it would go down about twenty units.

Ms. Bresnick asked what criteria were used to define the Reduced Project Alternative.

Rob Breuck, Consultant, explained how Alternative 6 was developed and how that would reduce the project from 225 to 145 units.

Ms. Bresnick asked if this information would be described and explained in the EIS.

Rob Breuck, Consultant, stated it will be a lengthy chapter.

Ms. Bresnick asked if any of the TAUs would be banked or would all be used with the project.

Rob Breuck, Consultant, reported there were 155 TAUs currently banked that would be used for these alternatives or used somewhere else.

Mr. Sevison asked about the timing of the bike trail extension.

Mr. Chapman reported it would be developed during the first phase.

Mr. Breternitz asked if all stormwater would be retained on site or will a portion of it go to the Lake.

Mr. Chapman stated the goal was to retain all stormwater onsite and that would include developing for a 50-year event.

Ms. Ruthe asked if neighborhood residences would be allowed to use Lodge amenities. She asked how neighborhood residences would be determined.

Mr. Chapman stated the intent was not to allow residents on the other side of the Y. Neighborhood residences would be defined as on the south side of the Y down to Meeks Bay.

Public Comment:

Jan Colyer, Executive Director TMA, stated she was in attendance to support the

project. She reviewed the developer's support of the TMA.

Rick Brown expressed his support of the project by providing a history of the area.

Randy Hill expressed his support of the project in order to revitalize the area.

Joe Imbach commented on his support of the project to redevelop the area.

Ron Treabess, North Tahoe Resort Association, commented on the economic revitalization to the area with the development of this project.

Paul Moniot commended the project for its socio and economic benefits to the community.

Rick Van Zee stated he was in support of development of the area, but he was concerned about the size, scope, and the overall footprint of the project. He noted one of his concerns regarded the location of the proposed housing and parking over previous wetland area.

David Powell stated he was in support of the project for its economic viability to the area, but he did have concerns with the proposed increase in traffic. He suggested requesting a financial mitigation for the construction of Y-bypasses.

Tim Reeve, Operating Engineers, expressed concern about the possible loss of the ski area with one of the proposed alternatives.

Dennis Kahrmier stated he was somewhat against new developments, but was for redevelopment due to the economic revitalization.

Steve Karsemeyer stated the project should receive full support because the project would create a significant number of jobs and give workers a chance to learn new skills in the green building industry.

Judi Tornese stated no notice of this meeting was provided to residents surrounding the proposed project site. She requested notice be provided in the future. She stated she was not against redevelopment of the resort, but there was concern regarding the size and the scope of the project and the impact the project would have on surrounding areas.

Michael Garbon commented on the negative impacts of the proposed project.

Susan Gearhart, Friends of the West Shore, stated they were not against the development and that the community would not be against the development, if the project was developed only on already asphalted areas.

Ted Peterson commented that the project would not match the character of the area. He expressed opposition to the parking structure being proposed.

Antje Hhekel stated she was not against developing for economic revitalization, but expressed opposition to the parking structure being proposed and stated

family-oriented development was needed.

Steve Teshara expressed his support of the project.

Mr. Sher left the meeting at 12:40 p.m.

Rob Weston commented that he was in support of the project because it would provide economic benefits year-round.

Marynell Hartnett expressed support for Alternative 1.

Trinkie Watson expressed support of the project for revitalization to the area.

Bill Edick expressed support for the project.

Stewart McMar, North Tahoe Fire, stated he was in attendance to express support of the project on behalf of Chief Whitelaw.

Cindy Gustafson, General Manager Tahoe City Public Utility District, provided information on dealing with infrastructure on the West Shore. She stated she was in support of the bike trails and the water treatment system proposed with the project.

Mike Lafferty commented that he was not contacted regarding the project and that he was concerned with providing TAUs when TAUs have not yet been defined. He stated he was for the project, but concerned that other projects were not being allowed.

Ellie Waller thanked the Board for their in-depth questions. She encouraged local residents be hired to work on the project.

B. Discussion and Direction on Potential Buoy Placement Line Adjustments

Staff members Gabby Barrett presented the potential buoy placement line adjustments.

Board Comments & Questions:

Ms. Aldean asked for clarification that the Coast Guard navigational buoys are beyond 600 feet in the Tahoe Vista area.

Mr. Barrett replied yes.

Ms. Aldean asked why that would not be criteria for TRPA to consider.

Mr. Barrett stated those are not lit buoys.

Ms. Aldean asked what those buoys denote.

Mr. Barrett stated he was not sure and that they would need to research why the buoys are placed there.

Ms. Aldean asked if they should wait until there was an accurate count of legal and illegal buoys.

Mr. Barrett stated there was a timing issue that was imposed by the Board to present this information in May.

Ms. Aldean asked if there were resources to do the analysis in the two geographical areas where there may be some constraints.

Mr. Barrett replied yes.

Mr. Merrill stated it was his understanding that the Coast Guard navigation buoys were placed based on water levels, therefore which should not be criteria in the buoyline consideration. He asked for clarification that buoys in the five or six areas that will not have anything done to them will still be allowed ten feet of water underneath them.

Mr. Barrett replied no. There are no current provisions for buoys to go past the 600 foot line.

Ms. Bresnick commented that there may be other areas that will request the buoyline be moved.

Mr. Barrett stated that was correct.

Ms. Bresnick asked how many miles of shoreline would be dealt with.

Mr. Barrett stated he tried to convert it to the number of buoys. He noted there would still be approximately 125 buoys that may have to be moved.

Ms. Bresnick asked for clarification that current conditions in the Code cannot address safety concerns for eighteen buoys, with the remaining addressed with exceptions to 600 feet, meaning they can be moved out to the 600 feet.

Mr. Barrett stated that was correct.

Mr. Breternitz commented that he thought the Governing Board warmed up to the idea of exceptions for people that truly were faced with conditions that were dangerous to their boats, no matter the distance from shore. He asked if there were means for boaters to demonstrate that they were in a dangerous situation at 600 feet and can therefore have an exception.

Mr. Barrett stated there was no exception granted except joining a buoy field, which would be marked or in locations where commercial buoys exist.

Mr. Beyer asked about exceptions that could be made within the guidelines.

Ms. Marchetta stated they have attempted to create a buoyline that had some integrity to the location standard.

Mr. Sevison commented that, in his opinion, the easiest fix would be to allow individuals to receive a temporary permit to move their boats out a certain amount of feet rather than move the buoy to another location.

Ms. Rinke clarified they were not suggesting moving buoys to another location, but suggested mooring in a buoy field or renting a slip, etc. She noted TRPA already approved a 600-foot buoyline with no exceptions in order for consistent enforcement.

Mr. Sevison commented that other buoy fields or other buoy locations would not be available, because there would be less buoys when TRPA concludes its Buoy Registration Program.

Ms. Rinke stated there were current buoy fields with capacity and that TRPA was not here to ensure that every private property owner has a buoy, but to ensure safety of the Lake as a whole.

Mr. Breternitz stated it was his understanding that TRPA requested another presentation of this issue to address exceptions to the buoyline. He asked for clarification that an approved buoy could not be moved to another permanent location and that it would have to be registered.

Ms. Rinke stated there would be some limited options within the parameters of the property area because there were projection lines and standards about the width.

Mr. Breternitz asked if there could be exceptions made.

Ms. Marchetta stated she was not sure that TRPA can write that exception.

Ms. Aldean commented that, prior to the amendment, one of the reasons the Board elected to extend the buoyline was because the Board did not want to rule by exception and that individuals can relocate during low water within the parameters of their projection lines and maintain a 50-foot separation between buoys, but not beyond 600-feet.

Ms. Rinke stated they made an exception in Tahoe City because of the existing structures or peers that create a navigational impediment.

Public Comment:

Jan Brisco, Tahoe Lakefront Owner's Association, asked that the Board request staff to bring back additional exception zones or discussion for placement of buoys for safe navigation and safe mooring.

Bill Lahl commented that the Tahoe Vista area known as the Tahoe Vista National Avenue area should be considered for exception, because of its shallow area.

Gary Midkiff provided examples of areas in the Logan Scholl's area that should be considered for exception.

Board Comments & Questions:

Ms. Santiago asked if the areas identified in the preliminary analysis were more susceptible to shifts that change the depths of the Lake.

Mr. Barrett stated yes.

Ms. Santiago stated she was talking from a historical perspective because of the evolution of the Lake which changes the shoreline therefore exceptions are made on a case-by-case basis per year, but at some point, a line will need to be drawn where there can be no further exceptions.

Mr. Cole asked for clarification that the no-wake zone for California and Nevada is 600 feet.

Mr. Zabaglo clarified both States enforce a 200-foot no wake zone.

Ms. Rinke clarified both States support the 600-foot buoyline.

Mr. Cole stated he was having a problem with making an exception to the 600-foot buoyline.

Ms. Aldean asked how boats are tracked that are swamped and sink. She stated her concern was the environmental impact.

Mr. Barrett stated the Coast Guard has a database that tracks that information, but the problem is that not every boat that sinks is reported.

Ms. Aldean suggested getting that information from barges that go out to salvage these sunken boats.

Mr. Barrett stated they could look into that.

Ms. Marchetta stated that database was clearly a Coast Guard function.

Ms. Aldean suggested the Coast Guard receive this information from barge operators.

Ms. Marchetta replied we would suggest that.

Ms. Rinke stated property owners that were not satisfied with the water depth of their buoys could create a buoy field, which could go beyond 600-feet.

Mr. Merrill moved to approve the staff recommendation.

Mr. Biaggi stated that Mr. Merrill should move to direct staff to bring forward an amendment extending the adopted buoyline in the north end of Glenbrook Bay and the Logan Scholls area.

A Role Call Vote was taken.

Motion carried.

Mr. Beyer, Ms. Bresnick, Mr. Cole and Ms. Santiago voted no.

Ms. Marchetta requested Board members that opposed the motion provide direction to staff on the basis for their objection.

Ms. Santiago stated it was because a line had to be drawn somewhere not making exceptions, because the Lake constantly changes.

Mr. Cole stated the 600-foot buoyline for individual buoys was based on good rationale and boating safety.

Ms. Aldean questioned who would be in charge of a buoy field if property owners in a particular area got together and created a buoy field.

Mr. Sevison asked if there needed to be a specific organization to be in charge of a buoy field formed by property owners.

Mr. Cole asked about the minimum to create a buoy field.

Mr. Barrett clarified four moored buoys is the current definition of a buoy field.

Mr. Beyer stated there may be more areas that can be considered exceptions and that his argument is that there is not a clear definition of what is legal and what is not legal on the Lake currently and that, until there is a clear definition, exceptions to the rule should not be made.

Ms. Rinke stated part of the reason the Board requested this issue be presented again was because of the one year condition in the permits to come into compliance with the buoyline.

Mr. Beyer commented that there may be exceptions to these exceptions in the future.

Ms. Marchetta noted that this issue does partly determine what is legal and illegal on the lake.

Ms. Bresnick expressed concern that this may be a never ending issue.

IX. PUBLIC HEARINGS

A. Amendments to TRPA Code Chapter 51 and Related Chapters, Prohibiting the Unauthorized Mooring of Vessels in Lake Tahoe

Staff member Dennis Zabaglo presented the proposed amendments to TRPA Code Chapter 51 and Related Chapters, Prohibiting the Unauthorized Mooring of Vessels in Lake Tahoe.

Board Comments & Questions:

Ms. Aldean asked about the reason for defining the use as “camping.”

Mr. Zabaglo stated they did not want individuals to anchor their boats without any crew aboard. The “camping” provision would be for individual camping on their vessels.

Ms. Aldean asked if a houseboat that is somehow commercial is prohibited from launching on Lake Tahoe, even if they are attached to a legal mooring.

Mr. Zabaglo stated that was existing language, but they were attempting to better clarify the language.

Ms. Aldean asked if houseboats are precluded.

Mr. Zabaglo stated above 700 feet.

Ms. Aldean asked if they were precluded from launching.

Mr. Zabaglo stated yes, unless they can rebut that presumption.

Ms. Aldean asked who was scrutinizing the launching of houseboats.

Mr. Zabaglo stated inspectors may not be aware of this rule, but the watercraft team would be the first line of defense.

Ms. Bresnick asked if TRPA had the ability to enforce when individuals might be illegally moored under current regulations.

Ms. Rinke stated under the current regulations on overnight mooring, particularly for residential purposes, is clearly prohibited. We were trying to make it more clear and what the parameters were around that. If the proposed amendments failed, she stated, for the record, we do have the authority currently to enforce.

Ms. Bresnick asked if the 72-hour limit was based on when boating and recreational activities occur.

Mr. Zabaglo stated that was correct and that it was similar to Nevada State law.

Ms. Bresnick asked if individuals from California State Lands were approached about the letter they sent and if there was any follow-up information.

Mr. Barrett stated the letter addresses the Code amendment and the buoyline. He stated he was in contact with them and they were in support of the Code amendment clarifying the anchoring and mooring requirements.

Public Comment:

Jan Brisco, Tahoe Lakefront Owners' Association, stated they were in support of preventing overnight anchoring or long-term anchoring, but there were concerns about the more immediate effects on personal watercraft.

Gary Midkiff stated he was in agreement with Ms. Brisco's comments and that he

was also concerned about TRPA over reaching into personal property activity.

Board Comments & Questions:

Ms. Bresnick asked if the proposed amendments would prohibit kayaks and canoes from being stored.

Ms. Rinke stated areas where these items were normally stored were taken out of the amendment, because that was not the intention of this rule.

Ms. Bresnick asked if individuals can currently anchor boats off someone's property for a few days.

Ms. Rinke stated the current rule prohibits that, but it's not clearly stated.

Ms. McDermid asked how it would be determined that a boat was being used for sleeping purposes.

Ms. Marchetta stated we would not be on the Lake monitoring if boats were being anchored for three or four days, but this proposal was to prevent individuals from storing boats long-term on anchors without an authorized buoy location.

Ms. Aldean asked why the following language cannot be used to address the issue: "water craft moored overnight on the waters of the Lakes within the region."

Ms. Rinke stated she did not object to changing the language.

Ms. Santiago moved to recommend approval of the required findings.
Motion carried unanimously.

Ms. Santiago moved to recommend approval of the proposed Code Amendments with changes by General Counsel.

Motion carried unanimously.

Mr. Biaggi read the Ordinance into the record.

X. REPORTS

A. Executive Director Status Report

1. Agency Work Program Priorities for May
 - a. Regional Plan Update
 - b. Forest Fuels Management Update
 - c. Aquatic Invasive Species
 - d. EIP Implementation
 - e. Shorezone Implementation
 - f. CEP Update

Ms. Marchetta gave the Executive Director's report.

B. General Counsel Status Report

Ms. Rinke gave the General Counsel's report.

XI. GOVERNING BOARD MEMBER REPORTS

Ms. Santiago asked for clarification of next month's agenda and if the transportation milestone would be included.

Ms. Marchetta replied yes. The tentative plan is to bring back the deliberations on land use and a presentation on the transportation milestone.

Ms. Santiago asked if the deliberation by the APC would occur at the APC meeting.

Ms. Marchetta stated that is correct and would be presented to the Board at the June Governing Board meeting.

Ms. Santiago stated she received a memorandum that HUD was funding areas where there is more urban sprawl.

Mr. Cole asked if the Land Use Issue #7 regarding TAUs would be the only issue on land use discussed next month.

Ms. Marchetta clarified all land use issues would be brought back except Land Use Issue #7, and that staff would take direction provided and work with stakeholders to develop a proposal that would be presented to the Board at a future meeting.

Mr. Cole asked for clarification that Board members can provide their input to Harmon Zuckerman via e-mail.

Ms. Marchetta replied yes.

Mr. Sevison reported that the California Tahoe Conservancy was in support of the banking system. They would also be the lead agency in bike trails and there was no SEZ coverage available anywhere. He encouraged TRPA to accommodate them with this coverage.

Ms. Bresnick suggested a reconnection to the public on the Regional Plan Update. She also asked for background information on FactSheets and to continue addressing the TAU issue.

XII. COMMITTEE REPORTS

A. Legal Committee – no report

B. Operations Committee – no report

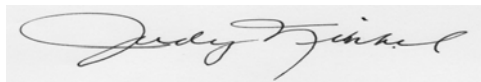
C. Public Outreach & Environmental Education Committee – Ms. Santiago stated activity has begun on launching several outreach campaigns.

- D. Catastrophic Wildfire Committee – Ms. McDermid stated a meeting was held today and that there will be a Wildfire Awareness Week strictly for the Tahoe Basin in July. She reviewed inspections for defensible space, but there was concern about the future because funding was depleting.
- E. Local Government Committee – no report

XIII. ADJOURNMENT

Governing Board Chair Mr. Biaggi adjourned the meeting at 4:30 p.m. on Thursday, May 27, 2010.

Respectfully submitted,



Judy Nikkel
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.