

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

Chateau
Incline Village, NV

January 27, 2010

TRPA
Stateline, NV

January 28, 2010

REGULAR MEETING MINUTES - REVISED

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chair Mr. Biaggi called the meeting to order at 9:40 a.m.

Members Present:

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

Members Participating via Conference on January 27, 2010 only: Ms. Bresnick

Absent: Mr. Merrill

II. PLEDGE OF ALLEGIANCE

III. PUBLIC INTEREST COMMENTS

No Public Comment

IV. APPROVAL OF AGENDA

Ms. Rinke stated agenda item X.B. would be split and heard prior to agenda item VII.A.

Ms. Marchetta stated the Tonozzi appeal has been continued at the request of the appellant.

Ms. Santiago moved approval
Motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. Cole moved approval
Motion carried unanimously.

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

TRPA CONSENT CALENDAR

1. Acceptance of December 2009 Monthly Financial Statement
2. Acceptance of the Agency's Audited Financial Statements
And Independent Auditor's Report for the year ended June 30, 2009
3. Amendment of the Resolution of Enforcement Action, East River
Terrace Partners and Pacific Built Inc., Sediment Discharge to the Waters
of Lake Tahoe, Unauthorized Grading, Unauthorized
Staging of Equipment and Material, and Failure to Maintain Best
Management Practices (BMPs), 900 Ski Run Boulevard, South
Lake Tahoe, CA, Assessors Parcel Number (APN) 027-690-06
4. Resolution of Enforcement Action, Henry and Regina Bunsow and Alan
and Joan Shattuck, Unauthorized Addition of Coverage in a Stream
Environment Zone, 3970 Belleview Avenue, Placer County, CA,
Assessor's Parcel Number 085-221-004

Ms. Ruthe reported items 1 and 2 were approved by the Operations Committee.

Ms. Aldean reported items 3 and 4 as recommended by staff were approved
unanimously by the Legal Committee.

Ms. Santiago moved approval.
Motion carried unanimously.

Ms. Aldean moved to go into closed session.
Mr. Biaggi moved to go into open session.

VII. PUBLIC HEARINGS/PROJECTS

A. Domus Affordable Housing Projects and Related Regional Plan
Amendments

Ms. Marchetta gave an overview of the proposed project.

1. Amendments to the Kings Beach Community Plan to incorporate Parcel
#090-126-026 into the Community Plan, create two special areas, and other
related amendments and Amendment of TRPA Code of Ordinances Chapter
21, Density, Chapter 22, Height, and other related amendments, TRPA File
PLAN2008-0007, APN 090-064-012

Staff member Brenda Hunt presented the proposed amendment to the Kings
Beach Community Plan.

2. Kings Beach Housing Now, Affordable Housing Project #1, 200 Chipmunk
Street, Placer County, California, Assessors Parcel Number (APN) 090-222-
05, TRPA File Number CEPP2008-0161
3. Kings Beach Housing Now, Affordable Housing Project #2, 265 Fox Street,
Placer County, California, Assessors Parcel Number (APN) 090-126 026,
TRPA File Number CEPP2008-0163

Staff member Wendy Jepson presented the proposed projects.

Jim LoBue, Deputy Director, Placer County Redevelopment Agency, presented the community benefits of the project.

Meea Kang, President, Domus Development, commented on the need for affordable housing development in the area. She encouraged the Board's support of the project.

Board Comments & Questions:

Ms. Aldean asked if there was something in the Code that permits TRPA to unilaterally amend the Community Plan, which is a joint planning document.

Ms. Rinke replied this was not addressed in the Code one way or another. The plan was a joint document, but was independently adopted.

Ms. Montgomery stated proposals were presented to the Placer County Board of Supervisors and had been approved on a 5-0 vote.

Ms. Aldean asked if occupancy restrictions would be strictly enforced in the affordable housing units.

Ms. Kang replied yes. HUD and other federal requirements will be implemented. The statutory requirement is two plus ½ persons per bedroom. She noted resident density in each unit would be reduced compared to current occupancy in apartment dwellings.

Mr. Cashman asked if the Fox Street site requires a bonus density to 100%.

Ms. Hunt replied yes, but the project was only proposing twelve units an acre rather than the fourteen units allowed with the 100% bonus density.

Mr. Cashman asked about density in the current Kings Beach Community Plan.

Ms. Hunt stated there was no regulation with regards to density. The Plan suggests density is appropriate for the area.

Mr. Cashman asked if there was a Placer County bonus calculation for affordable housing in the Kings Beach area.

Ms. Hunt replied yes.

Mr. LoBue clarified that Placer County has adopted an ordinance which allows up to 100% density bonus throughout the redevelopment project area in Lake Tahoe for affordable housing, specifically.

Ms. Hunt clarified that the Community Plan suggests 15 units per acre for multi-family density, but a density bonus was allowed for up to 18 units per acre for affordable housing.

Mr. Cashman stated his concern was community support for density of this level. He asked about the environmental improvement portion of the Chipmunk project as it relates to the detention basin.

Ms. Jepson stated part of the project will be a storm water retention basin in front that will handle BMPs.

Mr. Cashman asked if the basin will coordinate with the overall Kings Beach Storm Water Treatment Plan currently in process.

Ms. Jepson replied it would.

Ms. Kang clarified the on-site BMPs will be dedicated to the area-wide storm water treatment.

Ms. Montgomery asked if the onsite manager will also be responsible for maintenance of the property.

Ms. Kang reported an onsite manager would be living on the site. They will also hire maintenance and landscape companies. State and federal rules will also be provided to residents about maintenance within the unit. She clarified balconies will only face parking lots and will not be visible to the general public.

Ms. Montgomery asked if fair labor standards would be upheld since state and federal monies were involved in the project.

Ms. Kang stated that was correct.

Ms. Marchetta clarified the deed restriction will be in perpetuity.

Mr. Beyer asked about the number of facilities in the Kings Beach Corridor that meet the 48-foot height restriction.

Ms. Hunt reported there were no facilities at this time that meet that height restriction, but buildings of that height could be built in the area.

Mr. Beyer asked about the financing that determined construction of a family-unit housing complex versus a commercial, mixed use facility.

Ms. Kang explained state funding for the project had been received in 2007 and had been bonded therefore the project had to move quickly through the process in order not to lose funding. So the commercial component was removed to reduce the height of the building in order for it to move through the entitlement process quicker and for funding to be used to finance the entire building.

Mr. Beyer asked for a breakdown between federal, state, and private sector funding matches.

Ms. Kang reviewed funding matches and explained the process had to be completed by 2012 in order to receive the remaining financing.

Mr. Beyer asked if the building would be commissioned as a LEED-certified building or would be applied as a LEED-certified program.

Ms. Kang stated the building was being designed to LEED, but that the building cannot be certified until it is complete.

Mr. Beyer asked about ingress and egress of the Chipmunk project to State Route 28.

Ms. Kang stated the ingress and egress onto State Route 28 would be on the Chipmunk project and that the project will be designed to accommodate emergency vehicles.

Ms. Bresnick asked about the practical implication if there are differences in the Community Plan, TRPA Code affecting this Community Plan Area and Placer County approvals.

Ms. Rinke stated Placer County has processed the density amendments and will comply with the amendment on the height. There is no practical implication to having two separate documents.

Ms. Bresnick requested clarification that the second paragraph from the bottom on page 52 relates to this project or future projects after this project is complete.

Ms. Rinke stated it refers to an excess mitigation fee that would apply to this project.

Ms. Bresnick asked if pedestrian/transit-oriented development design features were defined.

Ms. Marchetta stated the element being referenced was that transit stops would be designed by Placer County as landscape improvements were complete.

Ms. Bresnick stated she understood what the elements are, but questioned how they were defined.

Ms. Marchetta stated they would be defined definitively through the project.

Ms. Kang reviewed elements.

Ms. Bresnick reiterated she understood what the elements are, but questioned if there was a specific definition being referenced.

Ms. Rinke noted in Chapter 13 there were some guiding principles for transit-oriented development that will guide these requirements.

Ms. Bresnick asked if the last sentence in item three on page 73, regarding density refers to any non-conforming parcel in the Kings Beach area.

Ms. Hunt stated that was correct and is only for legal non-conforming uses throughout the Basin.

Ms. Bresnick noted there was information missing from page 76.

Ms. Marchetta stated they were checking that out.

Ms. Bresnick asked what happens to the transit passes if tenants move out.

Ms. Kang stated monthly passes were currently being issued and that a system was being developed to have tenants sign-up and pay a certain amount of impact fees if they want the pass.

Ms. Bresnick asked how it would be determined if there was an excess of funding that would go towards the mitigation fund for air quality fees.

Ms. Marchetta stated the developer has not developed plans to that level of detail, as yet.

Ms. Hunt clarified that a reduction in vehicle miles traveled should also be reflected on page 76.

Ms. Bresnick asked if this was an EIP with a number associated with it or a generic EIP Project.

Ms. Kang stated it was an EIP project that's on the list as part of the Placer County area-wide storm water drainage project.

Ms. Bresnick asked if the same requirements or conditions apply to the bus passes as to the Fox Street Project.

Ms. Jepson replied that was correct.

Public Comment:

Brian Helm stated he was in support of the project because it would provide quality, affordable housing to local working families while being environmentally beneficial.

Ellie Waller stated she understood the need to proceed quickly, but financing issues should not preclude exemptions to Code. She questioned who would pay for the environmental improvement on the project.

Mike Berg, Carpenters Union, stated he was in support of the project because of the need for better development of the area. He was concerned that jobs would not go to local workers.

Alan Tolhurst, Chairman, Advisory Planning Commission, reported that the APC unanimously approved recommending support for the project. He commented that it was up to the local jurisdiction to handle the construction contract. The California Green Code has the same elements as LEED certification, but only requires Code compliance.

Alison Schwedner, Director, Community Collaborative of Tahoe/Truckee, stated their organization addresses the fundamental needs of families in the Tahoe/Truckee area. She stated she was in attendance to endorse the project because of the affordable housing it would provide to the area.

Doris Kelly commented she was in support of the affordable housing plan because it is needed in the area. She also stated she was in support of the other plan for the Kings Beach area to be discussed later this afternoon.

Dave Ferrari expressed his support for the project.

John Foster encouraged the Board to support the project.

Carol Savary thanked the Board for participating in the tour last summer. She commented that population density already exists in the form of overcrowding and that it would be actively managed with the deed-restricted, affordable housing that was being configured for families with rent priced according to income. She urged the Board to support the project.

George Koster expressed his support for the project because of the community and economic benefits.

Theresa May Duggan stated she welcomed the project because of the revitalization to the area that it would provide. She stated that Code amendments were consistent with community goals and urged support of the amendments.

John Falk, Tahoe Sierra Board of Realtors, stated he was in support of affordable housing, in general, and for the Board to increase flexibility incentives in the Code.

Joe Lanza stated he was speaking in favor of the project because of the quality, affordable housing needed in the area.

Tom Watson stated he was in support of the project because it would show support to the workforce in North Lake Tahoe.

Ana Liz Servin, North Tahoe Family Resource Center, expressed the Center's support for the project because of the quality, affordable housing it would provide. She submitted approximately 300 letters of support for the project from community members.

Chris Close stated she was in support of the project because of the affordable housing it would provide to local workers.

Alex Mourelatos expressed his support of the project because of the revitalization to the area. He commented that Community Plan amendments were needed in order to attract developers to the area.

Bill Johnson commented on the need for re-development of the area and stated he was in support of the project.

Sara Smith stated she was fully in support of the development project because of the need for affordable housing in the area, which would produce community and economic benefits.

Jerry Dinzes distributed information and stated he was in support of the project, but requested that the Board consider how the project would affect traffic impacts.

Steve Teshara, North Lake Tahoe Chamber of Commerce, stated documentation has been provided for the Board to approve findings and staff recommended actions. He encouraged the Board to support the project.

Board Questions & Comments:

Ms. Montgomery reiterated this would be the first affordable housing project in Placer County and would have positive implications for both states. She encouraged the Board to support the project.

Mr. Biaggi commented on the lack of dignity with current housing provided in the area and that he would fully support the project.

Mr. Cole noted that affordable housing developed in South Lake Tahoe were still well-maintained and was a great benefit to the area.

Ms. Aldean commended Domus Development for developing this affordable housing project.

Ms. McDermid commented that she would also like to commend Domus Development for the project and that, in her opinion, it was the Board's responsibility to not only improve the environment, but the human condition.

Amendments to the Kings Beach Community Plan

Ms. Montgomery moved to approve the required findings of no significant effect.
Motion carried unanimously.

Mr. Biaggi read the ordinance.

Mr. Montgomery moved to adopt the proposed Ordinance and the associated Exhibits.
Motion carried unanimously.

Project #1 - Chipmunk

Ms. Montgomery moved to make the required findings, including a finding of no significant effect.
Motion carried

Ms. Montgomery moved to approve the proposed project subject to the conditions contained in the draft permit.
Motion carried unanimously.

Project # 2 – Fox

Ms. Montgomery moved to make the required findings, including a finding of no significant effect.
Motion carried unanimously.

Ms. Montgomery moved to approve the proposed project subject to the conditions contained in the draft permit.
Motion carried unanimously.

Lunch break from 12:00 – 12:30 p.m.

VII. B. Kings Beach Commercial Core Improvement Project and Related Regional Plan Amendments.

Ms. Marchetta gave an overview of the proposed project.

1. Certification of the Kings Beach Commercial Core Improvement Project Final Supplemental Environmental Impact Statement (SEIS) and other related amendments
2. Amendments to the Kings Beach Community Plan, and Other Matters Related Thereto
3. Kings Beach Commercial Core Improvement Project, Placer County, California, TRPA Project Number 530-105-03, TRPA File Number 20031259

Carl Hasty, District Manager, Tahoe Transportation District, spoke briefly about a public opinion survey that was conducted in Placer County and the Incline Village/Washoe County area. He reported the survey provided the following information: 1) that 53% of the population was aware of the project; 2) there was a split between choosing a 3- or 4-lane and approximately 15-35% of residents who did not have enough information to decide; and 3) there was overwhelming support for something to be done in the area.

Jon Paul Harries presented the certification of the Kings Beach Commercial Core Improvement Project, an amendment to the community plan and approval of the proposed project.

Ken Graham, Director, Placer County Public Works, presented the roundabout concept and how it pertains to traffic and pedestrian safety.

Kirk Uhler, Chairman, Placer County Board of Supervisors, commented on public comment obtained during development of the project.

Dwayne Whitelaw, Fire Chief, North Tahoe Fire District, commented on how emergency services would be better provided with the project.

Board Comments & Questions:

Ms. Montgomery asked what “build-out” means with regards to traffic.

Mr. Harries stated it means maximizing density for all areas.

Ms. Montgomery asked if that would include building larger structures.

Mr. Harries explained it would maximize the density of a lot.

Ms. Montgomery stated that it would not be what is still vacant.

Mr. Harries replied no.

Mr. Reid requested clarification of what was meant by Mr. Harries’ statement that “everything was not included in the EIS”.

Mr. Harries clarified the EIS was complete, but that only potential impacts were addressed.

Ms. Marchetta explained an EIS does not need to address environmental benefit impacts. Regarding “build-out”, she stated the EIS assumes the maximum amount of growth for a region.

Mr. Cashman asked how it was determined that a by-pass road was not feasible and not requested.

Mr. Harries stated a by-pass road would have to be a new road that would go around the Kings Beach area and therefore a new project would have to be developed with additional costs.

Ms. Marchetta added properties would have to be condemned in order to develop a new road.

Ms. Aldean noted TRPA legal counsel advised her that there would be no conflict of interest for her in participating in the discussion and vote on this project. Approval or denial of this project would have no effect on her development endeavors. She asked if Placer County would allow for parking in the future, if beneficial.

Mr. Graham stated absolutely.

Public Comment:

Dave McClure, Kings Beach Business and Citizens Alliance, stated Placer County provided insufficient information regarding traffic. He provided a roundabout analysis and expressed concern with the traffic impact study for the project.

Alex Mourelatos stated he personally supports the project due to community involvement in the project.

Brian Helm stated he was speaking on behalf of the Tahoe-Biltmore. He stated they were in strong support of the project because of the revitalization to the area. He stated that, in his opinion, questions that prevented TRPA from approving the project in 2008 have been answered thoroughly.

Rick Marshall stated that he purchased his home in 2001 because of the core improvement and that he was in support of what the 3-lane alternative proposes, which would help revitalize the area.

Gladys Marshall stated she was in support of the three-lane project.

Dan Daniels, via teleconference, expressed concern about traffic congestion on back streets.

Bernard Ash stated he was in support of the project because it would reduce traffic speed. He noted back street traffic is currently a problem and that mitigation being proposed may assist with this problem. He commented that some benefits from the project would include safety and a stronger sense of community.

Dana Ash stated she was strongly in favor of the three-lane project because of safety concerns.

Sara Smith expressed her support of the three-lane project because of safety and because revenue from the Highway Tax would revitalize the area.

Cruz Santo commented on the lack of safety for individuals in wheelchairs and stated he was for the project for safety reasons and to revitalize the area.

John Foster commented on the change in values. He urged the Board to endorse the project.

Carol Savory reported a task force will be developed that will serve to fund and maintain the streetscape, if the project is approved. She pointed out the project is in alignment with the TRPA's 2030 Plan and CalTrans Complete Streets Policy. She stated it would also provide safety and economical revitalization to the community. She urged strong support for the project.

George Koster stated the North Tahoe Main Street Economic Restructuring Committee has been analyzing the project and urged support for the project because of the revitalization benefits.

Allison Schwedner, Director, Community Collaborative of Tahoe/Truckee, explained the organization would urge support of the project because it would enhance the walking experience.

Nicole Gergans, League to Save Lake Tahoe, stated they were in support of the preferred alternative because of the environmental benefits and traffic safety.

Regina Straver commented that the north shore was economically “dying”. She expressed support for the project because of the economic benefits it would provide.

Joe Lanza commented that he was in support of the 3-lane highway project for the economic, community, and environmental benefits that would “save” the Kings Beach area.

Tom Watson stated he was in support of the project because of the positive impact it would have on the area.

Alan Tolhurst, Chairman, Advisory Planning Commission, reported the APC recommended approval of the project.

Chris Close wrote a note in support of the 3-lane alternative.

Roger Kon stated he urged support for the 3-lane alternative for safety and “walkability” reasons.

Sherry Springer, Executive Director, North Tahoe Business Association, stated they were in favor of the project because of revitalization to the area.

Bob Ferrari commented that the Board should consider how the project will impact the area all-year round.

Mike Francois commented that he was in support of the 3-lane alternative and requested the Board consider the social and economic impacts that were not addressed in the EIS.

Able Villagomez expressed concern about back-door traffic. He submitted a petition in support of the 4-lane project with traffic signals.

Chris Hennessey commented on fatalities that may occur with the lack of pedestrian safety in the area and provided a personal example. She urged an increase in safety and an enhancement of aesthetics. She requested the Board vote “yes” on the hybrid option.

Diana Christolos expressed support for the 3-lane alternative for pedestrian safety.

Megan Choleeny stated she supports the 3-lane, hybrid alternative because the Kings Beach area is a high-density resort area.

Justin Broglio, Executive Director, Tahoe City Downtown Association, expressed support for the project because of the “walkability” benefits.

Sue Kyler stated she urged the Board to support the project for the safety and revitalization of the community.

Angel Luevano, National Vice President of the Far West, League of United Latin American Citizens (LULAC), stated the organization was asked to get involved by Latino residents in the area to prevent discrimination in the project.

Argentina Davila-Luevano, State Director, LULAC, stated the organization was in attendance to ask that this project not be approved until there was a thorough investigation and action into complaints from the Hispanic community about the negative impact the project will have on the Hispanic community in the area.

Jerry Denzes stated he was opposed to the project because of the negative impact it would have on traffic.

Tom Trimble asked Placer County about the time frame to complete the project given the fact that construction can only occur during the summer. He commented that four lanes would accommodate tourist traffic in the summer.

Caroline Murmmel commented that the four-lane alternative is not the same as the current four-lane road. She expressed support for the four-lane alternative because, in her opinion, traffic improvements and pedestrian safety were needed in the area.

Robert Murmmel stated he supported the four-lane alternative to improve the traffic gridlock. He expressed concern with the loss of on-street parking with the 3-lane alternative.

Mark Chamberlain commented that he was in opposition of the 3-lane alternative for pedestrian safety reasons. He stated he believed the four-lane option would provide progress, development, improvement, and expansion.

Joanne Payayello commented that she was in support of the hybrid alternative to slow down traffic.

Curt Wagner commented that it was time to make a decision regarding this issue. He stated he was in support of the 3-lane, hybrid alternative.

Mike Hays expressed his support for the project to revitalize the area.

Jim Galloway commented on the need for public safety. He expressed opposition to the 3-lane alternative. He suggested the Board consider the adverse effects this alternative would have on emergency services.

Pam Francois stated she was in support of the 3-lane, hybrid alternative because she did not believe the project would have an impact on traffic.

Meera Besser commented that the four-lane alternative is viable. She asked why Placer County has not considered the four-lane alternative.

Julie Wainscot stated she was opposed to the three-lane alternative with roundabouts because of parking concerns for businesses and an increase in traffic on back streets.

Mike Berg expressed his support of the three-lane, hybrid alternative.

Larry Dowdl expressed his support of the three-lane alternative.

Candy Dowdl stated she agreed with all comments made in support of the 3-lane, hybrid alternative.

Dave Ferrari mentioned there was off-street parking when Kings Beach had a two-lane road. He noted that traffic statistics show a pedestrian hit by a vehicle once every five years, approximately. He stated that if there was a traffic issue on back streets that the community would address the issue.

Rick Pappaleo noted that back streets would be used during emergency situations and that he was in support of the three-lane alternative.

Marilyn Schaff commented that she was in support of the project in order to revitalize the area.

Don Starbuck asked the Board to request more staff information regarding the lack of parking with the 3-lane, hybrid alternative. He stated that, in his opinion, staff information presented is inaccurate.

Kevin Austodio commented that he was opposed to the three-lane alternative because of traffic safety concerns and because of discrimination against the Latino community from Placer County with regards to the project.

Peter Morris expressed his support of the three-lane, hybrid alternative.

Michael Gonzalez commented that the development of roundabouts would reduce the "walkability" of the area.

Tony Pastori expressed his support for the three-lane, hybrid alternative. He noted Placer County's attempts to involve the Hispanic Community in the development of the project.

Kevin Drake stated the traffic plan put in place will more than suffice to combat traffic issues and that he was in support of the project.

Sylvia Dourgan commented that she was in support of the two-lane plan to increase pedestrian safety and revitalization of the area.

Andrew Ryan voiced his support for the three-lane, hybrid alternative to enhance safety, access and aesthetics to the environment.

Jeff Gross commented on the inaccurate information in the recent transportation survey.

John Bergman commented that four lanes have not generated commercial investment in the area. He stated there would be positive benefit and revitalization of the area in the future with the three-lane alternative.

Bill Johnson expressed his support for the three-lane alternative to increase traffic safety and economic benefits to the community.

Patrick Wright, California Tahoe Conservancy, stated he urged expedite support of the project in order to gain benefit from investments that were made in the community.

Harold Singer, Executive Officer, Lahontan Water Board, stated the Water Board has not taken a position on this issue yet since it has not yet been presented to the Board. He commented that the project was important to meeting the goal of reducing pollutants to Lake Tahoe and that the amount of roadscape or hard surface should be considered because roads are one of the primary sources of pollutants in the area. He stated, from a water quality perspective, the three-lane alternative was superior to a five-lane alternative.

Jackie Chandler commented that the Kings Beach area has been suffering from an aborted roadway and requested the Board to accommodate and serve visitors.

Fred Hodgson stated he was in support of the three-lane alternative because it would bring a better community.

Octavio Deis stated he was in attendance to support the core improvement project.

Amilio Vacca, Executive Director, North Tahoe Family Resource Center, commented on the need for change. He stated he was in support of the project.

Theresa May Duggan commented that it was time for a safe and vital Kings Beach area and to support the three-lane alternative project for community, environmental and revitalization benefits.

Jesus Rodriguez stated he was in attendance to support the two-lane alternative.

Peter Van Cabo stated he was in support of the three-lane alternative. He offered suggestions to alleviate traffic congestion.

Jim Garnier thanked the Board for listening to public comment. He stated he was in support of the three-lane alternative for the community benefits.

Ana Liz Servin stated she was in attendance to represent the Latino community that was in favor of the three-lane alternative. She commented that only local residents know about and use the back streets. She urged support for the project to show community support.

Steve Teshara, North Lake Tahoe Resort Association, commented that the project was to reduce reliance on the automobile and that traffic concerns should be addressed to CalTrans and NDOT who control state highways.

Board Comments & Questions:

Ms. Santiago stated, for the record, she would like a response to the letter from the California Chapter of LULAC which states: "Please be advised that we have filed numerous administrative complaints with other local, state, and federal agencies alleging violations of civil rights, discrimination and retaliation of local residents and our members".

Ms. Rinke clarified the statement relates to funding from CalTrans for the project and was not addressed to TRPA. She pointed out the issue was analyzed in the EIS. She added, for the record, there would be no additional impacts to the Latino community, which makes up 40% of the back street area. There was also enough evidence to conclude there would be an improvement in safety for residents of the back streets.

Ms. Marchetta clarified approval of the 3-lane alternative would provide more safety for the back streets.

Ms. McDermid stated she wanted to clarify the Tahoe Transportation District does not have a position on the project. They conducted the survey because a communication and outreach process was being developed. She noted vehicles were the only thing measured in traffic studies. She commented on the importance of parking and also stated that Placer County will continue to monitor the project.

Mr. Breternitz asked about the Washoe County Sheriff's Office position on this issue.

Wayne Yarborough, South District Patrol Captain, Washoe County Sheriff's Office, stated the position of Washoe County is to remain neutral on this issue. Public safety concerns and having an evacuation plan in place in the event of an emergency were discussed with Placer County.

Mr. Sher asked if the Board would also be approving the traffic calming plan presented in the Supplemental EIS.

Ms. Marchetta replied yes and that it would be put into place, if approved.

Ms. Rinke added a schematic plan approved in a permit would then be subject to in the field refinement with minor changes and adjustments.

Mr. Sher asked why it was designated as "conceptual".

Ms. Marchetta stated it is not yet at the 100% design stage.

Mr. Sher requested clarification that the location of traffic signs, sidewalks and stop signs were a part of Board action.

Ken Graham, Placer County Public Works, stated that was included because one of the concerns of the TRPA when the project was first presented a year and a half ago was not having enough detail.

Ms. Aldean requested clarification about the time frame for construction if the 3-

lane alternative is approved and more information about roundabout crosswalks.

Mr. Graham stated they would be working with the business community so that construction would coincide with business activity. It would take approximately three seasons for construction to be complete because construction would have to be completed during the summer months. Crosswalks will be set back away from vehicle traffic.

Ms. Montgomery moved to make the required findings including a finding of no significant effect including all potential impacts, except certain traffic impacts. Motion carried unanimously.

Ms. Montgomery moved to make a finding of overriding considerations. Motion carried unanimously.

Ms. Montgomery moved to adopt the attached ordinance amending the Kings Beach Community Plan. Motion carried unanimously.

Kings Beach Commercial Improvement Project

Ms. Montgomery moved to make the required findings including a finding of no significant effect. Motion carried unanimously.

Ms. Montgomery moved to make a finding of overriding considerations. Motion carried unanimously.

Ms. Montgomery moved to approve the project subject to the draft permit. Motion carried unanimously.

Ms. Montgomery moved to recess. Motion carried unanimously.

VIII. APPEALS

- A. Angelo Tonozzi's Appeal of Executive Director's Decision to Deny Verification of a Second Residential Unit of Use at 1904 B Street, South Lake Tahoe, El Dorado County, California, APN: 032-242-28, TRPA File No. ADMIN2008--0024

This item was continued at the request of the applicant.

IX. PLANNING MATTERS

- A. Regional Plan Update Milestone Discussion and Direction to Staff
 - 1) Water Quality and Stream Environment Zone (SEZ).

Ms. Marchetta introduced the Water Quality milestone approach.

Staff member Harmon Zuckerman presented the first milestone presentation on Water Quality and Stream Environment Zone (SEZ).

Mr. Zuckerman introduced staff member Paul Nielsen who is the LEED for Water Quality & SEZ milestone.

The Advisory Planning Commission Members introduced themselves to the Board.

APC Comments & Questions on Water Quality Issue #1:

Ms. Kemper asked if the Lake Tahoe Basin Management Unit is updating their BMPs manual or is this coming from the Federal Forest Management System.

Staff member Tim Hagan stated they are working cooperatively with the U. S. Forest Service to update the BMP handbook.

Mr. Kuchnicki asked if the focus would be on the Basin.

Mr. Hagan stated yes.

Mr. Goldberg stated they should defer to the BMP handbook from the Forest Service.

Mr. Lefevre, U. S. Forest Service, presented the Water Quality handbook, which is a statewide program.

Mr. Upton stated he is okay with staff's recommendation.

Mr. Donohue, Nevada Division of State Lands, suggested separating the BMP from the 208 Water Plan as the handbook is updated.

Mr. Hagan reported that issue is being addressed.

Mr. Zuckerman stated that, at this point, the BMP handbook will be updated within the 208 Water Plan.

Board Comments & Questions on Water Quality Issue #1:

Ms. McDermid asked about the relationship between BMPs, Fuels Reduction and Defensible Space because they had been at odds in the past.

Staff member Paul Nielsen stated they were making sure fire safety and water quality were compatible.

Ms. McDermid commented on the importance of being consistent and clear.

Mr. Zuckerman stated the Project Descriptions document contain new policies that require BMPs be congruent with defensible space requirements.

Ms. Santiago requested clarification that the Board was to review the TRPA BMP Handbook to ensure that it was consistent with the Forest Service BMP Handbook.

Mr. Zuckerman stated that was correct.

Ms. Santiago asked if there would be a section in the Forest Service BMP Handbook that would relate only to Basin issues.

Mr. Zuckerman stated he was not sure if there could be a special section for the Tahoe area, but they were looking for general direction on how to work cooperatively.

Ms. Santiago stated there needs to be a discussion regarding how to resolve inconsistencies that might exist between the two separate handbooks.

Ms. Marchetta stated the goal was to avoid inconsistencies.

Ms. Aldean commented on the importance of consistency because any inconsistency from one side would have to be compensated by the other side.

APC Comments & Questions on Water Quality Issue #2:

Mr. Upton suggested clarifying language. He expressed concern regarding expense of the BMPs. He suggested informing the media regarding the process.

Board Comments & Questions on Water Quality Issue #2:

Mr. Sher asked people to keep in mind this would not be the final decision on this issue. He stated he agreed with stakeholder points.

Mr. Zuckerman reiterated this would be an additional policy to strengthen the way BMPs are enforced and implemented and that they were in attendance to hear comments on whether or not to pursue the course of action being proposed.

Ms. McDermid explained one of the goals was to have area-wide BMPs with monies going to individual property owners to upgrade their property. She asked about the measurement that would determine if proposed BMPs were successful.

Mr. Nielsen stated they had tools to evaluate if BMPs are successful over time.

Mr. Zuckerman stated it was easier to evaluate a neighborhood or area-wide solution than parcel by parcel.

Ms. McDermid stated an incentive should be made available to encourage neighborhoods or areas to implement BMPs.

Mr. Zuckerman commented that the fee system could be considered an incentive.

Ms. McDermid commented that one size does not fit all for properties around the Basin.

Mr. Nielsen reported there has been discussion about proposals to allow additional coverage and additional commercial flooring as incentives.

Ms. Aldean stated she was concerned about penalizing property owners who already implemented BMPs on their property to participate in the area-wide BMP program.

Mr. Nielsen stated they would address that issue during implementation.

Ms. Santiago asked for clarification that Mr. Upton was suggesting, including implementation after enforcement in the language on page 9.

Mr. Upton stated that was correct.

Ms. Santiago asked if the language should be more specific to state high-priority water shed areas.

Mr. Nielsen stated that was the idea.

Ms. Santiago stated there needs to be clarity as to what a high-priority area is.

Mr. Nielsen stated local storm water management plans would identify high-priority areas.

Ms. Santiago asked if no further language was needed to identify high-priority areas.

Mr. Zuckerman reported they had the mapping capability to identify high-priority areas and that this information could be given to local jurisdictions.

Mr. Biaggi noted this portion of the meeting was only for clarifying questions to staff and that discussion of this issue would be held later in the meeting.

Mr. Cashman asked if high-priority was defined in the TMDL.

Ms. Marchetta replied no. Local jurisdictions have the incentive to define high-priority areas with assistance from TRPA.

Ms. Montgomery asked what was meant by the following language: "The need for assurance that the existing BMP retrofit date will remain unchanged".

Mr. Nielsen stated it meant BMP retrofit dates would not be extended.

Ms. Montgomery asked if it would be an acknowledgement that the job has not been completed, essentially.

Mr. Nielsen stated that was correct and that the process needed to be stepped up.

APC Comments & Questions on Water Quality Issue #3:

No Questions.

Board Comments & Questions on Water Quality Issue #3:

Mr. Biaggi asked if the Forest Service BMP process was equal and consistent to the TRPA BMP process.

Mr. Nielsen stated the Forest Service evaluates BMPs yearly and TMDL tools would give the TRPA that ability, as well as other abilities.

Ms. McDermid asked if the Forest Service, based on what staff has acknowledged, has withdrawn that concern.

Mr. Zuckerman stated that was correct.

APC Comments & Questions on Water Quality Issue #4:

Mr. Upton asked where he could find the seven case studies for further evaluation.

Mr. Nielsen stated he would provide a copy of the appendix to the 2008 EIP Finance Plan.

Board Comments & Questions on Water Quality Issue #4:

Ms. Montgomery asked how \$500 million was determined for the recommended strategy.

Mr. Zuckerman explained that number was to reflect the estimated cost requirement for installing all water quality projects required to meet the TMDL.

Ms. Marchetta clarified that was the total amount estimated for necessary water quality investment under the Environmental Improvement Program and that it was not the local share.

Ms. McDermid asked where the \$500 million number come from.

Mr. Zuckerman explained the amounts listed were only estimated amounts to show local jurisdictions that they would bear the lion's share of the required work that needs to be done and how important it is for their participation.

Ms. Aldean stated she agreed that all funding partners need to come to the table and provide cash infusion in order to accomplish objectives.

APC Comments & Questions on Water Quality Issue #5:

No Questions.

Board Comments & Questions on Water Quality Issue #5:

Mr. Sher stated he concurred with staff's concern that there would be a lowering of the standard. He asked about the legal affect of changing the number, if any.

Ms. Marchetta stated the issue would not have been brought forth if legal findings could not be made. The legal affect would be that it would change a threshold standard to be more protective.

Ms. Rinke added they think they have the ability to change thresholds.

Mr. Sher clarified he wanted it to be known that it would make it harder to make the finding if the threshold is changed and yet based on a year-round average.

Mr. Zuckerman stated Mr. Sher asked a valid question, but the two numbers are being

tracked and seemed to be equivalent to each other.

Mr. Beyer commented that lowering a number would give the perception that the higher number cannot be achieved.

Ms. Montgomery commented that it's her understanding that the clarity challenge number will not change, but that this would make it more difficult to achieve that number.

Mr. Zuckerman stated that would need to be reviewed.

Mr. Biaggi added it would ground the numbers better in science and would be more defensible in the long-term.

APC Comments & Questions on Water Quality Issue #6:

No Questions.

Board Comments & Questions on Water Quality Issue #6:

Mr. Sher stated he was worried about adopting a 20-year plan without having scientific information.

Ms. Santiago stated there needs to be something in the Regional Plan update regarding this issue.

Ms. Marchetta explained the plan has been and will continue to be updated as more accurate information is provided, but calling the plan a 20-year plan does not mean the plan is fixed for that specific amount of time.

APC Comments & Questions on Water Quality Issue #7:

No Questions.

Board Comments & Questions on Water Quality Issue #7:

Ms. Aldean asked why standards were not replaced if it would provide more scientific validity.

Mr. Zuckerman stated that is why standards were being replaced. It will also assist in assessing the condition of the near shore.

Ms. Aldean commented that a more objective view should be taken when comparing standards.

Ms. McDermid commented that there are other methods that should be considered and that methodology should be updated.

Ms. Thomas asked if there would be an actual transition in standards.

Mr. Zuckerman stated the idea was just to add the clarity measurement as an additional threshold.

APC Comments & Questions on Water Quality Issue #8:

No Questions.

Board Comments & Questions on Water Quality Issue #8:

Ms. Montgomery requested clarification of the private sector representatives.

Mr. Zuckerman stated the names were listed in the appendix.

Mr. Nielsen stated he would add John Falk to that list.

Ms. Marchetta clarified they have collaborated with a larger stakeholder group on a Regional Plan initiative that would measure environmental gain on a specific project as opposed to the TMDL; that information would be presented in March.

Ms. Montgomery asked if the economic feasibility of the project should be reviewed.

Ms. Marchetta stated that was the intent.

Mr. Sher asked why this would need to be put in the Regional Plan because it may be regarded as a standard.

Mr. Zuckerman clarified the goal was not to put the findings into the Regional Plan, but to figure out the feasibility of projects in relation to land use incentives.

Ms. McDermid asked for clarification that they were trying to identify what can be done to make the private sector put in additional capital for water quality improvements and provided an example of charging an additional \$40 for environmental improvements.

Mr. Zuckerman stated that was an example that could be analyzed.

Ms. Marchetta added that the private sector portion of the estimated \$1.5 billion is approximately \$350 million, so this issue attempts to figure out how that portion could be obtained.

Ms. Aldean commented on the importance of offering incentives to the private sector, but it also would depend on the project, to some extent.

Mr. Beyer commented that he was encouraged that the private sector was being considered as a stakeholder and a partner, but analysis should have clear determinations that are feasible.

Mr. Cashman asked for clarification that the plan will state that the agency will be conducting economic analysis on the incentives being offered to the private sector to obtain water quality objectives.

Mr. Zuckerman clarified it would not be read in the plan, but could be seen in the process and provided an example.

Ms. Marchetta stated economic analysis information would be presented to assist with making decisions about what would be an incentive. They were attempting to create a system of regulations and incentives and other tools that will assist with achieving plan objectives.

Mr. Cashman stated his point was that incentives need to change and be adaptable.

APC Comments & Questions on Water Quality Issue #9:

Mr. Upton asked about the existing disclosure requirement.

Mr. Nielsen stated they are not provided that information because disclosures do not get forwarded to the agency.

Mr. Tolhurst commented that knowing how many individuals completed BMPs, but did not disclose it would be a better way to gauge how useful that tool has been.

Mr. Loftis asked how site constraint properties fit into the scenario.

Mr. Nielsen commented that the proposed policies intend to recognize and provide for options to those site constraint properties.

Board Comments & Questions on Water Quality Issue #9:

Ms. Aldean asked how the financial guarantee is established if a property has not been evaluated for BMPs.

Mr. Nielsen stated that information would be provided at a later date.

Ms. Ruthe commented that the point of sale was a concern to her because of the lack of disclosure information.

Mr. Sher stated he was unclear about disclosure requirements.

Mr. Nielsen stated the disclosure requires that the seller notify the buyer that BMPs are required. A certificate can also be produced to show compliance if BMPs were already put in. The alternatives would require BMPs be put in before the sale closes or that a financial guarantee be posted that BMPs will be put in.

Mr. Sher asked if it also has to be disclosed that BMPs are put in at time of sale.

Mr. Nielsen stated that issue was currently being addressed.

Mr. Sher asked if, under the current system, it was required to disclose if BMPs are needed and if they have been put in at the time of sale.

Mr. Nielsen stated the disclosure is that the ordinance exists.

Mr. Sher stated there should be discussion regarding the content of disclosure.

Ms. McDermid expressed concern that TRPA was getting in the middle of private

transactions. She asked if required BMPs are not known at the time of sale, what will be the implications of requiring BMPs in the middle of a transaction.

Mr. Zuckerman stated that could be a policy direction established by the Board.

Ms. McDermid asked how defensible space requirements fit into this issue.

Ms. Marchetta stated they have not contemplated proposing this type of disclosure for defensible space. She clarified this policy is being presented not only because of opposition to the policy, but from pressure from the California Attorney General's Office.

Mr. Biaggi asked if there was a similar policy with wood stoves in the Basin.

Ms. Marchetta replied yes and is as equally ineffective.

APC Comments & Questions on SEZ Issue #1:

No Questions.

Board Comments & Questions on SEZ Issue #1:

No Questions.

APC Comments & Questions on SEZ Issue #2:

No Questions.

Board Comments & Questions on SEZ Issue #2:

No Questions.

APC Comments & Questions on SEZ Issue #3:

Mr. Upton asked if the language on page 8: "Before the pros of TRPA, staff position..." is a staff recommendation.

Mr. Zuckerman clarified that was a staff recommendation.

Mr. Upton asked if definitions would be used in concert with disturbance definitions and if the feasibility of private lands being the land bank source has been considered.

Staff member Scott Frazier replied yes, definitions would be used with the definitions of permanent disturbance and that current SEZ restoration credits are being generated from private lands purchased and restored for that purpose.

Board Comments & Questions on SEZ Issue #3:

Mr. Cole asked if the flood zone would be considered with the SEZ issue.

Mr. Nielsen stated it would be a part of the natural hazards milestone discussion.

Mr. Cole commented that he was disturbed to have to deny a project that would reduce a footprint and bring it to higher ground due to restrictive coding.

Ms. Santiago asked if staff recommendation was to clarify definitions and that later discussion would be the Board's response.

Mr. Zuckerman replied that was correct.

Ms. McDermid asked if there were other projects that would necessarily be increased in cost.

Mr. Zuckerman explained there were a group of projects that could be affected by an additional cost.

Ms. Montgomery asked if the Board should submit their position in writing.

Mr. Zuckerman reported a record of Board decisions would be established.

Ms. Rinke stated there would be no legal implication for the Board to submit their positions in writing.

Mr. Biaggi stated the Board should be transparent and open and not skirt around individual comments.

Mr. Montgomery stated her intent was for written decisions from the Board to be part of the public record, which may make it more transparent.

Mr. Zuckerman commented that written comments from the Board would become part of the public record, but policy direction from the Board was needed at the end of this meeting.

Public Comment:

John Falk, North Tahoe Sierra Board of Realtors, commented that the Board should see past failures as failures in selling the product and not the principle.

Pat Davidson, Executive Director, Truckee/Tahoe Contractors Association, thanked staff for holding stakeholder meetings. She stated she was in support of the two-tracked approach. She provided suggestions for the BMP package. She stated they were strongly opposed to any activity that would hold allocations "hostage".

Theresa Sours, President, South Tahoe Association of Realtors, explained fall-out from the point of sale language currently being considered.

Bob Coulter, Sierra Nevada Board of Realtors, commented that it would be difficult to get a performance bond if requirements are not known.

Karen Marsa, CEO, Incline Village Board of Realtors, commented that one major problem would be not getting enough from the point of sale. She requested that references to a point of sale as a regulatory tool be removed.

Bruce Eisner, California Tahoe Conservancy, commented that individuals deserve

streamlining, predictability, and accountability.

Rochelle Nason & Carl Young, League to Save Lake Tahoe, complimented staff on their efforts with this issue and consulting the public. Ms. Nason stated the first step should be examining thresholds individually and as a package. Mr. Young reviewed thresholds that should be examined. Ms. Nason provided an example of how a threshold can help.

Ms. Santiago asked if two new thresholds were being proposed.

Ms. Nason replied three: a near shore; SEZ functionality; and AIS.

Harold Singer, Executive Officer, Lahontan Water Board, stated the Board supports staff recommendations and the concept of developing BMPs for the non-urban upland. He reviewed the Water Board's concerns with water quality issues.

Jennifer Quashnick, Sierra Club, thanked staff for their efforts regarding this issue. She stated she was unclear why a 4-4 vote is required because policies not voted on will not be analyzed in the EIS. There was also concern about the APC voting on issues that they were only presented with today and with water quality issue #1. They agree a timeline was needed for the development of the near shore standard and that adoption of the Regional Plan would be a good timeline. The EIS should analyze vehicle miles traveled before proposing densities for urban areas. They will continue to address the difference in definitions of EPA wetlands and SEZs to the APC.

Ms. Marchetta explained there was a 4-4 voting requirement at today's meeting to determine the position of the Board.

Mr. Sher stated staff would get the indication of the Board's position from any vote. He expressed concern that requesting a 4-4 vote is a legal requirement.

Ms. Marchetta stated it was not a requirement. It is a tool for staff to gauge the Board's position.

Mr. Biaggi noted there was nothing on the agenda that requires a vote.

Mr. Sher noted the introductory memo states a 4-4 vote is required for the motion to pass.

Ms. Marchetta stated this could be a straw vote.

Ms. Santiago clarified a 4-4 vote requirement is listed on the agenda therefore the language should be changed to indicate a straw vote.

Ms. Rinke stated direction to staff is what is listed on the agenda. Today's vote would not bind the Board to the future vote on the EIS or the Regional Plan update.

Mr. Sher commented that staff's intention may be different, but the language presented states a 4-4 vote is required in order for the motion to pass.

Ms. Rinke stated the language should be corrected.

Doug Smith, TMDL Unit Chief, Lahontan Water Board, added more information to the

water quality issues.

Sara Ellis, Nevada Realtors, provided history regarding residential disclosure on the BMPs. She commented on the importance of disclosure.

APC Technical Recommendation:

Alan Tolhurst, Chairman, Advisory Planning Commission, presented their technical recommendations:

- 1) WQ #1 – accept staff recommendation all TRPA upland forest – use the FS as a foundation to build on but with Adaptive Management and develop our own for program for TRPA upland.
- 2) WQ#3 – accept staff recommendation.
- 3) WQ#4 – accept staff recommendation.
- 4) WQ#5 - accept staff recommendation.
- 5) WQ#6 – accept staff recommendation and make a firm commitment to provide a plan before the next Threshold Evaluation.
- 6) WQ#7 - accept staff recommendation.
- 7) WQ#8 – accept staff recommendation with local governments to participate in the evaluation.
- 8) Point of Sale – analyze all four options and tracking of disclosures and whether they have been completed.
- 9) SEZ#1 – build on the existing definitions and regulations.
- 10) SEZ#2 – mitigation ratio for SEZ and strong feeling that the most impacted areas to the 4-1 ratio – this would be upfront and defined for all applicants.
- 11) SEZ#3 - accept staff recommendation.
- 12) WQ#2 – local jurisdictions should not be required to fulfill TRPA’s enforcement duties; there should be development of an implementation and maintenance strategy.

Clarifying Questions for APC by the Board:

Ms. Aldean asked if there was discussion for individual parcels to install BMPs even though they may be rendered ineffective by a more regional approach.

Mr. Tolhurst stated that was not discussed.

Ms. Kemper stated the APC did believe that was sensible.

Ms. Aldean asked if they do not envision individual parcel implementation of BMPs going away even if a more regional approach was taken to deal with run-off.

Ms. Kemper replied exactly and that assisting local jurisdictions include prioritization of areas.

Ms. Aldean asked if the list of BMPs for individual parcels should be refined to determine improvements to parcels that would have immediate benefits to infiltration trenches.

Ms. Kemper commented that there has to be a partnership with local jurisdictions and individual property owners on this issue.

Ms. Aldean asked if it was being required to address run-off from an individual parcel now rather than as a community drainage plan.

Mr. Tolhurst stated it was not a current requirement, but it would be noted.
Mr. Zuckerman added management of on-site storm water was not unique to the Lake Tahoe Basin.

Ms. Aldean asked if that was being conducted in Carson Valley as part of a retrofitting program or based on construction.

Mr. Zuckerman replied it was based on construction.

Ms. Aldean stated that would be a significant difference because it would be mandatory for all existing parcels.

Ms. Santiago asked about the addition to water quality issue #2.

Mr. Upton stated the addition regarded mechanisms that could be developed by the TRPA that would efficiently inspect at the neighborhood level and implement neighborhood-level projects.

Mr. Zuckerman noted the APC was attempting to formulate implementation measures that would be driven by the policy in water quality issue #2.

Ms. Santiago requested clarification of the APC recommendation for water quality issue #6.

Mr. Tolhurst clarified the suggestion was for it not to be included in the Regional Plan as a threshold item, but to be presented at the next threshold analysis in five years with the complete package to implement in the Regional Plan.

Ms. Santiago suggested deleting the word "threshold" out of "threshold standard" to avoid confusion. She asked if there was language that could set a commitment to a threshold standard.

Mr. Biaggi commented that this issue should be addressed during the deliberation process.

Ms. Santiago commented that, during public comment, there was a discussion about threshold standards, but threshold standards are different than thresholds.

Ms. Marchetta clarified thresholds are threshold standards, but there were other measures to take against that standard.

Ms. McDermid commented on the confusion of the use of "threshold standard".

Ms. Marchetta commented that the word "threshold" has been used to mean a measuring system, but that when staff uses the word "threshold" it means standards that are established.

Mr. Tolhurst added there were already twenty-two standards and this issue was proposing to add another.

Ms. Montgomery suggested allowing APC more time to address issues the first day of a two-day meeting and for the TRPA to deliberate the issue the second day.

Ms. Rinke commented that there would be a problem with having an APC meeting held at the same time as the TRPA meeting.

Ms. Montgomery commented that she did not hear APC recommendations, but a re-cap of APC discussion.

Mr. Zuckerman stated the APC did provide solid recommendation in changing the language in the proposed policy for maintenance and inspection.

Ms. Montgomery stated she was unsure of what the recommendation was for water quality issue #1.

Mr. Upton commented that the APC recommendation was to use the Forest Service BMP handbook as a basis for the TRPA, but not to defer to it.

Ms. Montgomery asked if there were legal concerns about making a decision regarding this issue given the fact that Lahontan was going through litigation on this issue.

Ms. Rinke stated she did not believe there was a contradiction as this issue refers to the Regional Plan update.

Mr. Beyer asked for clarification regarding how local government could participate in the evaluation.

Ms. Merchant stated they wanted local government to participate to determine what incentives do and do not work.

Mr. Beyer asked if local governments would participate for their particular region or area-wide.

Ms. Merchant stated recommendations should be made as they would affect the entire plan or process for incentives.

Mr. Zuckerman added economic feasibility overall would be reviewed for the sake of the Regional Plan update.

Mr. Tolhurst noted staff recommendation includes participation by local jurisdictions.

Ms. Merchant commented that, for water quality issue #2, Placer County recommends TRPA and the environmental document consider delegating authority on TMDL to Lahontan.

Mr. Upton commented that the APC needed more discussion on these issues.

Ms. Marchetta noted a private meeting for the APC to further discuss the issue would be a violation of the Open Meeting Law.

Public Comment:

Rochelle Nason, League to Save Lake Tahoe, commented that the majority of APC discussion was on developing a relationship between the TRPA and local governments. She commented on the importance of that relationship.

Board Recommendation:

WQ#1

Ms. Santiago stated she had no problem with the APC recommendation because the goal is consistency with the Forest Service BMP handbook.

Ms. Aldean suggested deleting the word “deferred” and use “amended to use” the USFS BMP handbook as the guiding document.

Mr. Sher stated it was his understanding that the APC recommendation was to use the Forest Service BMP handbook until the TRPA BMP handbook could be developed.

Ms. McDermid commented that she heard the APC say to use the Forest Service handbook as a foundation on which to build and utilize adaptive management of the upland areas.

Ms. Montgomery clarified the word “use” would be substituted for the word “defer” and to add specific wording about referring to the Tahoe Basin in the US Forest Service BMP handbook.

Ms. Aldean moved to approve staff recommendation.
Motion carried.

WQ# 2

Mr. Cole asked how flexible the BMP program is to allow innovation and to include language to allow innovation and alternatives.

Mr. Nielsen stated the BMP handbook was currently being updated and new innovative approaches were being reviewed.

Mr. Cole stated he wanted the handbook to include language for innovation and alternatives.

Mr. Nielsen stated that would be reflected in the handbook.

Mr. Cole stated he wanted that to be addressed in both the US Forest Service BMP handbook and the TRPA BMP handbook.

Ms. Montgomery moved to approve the APC recommendation and to include development implementation.
Motion carried.

WQ# 3

Ms. Santiago moved to approve staff recommendation.
Motion carried.

WQ# 4

Mr. Biaggi moved to approve staff recommendation.

Mr. Cole asked for an explanation of the implications.

Mr. Biaggi stated compliance with the TMDL is the responsibility of the local entity regardless of whether the TRPA is in existence.

Mr. Cole stated he would vote no on the issue because, in his opinion, it was an unfunded mandate.

Ms. Marchetta clarified the vote was not regarding whether there was an unfunded mandate, but to retain the implementation strategies currently proposed in the alternatives for the goal of the TMDL.

Mr. Zuckerman added all three of the action alternatives require participation in the TMDL program.

Mr. Sher commented that voting no on the issue would not change the general plan.

Mr. Biaggi added demands would also be made to state jurisdictions and private entities, as well as local jurisdictions.

Mr. Sher stated this is an issue that will have to be dealt with as projects come up from these jurisdictions that do have these requirements, but are not meeting them.

Mr. Beyer asked for clarification that by doing nothing on this issue is a violation of the Clean Water Act.

Mr. Zuckerman stated that was correct. He added local jurisdictions would still be required to be in compliance with the Clean Water Act even if policies and regulations were not in place. The plan was to recognize federal regulations which will assist TRPA in obtaining federal funding to assist local jurisdictions with compliance.

Mr. Cole asked if that language could be included.

Ms. Marchetta stated the EIP program approved last year included financial targets from the private sector toward the program. The EIP update will become a part of the Regional Plan.

Mr. Cole asked if the EIS has language that the TRPA acknowledges there is no current funding, but that the TRPA would still continue to provide assistance.

Ms. Marchetta stated funding was not available from any sector at the moment therefore

the plan would identify funding targets and acknowledge that the TRPA will provide assistance in finding funding.

Mr. Cole asked that language be included that the TRPA will help incentivize funding.

Mr. Harris requested TRPA staff consider the impact federal TMDL requirements on water quality management and that staff advise and assist local jurisdictions in meeting their federal obligations.

Mr. Sher suggested that language be included in the EIP program.

Mr. Cole stated that language should be included in both the EIP program and the Regional Plan.

Motion carried.
Mr. Sher voted no.

WQ# 5

Ms. Santiago moved to approve staff recommendation.
Motion carried.

WQ# 6

Mr. Cole asked for clarification that there is already existing near shore.

Mr. Zuckerman commented that thresholds needed to be in place before action can be taken.

Mr. Cole stated he was not advocating a new threshold, but to re-emphasize the importance of the littoral zone.

Mr. Zuckerman stated they wanted to re-assure that the littoral zone was important, but they did not want to create thresholds until more data was collected.

Ms. Santiago commented that a footnote was needed that would provide a timeline of when the TRPA will create a suite of littoral standards.

Mr. Biaggi stated that could be policy direction.

Ms. McDermid stated the APC's recommendation was to have a firm commitment before the next threshold evaluation and that she concurred with their recommendation.

Ms. Marchetta stated a timeline could be developed between staff recommendation and the APC recommendation.

Ms. Thomas asked if staff will propose a time frame as to when a suite of littoral standards will be created.

Mr. Zuckerman noted it may be completed in a few years, but they did not want to propose a specific time frame.

Mr. Sher stated there should be a date certain when staff will present littoral standards to the TRPA for approval and to have consequences imposed if not adopted at that time.

Ms. Marchetta stated the adequacy of science that backs up a threshold standard is not within TRPA's complete control. It's another area of partnership that lays the basis for the threshold standard.

Mr. Sher asked if it could be included in policy not to approve projects until those threshold standards are met.

Mr. Biaggi clarified this discussion was for policy direction and not imposing moratoriums.

Mr. Beyer suggested staff continue to work with the science community to find effective means and to implement them as the plan is developed.

Ms. Aldean stated her motion would be consistent with the recommendation from the APC.

Ms. Aldean moved to approve staff recommendation and to direct TRPA staff to create a suite of littoral standards before the five-year threshold review.

Motion carried.

Mr. Sher abstained.

WQ# 7

Ms. Santiago moved to approve staff recommendation.

Motion carried.

WQ# 8

Ms. Aldean recommended the land use program conduct an analysis to better inform the transfer ratio and incentive packages in cooperation with local government and the private sector representatives.

Mr. Sher asked for clarification as to where the incentives are to be developed.

Mr. Zuckerman stated this would reiterate the land use program should conduct analysis based on hypothetical situations to determine how to properly influence incentives that are going to be offered when the land use milestone is to be presented.

Mr. Sher asked for clarification that it relates to language to go into the Regional Plan.

Mr. Zuckerman commented that there would be no language in the Regional Plan about how staff is responsible to conduct analysis. Staff direction would be to do more work on this issue to ensure that land use incentives proposed in April are accurate.

Ms. Aldean moved to approve staff recommendation and that the land use program within TRPA conduct the analysis to better inform its transfer ratios and land use incentive packages in cooperation with local government and private sector representatives.

Mr. Cole stated his concern was to still have an incentive-based system.

Ms. Aldean stated it was consistent with staff recommendation to better refine the incentive package.

Ms. Cole stated he liked the phrase: "incentive-based system for land use regulation".

Mr. Zuckerman pointed out alternative two is an incentive-based, collaboration-based alternative and that this language was throughout the entire document.

Motion carried.

WQ#9

Mr. Harris moved that the TRPA staff consider its BMP implementation with further enhanced disclosure requirements.

Ms. Aldean suggested removing language from Alternative 2 to Alternative 4 and, in Alternative 2, enhance disclosure requirements including amending the seller's real property disclosure form.

Mr. Harris commented that the language should remain in Alternative 2.

Mr. Biaggi stated he liked Mr. Harris' language because it provides guidance without restriction to staff.

Ms. Aldean stated she was suggesting language that could make enforcement of the seller's real property disclosure settlement easier.

Mr. Harris stated he would accept that amendment to his motion because it was more specific.

Mr. Cole commented that disclosure of BMP compliance was disclosed in California and south shore.

Mr. Zuckerman provided previous discussion with stakeholders regarding this issue and that point of sale options should be left open in Alternatives 3 and 4.

Ms. Aldean suggested not including the language in Alternative 4 because only a disclosure requirement is included in Alternative 3.

Mr. Zuckerman added disclosure requirements could be included in Alternative 2.

Mr. Harris withdrew his motion.

Ms. Aldean moved to direct staff to revise A2 to increase disclosure statement to be required to A3.

Mr. Beyer stated language should not create indifference with one of the stakeholder communities the TRPA was looking to partner with.

Ms. Marchetta stated they were proposing to keep all options open to best achieve goals.

Mr. Beyer stated he wanted to go on record that he did not want previous comments to be overlooked.

Ms. Aldean noted Ms. Ruthe had requested the use of the seller's real property disclosure statement.

Motion carried.

SEZ#1

Ms. Santiago moved to approve staff recommendation.

Ms. McDermid stated APC recommended a review of the adequacy of the definition of stream environment zone.

Mr. Loftis clarified APC made the recommendation because the current definition seemed outdated.

Ms. Aldean commented that someone from Lahontan was questioning the need for a more rigorous definition of "permanent".

Mr. Zuckerman stated there was a recommendation to develop a "permanent" definition and suggested the following language: "TRPA staff proposed to coordinate with partner agencies during development of the regulatory definitions for SEZ and permanent disturbance."

Motion carried.

SEZ#2

Mr. Cole commented that he wanted the definition of "new" and provided an example.

Mr. Zuckerman stated that would be a great discussion during implementation and provided an example.

Mr. Cole asked for the definition of "new" disturbance.

Mr. Zuckerman stated the definition of "new disturbance" is disturbing an SEZ that has never been disturbed before.

Mr. Cole requested language be included regarded less evasive or impacted disturbance.

Mr. Biaggi moved to approve staff recommendation and evaluation of new and relocated disturbances.

Ms. McDermid commented that the APC stated the criteria needs to be objective and predictable.

Mr. Zuckerman stated that was discussed and was kind of the matrix.

Motion carried.

SEZ#3

Ms. Santiago moved to approve staff recommendation as related to enhancement restoration and creation.

Mr. Cole asked if there could be a definition for SEZ relocation.

Mr. Frazier stated they were trying to recognize that there are similar differences in types of mitigation to compensate for impacts.

Mr. Cole commented that having that language would have one type of SEZ activity to be reviewed.

Mr. Frazier stated relocation would fall under restoration or creation.

Mr. Biaggi stated he did not see a downside to including the language.

Mr. Nielsen emphasized these are types of compensatory mitigation and that SEZ relocation is a different issue and that findings to allow for relocation are in the implementation measures.

Mr. Zuckerman clarified creation, restoration, and enhancement are all actions, but relocation is a transaction.

Motion carried.

X. ADMINISTRATIVE MATTERS

- A. Appointment of a Governing Board Member Delegate and Alternate to the California Council of Governments (CALCOG) for 2010.

Ms. McDermid moved to nominate Governing Board member Norma Santiago as the Delegate to the California Council of Governments and Casey Beyer as the Alternate to the California Council of Governments.

Motion carried unanimously.

- B. Potential Closed Session to Discuss Pending or Potential Litigation

XI. REPORTS

- A. Executive Director Status Report

1. Agency Work Program Priorities for January

- a. Regional Plan Update
- b. Forest Fuels Management Update
- c. Aquatic Invasive Species
- d. EIP Implementation
- e. Shorezone Implementation
- f. CEP Update

B. Agency Counsel Status Report

Ms. Rinke gave the agency counsel status report and stated that TLOA has dismissed their lawsuit against TRPA on Shorezone.

XII. GOVERNING BOARD MEMBER REPORTS

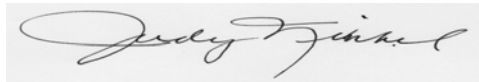
XII. COMMITTEE REPORTS

- A. Legal Committee - none
- B. Operations Committee - none
- C. Public Outreach & Environmental Education Committee - none
- D. Catastrophic Wildfire Committee - none
- E. Local Government Committee - none

XIV. ADJOURNMENT

Governing Board Chair Mr. Biaggi adjourned the meeting on Thursday at 4:15 p.m.

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.