TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

TRPA
Stateline, NV

June 23 & 24, 2010

REGULAR MEETING MINUTES - REVISED

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Vice-Chair Ms. Santiago called the meeting to order at 9:40 a.m.

Members Present:

Ms. Aldean, Mr. Breternitz, Mr. Beyer, Ms. Bresnick, Mr. Cashman, Ms. Lovell for Mr. Cole, Mr. Merrill, Ms. DuPre for Mr. Miller, Ms. Moss for Ms. McDermid, Ms. Montgomery, Ms. Ruthe, Ms. Santiago, Mr. Sher

Members Absent: Mr. Biaggi, Mr. Reid

II. PLEDGE OF ALLEGIANCE

III. PUBLIC INTEREST COMMENTS

Brenda Hunt expressed her enjoyment working at TRPA. She commended that former Board member Jerry Waldie's service on the Board and in the community. She suggested that spirit remain with the present Board and his picture be prominently displayed.

Ellie Waller requested clarification regarding the project sign-up sheets. She thanked Brenda Hunt for providing information to the public during her service on Staff.

Dave McClure commented on the separation between policy and implementation and provided an example.

Amanda Royal, League to Save Lake Tahoe, expressed her objection to denying the public the opportunity to comment on the land use portion of the Regional Plan Update at the last APC meeting and at today's meeting. She requested the Board allow public comment on this issue and read excerpts from the Nevada Open Meeting Law regarding public comment.

Ms. Santiago asked for clarification that public comment will be heard during the land use portion of today's meeting.

Ms. Rinke replied yes. She explained the Regional Plan Update will be addressed in different portions and that Ms. Royal was commenting on having further public comment on the first portion of the Regional Plan Update which has already been discussed.

Jeff Sparksworthy commented on and made available information regarding his idea for a high-speed, detachable gondola system for the area.

IV. APPROVAL OF AGENDA

Ms. Montgomery moved approval.
Motion carried unanimously.

V. APPROVAL OF MINUTES

This item was continued.

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

TRPA CONSENT CALENDAR

1. Acceptance of May 2010 Monthly Financial Statement
2. FY2010-2011 Budget & Work Program
3. Update of Air Quality and Water Quality Mitigation Fund Release Policy Guidelines
4. Release of $16,500 in Water Quality Mitigation Fund Interest to Douglas County for the Hydrologic Modeling Project
5. Release of $205,000 in Water Quality Mitigation Funds and $159,200 in Air Quality Mitigation Funds to El Dorado County for Various Projects and transfer of Unused Previously Released Mitigation Funds
6. Resolution of Enforcement Action, Joe Pehanick and Mark Wyman, Unauthorized Addition of Coverage to a Historic Resource, 682 Lakeview Blvd, Zephyr Cove, NV Douglas County, Assessor's Parcel Number 1318-10-310-015;
7. Resolution of Enforcement Action, Shenzhen Sihai Pingfu, Unauthorized Grading and Disposal of Soil, 377 Merryanne Drive, Douglas County, NV, Assessor's Parcel Number Z 1319-18-312-005

Ms. Ruthe stated that the Operations Committee recommended approval of Items 1-5.

Ms. Aldean stated that the Legal Committee recommended approval of Items 5 and that Item # 6 was continued.

Ms. Ruthe moved approval.
Motion carried unanimously.

Ms. Ruthe moved to adjourn as the TRPA and convene as the T MPO.

Ms. Marceron, Tahoe Basin Management Unit, joined the Governing Board.

VII. TAHOE METROPOLITAN PLANNING ORGANIZATION

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

1. Adoption of TMPO FY 2010 Overall Work Program (OWP) Amendment #2

Ms. Aldean moved approval.
Motion carried unanimously.

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

Ms. Marceron, Tahoe Basin Management Unit, left the Governing Board.

VIII. RESOLUTIONS

A. Resolution In Support of the Lake Tahoe Basin Wildfire Awareness Week July 3-11, 2010

Ms. Marchetta asked to continued this item until later in the day.

Vice Chair Ms. Santiago presented the Resolution in Support of the Lake Tahoe Basin Wildfire Awareness Week and gave a background on the Angora Fire that happened 3 years ago.

No Public Comment.

Ms. Lovell moved approval.
Motion carried unanimously.

Ms. Lovell asked that the Fire and Fuels Team introduce themselves.

Mary Huggins, Ray Zacho, Tom Pickett, Kyle Jacobson introduced themselves.

IX. PLANNING MATTERS

A. Regional Plan Update Milestone Discussion and Direction to Staff

1) Transportation, Noise, and Energy and Climate Change

Ms. Marchetta introduced the Transportation, Noise, and Energy and Climate Change milestone.

Staff Member Harmon Zuckerman introduced the milestone for Transportation, Noise, and Energy and Climate Change milestone and introduced Carl Hasty, Tahoe Transportation District.

Carl Hasty, Tahoe Transportation District, spoke from the districts perspective on the transportation milestone and what items are currently in the planning stages

<u>Governing Board Questions and Comments:</u>

Ms. Bresnick asked for Mr. Hasty to explain the relationships of the different entities that have a role in transportation.

Mr. Hasty explained the Metropolitan Planning Organization (MPO) provides transportation construction funding. The RTPA has statutory authorities in California. The Tahoe Transportation District is a compact agency therefore their authority is the jurisdictional boundary of TRPA. They can also go outside the boundary to provide connections to other transportation systems in the Basin. The District is also an advisory body to the TRPA as the MPO.

Ms. Bresnick asked if the Mobility 2030 Plan was the overall plan and that the Tahoe Metropolitan Planning Organization (TMPO) Work Plan implements the Mobility 2030 Plan on a regular basis.

Mr. Hasty stated that is correct and explained how that plan would be implemented.

Mr. Sher asked about the projects that are being planned to address the “choke points” of the peak time being projected.

Mr. Hasty stated one way would be to move the intersection and open it up to pedestrian traffic. He provided an example.

Mr. Sher asked how traffic congestion at the Y would be solved.

Mr. Hasty stated a new bridge would have to be built in the North Y area with the road to be widened for traffic or an area would have to be dedicated to more pedestrian/bike traffic with the intersection moved so vehicle traffic will be separate.

Mr. Sher asked if these solutions were being requested for projects in the Regional Plan Update.

Mr. Hasty stated the solutions were already in the current plan.

Mr. Sher commented that pedestrian/bicycle traffic was being promoted, but more projects were being proposed that would generate more vehicle traffic with unrealistic suggestions about reducing vehicle traffic.

Mr. Hasty stated it is the transportation system that needs to be built because each individual project will not solve the problem.

Mr. Sher asked if the Board should be approving projects that add to the problem until projects are in place.

Mr. Hasty stated the emphasis should be on building the system and that this can be accomplished with the development of both public and private projects.

Mr. Sher asked about the system that is going to solve the transportation

problem on the North Shore.

Ms. Santiago suggested these issues can be better discussed between Mr. Sher and Mr. Hasty outside of the meeting venue.

Mr. Hasty commented that there are going to be both pros and cons when deciding whether the transportation system infrastructure should be spread out or concentrated, because there will be some efficiencies that exist with one, but not with the other.

Mr. Zuckerman explained the process including the stakeholder process, the FactSheet and the FactBook and what to expect going forward.

TRANS Issue #1: Should bicycle lanes be constructed along all major travel routes?

Advisory Planning Commission Questions and Comments:

Mr. Thompson asked about the definition of "where-feasible."

Mr. Zuckerman stated language was not being developed today. This item was to address the issue of Trans Issue #1. He noted they would work with the Transportation Agency on definitions when proposed language was being developed.

Lyn Barnett added that TRPA Code currently has a definition of "feasible" and read it into the record as follows: "capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, legal, social and technical factors."

Governing Board Questions and Comments:

Ms. Montgomery asked for clarification on the definition of "major travel routes"- what they are and how they are defined.

Mr. Zuckerman stated TRPA does not have a definition of "major travel routes" therefore, it would need to be defined during this process.

Karen Fink added the definition section of the Code of Ordinances has a definition for "major arterials", which is a more technical term and which is the definition that will be used for "major travel routes." It includes all highways and major connectors around the Basin.

Mr. Merrill asked for clarification on how the plan and policies would affect the issue of the Cal Trans Policy and other transportation agency policies for that present problems building bike lanes in conjunction with roadways. He also asked how acquisition of right-of-ways would be accomplished without imposing imminent domain.

Ms. Marchetta commented that the fundamental reluctance on Cal Trans' part to implement multi-purpose projects relates to money. The solution is

to develop a partnership approach with other agencies to show Cal Trans that multi-purpose solutions would assist them in achieving the targets of their TMDL permit requirements.

Mr. Merrill asked if the new lever will be what is required of Cal Trans under the TMDL.

Ms. Marchetta stated that was right. She also noted new state-wide legislative policies are requiring the integration of land use policy with transportation policy.

Lori Kemper, Lahontan Water Board, added there are opportunities with water quality improvements to develop class-two bike lanes with the design for storm water systems. She also cautioned the Board about developing language to create safe bicycle passages even though it may not meet current standards.

Ms. Santiago asked for clarification that this segment of the meeting was to ask clarifying questions on the information presented and that the Board will have the opportunity to review language under deliberation.

Mr. Zuckerman replied yes. He stated Ms. Kemper's comments could be made to the APC as part of their advice before Board deliberation.

Mr. Merrill reiterated his question of how right-of-ways would be realistically acquired.

Ms. Rinke stated she was still researching that issue.

Ms. Santiago asked if questions regarding right-of-ways should be addressed under deliberation.

Ms. Rinke stated that was correct, but that the actual discussion of how these properties could be acquired could be addressed during the implementation portion of the process.

Ms. Bresnick asked why they were discussing policy issues on bike lanes that are already proposed in the Mobility 2030 Plan and other documents.

Mr. Zuckerman stated this discussion was about confirming the Regional Plan to other documents that have been adopted. He noted language in the policy was already in the implementation measure.

Ms. Bresnick stated that it seemed to her a "no-brainer' to encourage bike lanes in major travel routes. She commented that it may be helpful to cross-reference these issues because they may have already been studied in other documents.

Mr. Zuckerman stated there were footnotes in the FactSheet and that they were trying to cross-reference other documents. He noted the Astro standards were referenced from the TMPO's Bike and Pedestrian Master

Plan.

Mr. Beyer commented that he was on a Board to bring biking to a large area of Southern California where there is major traffic congestion on both major roadways and streets and corridors. He asked if staff has addressed the issue of "Sharrows." He also asked for a description of what a "Sharrow" is.

Ms. Fink explained a Sharrow is a stenciled bicyclist lane that goes through a neighborhood roadway and not off to the side like a regular bicycle lane. She stated Sharrows would be proposed in the updated Bicycle and Pedestrian Plan for the City of South Lake Tahoe.

Mr. Beyer stated he would forward a poster of route Sharrows.

TRANS Issue #2: How should TRPA facilitate maintenance of bicycle paths and sidewalks?

Advisory Planning Commission Questions and Comments:

Mr. Thompson asked for clarification of the meaning of "over time."

Mr. Zuckerman stated it was policy language. It's trying to get across the concept that bicycle lanes should be maintained over their useful life span or for a reasonable amount of time.

Mr. Angelocci asked for clarification regarding the "25% of air quality mitigation funds set aside for operation and maintenance", as listed in the language in Implementation Measure #18.

Mr. Zuckerman stated that was discussed when the Implementation Measure was written.

Jerry Wells stated the Board adopted this policy this morning during adoption of the Consent Calendar. He clarified it is 25% of the amount received and that even existing accounts could be converted to that.

Ms. Merchant asked for clarification how 25% of air quality mitigation funds would be set aside and maintained. At the last APC meeting it was decided to pool all air quality mitigation funds rather than break up funding by jurisdiction.

Mr. Wells stated the policy adopted this morning was an interim policy until the Regional Plan was adopted so code changes were not addressed. It would be 25% for each jurisdiction and would not be aggregated and put into a single project.

Ms. Merchant asked if it was being suggested through Implementation Measure #18 that funding was to be pooled or distributed by individual jurisdictions.

Mr. Zuckerman stated the Implementation Measure does not address where the funding gets spent, but only to reserve up to 25% of funding.

Ms. Merchant stated she did not understand if the 25% would be determined for every jurisdiction or from a pool of the funding.

Ms. Rinke explained it would be a funding pool of 25% for operation and maintenance.

Ms. Merchant stated that it seems problematic to develop a process or system that makes jurisdictions compete with each other for operation and maintenance funding from the same funding pool.

Mr. Zuckerman stated distribution of funding has only been talked about up to this point and could be developed at a later time. Implementation Measure #18 was allowing jurisdictions to use up to 25% of air quality mitigation funds for operation and maintenance.

Ms. Merchant commented on the difficulty trying to understand policy without discussing implementation.

Ms. Santiago asked for clarification that, as of today, it is up to 25% of air quality mitigation funds that have been received for a jurisdiction.

Mr. Wells stated that was correct and that it is also true of water quality funds.

Governing Board Questions and Comments:

Ms. Montgomery suggested striking the verbiage “over time” because of its redundancy. She asked if costs were being considered for snow removal and if specific bike paths were being considered. She commented that snow removal should be reviewed more closely. She also asked if there was a definition for transportation routes with high use year round and what the scientific basis would be to establish that when there is no history related to year round use.

Mr. Zuckerman stated there was no scientific backup for the use of bike paths. There is an intertwined plan that takes into account the pedestrian and transit-oriented development and keeping pedestrian and bicycle facilities open year round.

Ms. Marchetta stated they have also tried to maintain the flexibility for maintenance for the local jurisdictions. She explained the intent was to get the policy in place for implementation.

Ms. Montgomery suggested the policy relate to bike facilities and not sidewalks and that language for all other paths other than bike paths should include winter use. She suggested establishing cross-country ski trails. She stated they should consider how to utilize the seasons and weather to achieve the policy goal, but not to define it as snow removal.

Mr. Barnett added that seasonal winter trails were discussed at stakeholder meetings. The idea was to look at and decide which trails would be open during the winter for cross-country ski use and which trails would be open during the winter for bike and pedestrian use.

Mr. Zuckerman stated he would like to talk more about changing the language in the policy during the second half of the meeting to address these concerns.

Ms. Aldean asked how long- and short-term funding mentioned in the Implementation language for the maintenance plan would be dedicated, when in most jurisdictions funding is based on annual appropriations.

Mr. Zuckerman stated Code would be written to support and clarify this, but that the concept behind the use of the word “dedicated” is to indicate that funding would be dedicated to the project.

Ms. Aldean asked if that means that local jurisdictions would have to set aside funding in a special account as opposed to appropriating it on an annual basis as part of an overall budgeting process.

Mr. Zuckerman replied maybe not, because it was not yet known whether local jurisdictions would be the actual project proponents.

Ms. Bresnick commented that she agreed with Ms. Merchant’s and Ms. Aldean’s comments that there will need to be some parameters on implementation in order to support an overall policy. She asked if the Maintenance Plan would begin with maintenance on already existing facilities and if there was a priority list of these facilities.

Ms. Marchetta stated she did not believe TRPA intends to dictate a Maintenance Plan to local jurisdictions. The concept of the Maintenance Plan was to allow local jurisdictions, in partnership with TRPA, to prioritize bike and pedestrian trails for operation and maintenance in their respective area.

Ms. Rinke stated they may have a current inventory of existing facilities in the Bike Plan.

Mr. Zuckerman noted there was also discussion about updating the 1992 Air Quality Plan which would include prioritizing projects for air quality benefits.

Mr. Cashman asked about the specific meaning of the verbiage “over time” and why it was being used.

Mr. Zuckerman stated the use of that verbiage was to ensure there would be a long-term Maintenance Plan in place.

Mr. Cashman commented that the use of the verbiage “over time” could

also be interpreted that a Maintenance Plan would be developed at some point in the future as opposed to having a long-term Maintenance Plan in place.

TRANS Issue #3: Should TRPA encourage waterborne transportation systems as an alternative to automobile travel in the region?

Advisory Planning Commission Questions and Comments:

None

Governing Board Questions and Comments:

Mr. Merrill asked why north-south waterborne connections were being emphasized, when it was not known if it was more viable than other areas.

Mr. Zuckerman stated it has to be studied as part of the Environmental Impact Statement. There is also language that includes connections between communities at Lake Tahoe therefore the emphasis was on the north-south because that was the major connection across the lake.

Mr. Merrill objected to the mentioning of any specific language because it may make the Board bias.

Ms. Santiago asked for clarification that the EIS was just evaluating this particular connection.

Ms. Marchetta replied yes. The EIS will evaluate the affect on the transportation system of having an alternative north-south connector that is not roadway linked.

Ms. Santiago asked if it would be better to look at waterborne connections as a general concept in the EIS evaluation, rather than as a specific north-south waterborne connection.

Mr. Zuckerman stated the implementation language was amended to include connections between communities at Lake Tahoe. Staff was asking if waterborne transit system should be encouraged as an alternative to automobile travel and be further studied.

Ms. Bresnick asked when the Tahoe Transportation District Study would be completed.

Mr. Hasty stated this would be completed toward the end of 2010. We are currently underway with FTA (Federal Transit Administration) process for their Small Starts Program, which includes a rigorous evaluation of the operation and feasibility including a 25-year operation perspective. After that evaluation, the EIS would be completed.

Ms. Bresnick asked for clarification that the TTD would be completing the EIS.

Mr. Hasty stated they would be working closely with the TRPA and the Regional Plan on completing the EIS.

Ms. Marchetta added this was included because there was an interest by the congressional delegation, therefore we are trying to create consistency between the various agencies and entities of the Basin that have an interest in studying this concept.

Ms. Rinke commented that the Board's environmental plan will tier off of the TTD's environmental Plan. She stated that TTD's review would be narrower with regards to how this option fits in with the rest of the options as an alternative.

Ms. Bresnick commented that the "meat" of this issue is what TDD is doing and the congressional request and how that would be integrated in TRPA's EIS. She stated this information would help influence TRPA's decision on this policy.

Ms. Marchetta stated we made an attempt to introduce those ideas in the FactSheet.

Ms. Bresnick asked how the TTD study would relate to TRPA's EIS and why are we being asked to support something in the Regional Plan Update that is being studied by TTD.

Ms. Marchetta stated they were trying to keep the FactSheet balanced by truncating several related documents and concepts.

Ms. Lovell asked for clarification that the TTD study would study other waterborne transit systems that do not go north to south.

Mr. Zuckerman said that was correct and the last full paragraph on page 12 of the FactSheet addresses that issue.

Ms. Marchetta said the TTD study and the assumptions made in the EIS would also review other potential connections.

Mr. Merrill stated he did not understand and asked why the north-south waterborne connection was the only transportation alternative that was being studied.

Mr. Hasty explained they were examining how to upgrade a system that is connected and what the options are for creating such a system.

Ms. Rinke reminded Mr. Merrill that other modes and other routes were being considered.

Ms. Montgomery commented that it sounded like no one was concerned

about the policy. She asked if omitting the “north-south waterborne connections” verbiage and leaving only the verbiage: “provide connections between communities at Lake Tahoe” would cover all routes and connections.
Ms. Santiago stated this question should be discussed during deliberation.

Ms. Rinke commented that clarifying questions should only be asked at this point because of the time needed by the APC later in the meeting.

TRANS Issue #4: What parking management policies are needed to dovetail with environmental improvement and PTOD goals?

Advisory Planning Commission Questions and Comments:

Mr. Thompson asked if parking strategies apply only to commercial properties or residential properties outside Community Plan Areas.

Mr. Zuckerman stated the concept in the Regional Plan Update do not clearly delineate between commercial and residential areas in Community Plans, but the creation of mixed-use centers. In language for the Implementation Measure, strategies would apply to Community Plan updates.

Mr. Thompson asked if the intent was to allow the local jurisdictions to ultimately approve the parking standards including the maximum parking requirements.

Mr. Zuckerman stated maximum and minimum parking requirements would be determined by the Community Plan Update process, which was envisioned to be a collaborative process between community members, local planners and TRPA planners.

Mr. Thompson asked if there would be a parking strategy to remove excess parking.

Mr. Zuckerman stated that was an Alternative 4 issue and that it would be part of the area-wide solution in Alternative 2.

Ms. Merchant asked why Goal #4 listed under Alternative 2 is not listed in the FactSheet under #4.

Ms. Fink stated it is included under “Market Rate Parking Charges” in the list of strategies that local jurisdictions can consider.

Governing Board Questions and Comments:

Mr. Sher asked why the language to offer incentives to visitors who arrive without a car was removed.

Mr. Zuckerman stated the kind of incentives that were being considered would not have been part of TRPA's domain, such as hotels charging more for visitors who do arrive in vehicles.

Mr. Sher asked if policy questions being proposed are from stakeholder meetings. He asked if there was an opportunity to offer other policy direction.

Mr. Zuckerman stated they were bringing forth the issues that were discussed at stakeholder meetings. He noted there was also a section in the appendix on stakeholder comments and agency responses in order for the Board and the APC to further address any of those issues.

Mr. Sher asked when these issues could be addressed.

Mr. Zuckerman he is available to address any further issues.

Ms. Marchetta stated that one of the reasons that Fact Sheets are issued early is so that Board members can review related documents. She commented on the different opportunities Board members have to address issues with staff.

Mr. Zuckerman stated there were also procedural issues that could be addressed by legal counsel.

Ms. Rinke commented that policy issues that are not raised in advance of the meeting can be addressed during deliberation. Straw votes are also open for direction on policies being presented, which would be added.

Mr. Sher asked if straw votes would be ruled out of order because it's not listed on the meeting agenda.

Ms. Rinke stated agenda items were broad enough to allow straw votes.

Mr. Sher asked if direction to go forward could be given in the form of a motion, even though it's not one of the specific questions being asked.

Mr. Zuckerman stated items elevated out of the appendix and into the main discussion of a meeting has already been done at other meetings.

Ms. DuPre asked if staff has contemplated the "trigger" that would encourage parking strategies.

Mr. Zuckerman stated staff would be open to suggestions on that issue.

Ms. Marchetta added the triggers have not been specified, but they were open to suggestions.

Ms. Bresnick asked why handicap and disabled parking was considered a parking strategy.

Ms. Fink stated it could be removed from the list of parking strategies, but that it was included to determine the location of handicap and disabled parking.

Ms. Bresnick found it interesting that handicap and disabled parking was listed as a parking strategy when other items on the list would be considered more of a parking strategy for achieving pedestrian/transit-oriented development.

Mr. Zuckerman said that keeping handicap and disabled parking in the front of buildings may be considered a strategy that needs to be discussed.

Ms. Bresnick asked if there were formulas and existing models already in place for the parking management solutions being proposed.

Mr. Zuckerman commented that Ms. Fink can provide more information regarding existing formulas and models. He said the bulleted list was provided in order to give more background on how parking management would be implemented.

Ms. Fink said that many of the strategies listed are already included in the standards and guidelines of Community Plans as exceptions to the current parking minimums, so that would be used as the starting point. There were also groups that have developed formulas or guidelines for parking management.

Ms. Bresnick said she would provide a copy of her written comments.

PUBLIC COMMENT:

Susan Gearhart said that land use and transportation will not work together in some places and cited an example on the west shore where transportation and bicycling can only occur six months out of the year due to weather conditions.

Lori Gualco commented staff on their consideration and working through the sea plane issue.

Jennifer Quashnick, Sierra Club, said that there was opposition to the use of operations and maintenance funding for alternative transportation. They are requesting that one of the alternatives in the Regional Plan Update EIS consider using emissions per person per mile as a way to evaluate the impacts of projects. They are also requesting TRPA regulate noise limitations on aircraft permitted in the area. Regarding sea planes, they questioned how evasive species inspections would be conducted on sea planes if TRPA is considering a sea plane as watercraft. They also encouraged TRPA to continue limitations on construction noise exemptions. Ms. Quashnick said they were also in support of efforts to reduce greenhouse gases, but air quality mitigation funds should continue to be used to attain TRPA's aquatic thresholds.

Ellie Waller said that the intelligent transportation system needs to be better defined. There may be issues on minimum parking standards and used Tonopolo as an example of not having enough parking for the facility. More focus should be on creating sidewalks. She questioned if there was economic viability for the jurisdictions to pay for the proposed noise standards that are expected to be enforced. Jurisdictions should not be compared to each other in order to determine incentives for greenhouse gas reduction.

Peter Kraatz, Placer County Public Works Department, said that staff needs to continue to recognize plans already in place. Per the Placer County comments regarding milestone #4 in their June 1, 2010 letter. He commented that 20-minute headways being proposed should be done more incrementally as funding becomes available. There should be serious consideration about funding operation and maintenance for projects being proposed. He also stated a plan should be developed that would move projects along more concurrently.

Nicole Gergans, League to Save Lake Tahoe, said that changes proposed in the Fact Sheet will weaken the transportation plan by eliminating many of the strong components originally proposed by staff. The plan should require jurisdictions to clear and maintain sidewalks and bike paths during winter months. The use of air quality mitigation funds for this purpose is inappropriate because funding would be used for a temporary purpose instead of providing funding for permanent impacts. There is no connection between snow removal and air quality. Relying on air quality mitigation funds is also not sustainable, because it will constantly require new projects with negative air quality impacts to be approved in order to provide more funding. A better system would be to find a more suitable stream of funding for maintenance. The League supports transportation policy that achieves the thresholds, but water-borne transit is a more polluting form of transportation overall given the amount of emissions that will created with waterborne transportation versus the automobile.

APC Technical Advice:

Trans 1 – Delete “along major travel routes” from the Policy. In the Implementation Measure, replace “along major travel routes: with “and consistent with the TRPA “bike and pedestrian” plan.

Trans 2 – Modify proposed Policy T-.28 as follows: ~~All jurisdictions must~~ Where Feasible, maintain the year-round use and condition of ~~all~~ identified sidewalks and bike facilities ~~over time, including snow removal for facilities in urbanized areas or along transportation routes with high use year-round.~~

T.IMP-17: TRPA will require a maintenance plan before issuing a permit or funding for any bicycle and pedestrian facility. Maintenance

plans shall specify ~~dedicated~~ **a strategy for** long- and short-term funding for the life of the project.

Trans 3 – In Policy T-5.8, change the first word, "Encourage," to "Consider."

T.IMP-8: ~~Provide North-South waterborne connections and connections between communities at Lake Tahoe.~~ Coordinate waterborne services with and provide access to other public and private transportation systems.

Trans 4 – APC supports staff proposal.

Public Comment:

None

Governing Board Recommendations:

Ms. Santiago pointed out that a common thread among comments was with regards to language and related documents. She suggested a policy statement be developed that would list related documents that were involved in the development of the transportation issue.

Mr. Zuckerman said there were several parts of a plan document that do not exist in the TRPA Regional Plan, but one part of the Regional Plan will provide a list of documents that show how agencies within the Basin interact with each other.

Ms. Santiago suggested listing documents that relate to particular elements in transportation.

Ms. Marchetta stated the Regional Plan information will be listed within the "coffee table" book.

Ms. Montgomery asked if TRPA will continue to work with local jurisdictions to ensure that efforts regarding energy and climate change are in compliance with State and Federal regulations.

Ms. Marchetta started yes.

Ms. Montgomery asked if the 1,000-foot distance prohibition for noise was changed to a decibel measurement.

Mr. Barnett stated the proposal is to keep the 1,000-foot buffer with local jurisdictions enforcing it through their noise ordinances, but an exception would be made for access to snow mobile areas.

Ms. Montgomery asked for clarification that 1,000-feet was the required distance despite the noise from the equipment.

Mr. Barnett clarified that the 1,000-foot buffer would still exist.

Ms. Montgomery asked for clarification that it was based on distance.

Mr. Barnett clarified it was based on distance from residential uses.

Mr. Zuckerman stated this issue was similar to the sea plane distance issue, but that the 1,000-foot distance issue was never addressed.

Ms. Montgomery commented that, in her opinion, this was a noise issue and not a distance issue.

Mr. Zuckerman stated it also involved developing implementation measures that are not redundant and unnecessary, because there were already systems in place for this regulation.

Ms. Montgomery suggested the Board consider a decibel measurement because a distance measurement seems arbitrary. She asked if low-noise pavement was still a proposal within the Regional Plan Update, because she had concerns about the definition of “all major transportation routes” and with the durability of low-noise pavement.

Mr. Zuckerman stated that was addressed in stakeholder comments and that it was agreed to use low-noise pavement, because noise violations that create issues with threshold attainment for noise were in the major roadway corridors.

Ms. Montgomery stated her concern was the durability of low-noise pavement and having to continuously re-pave roads with low-noise pavement and cited the roadway on I-80 as an example. She suggested the Board provide direction to not use low-noise pavement.

Ms. Marchetta stated staff would also need direction to find an alternative.

Ms. Montgomery suggested continuing to use asphalt.

Mr. Zuckerman clarified staff needed more direction in finding an alternative that would also address attainment of the noise threshold in the major roadway corridors.

Ms. Santiago asked for clarification that low-noise pavement was being considered for use on major roadway corridors in the Regional Plan Update.

Mr. Barnett clarified that the current proposal is to use low-noise pavement or other mitigation in transportation corridors and roadways that are out of attainment. They were allowing other mitigation because the use of low-noise pavement was a fairly new concept being used and because there also may be a cost issue involved.

Ms. Santiago asked if other mitigation measures have been identified.

Mr. Zuckerman replied no. He noted stakeholder comments were in support of the use of low-noise pavement, but not of noise mitigation funding.

Ms. Santiago asked if the use of other mitigation which has yet to be identified satisfied Ms. Montgomery's concerns about the use of low-noise pavement.

Ms. Montgomery stated it did, but the onus is to identify the other mitigation which, if not identified, would leave no other alternative but to use low-noise pavement.

Mr. Barnett said that there were other physical mitigation techniques that can be used, but that are not identified in the Regional Plan Update. Low-noise pavement was identified because it seemed the better alternative.

Ms. Montgomery suggested the use of "where feasible" language with regards to this issue.

Ms. Rinke said there is less flexibility in the noise issue to use the language "where feasible" therefore another alternative needs to be identified or the noise threshold could be changed.

Ms. Montgomery stated she was not interested in changing the noise threshold. She commented on the budget concerns regarding the re-application of low-noise pavement, if used.

Ms. Rinke suggested having an alternative that considers the other options.

Ms. Montgomery said that she would be more comfortable if other mitigation alternatives were identified for consideration.

Ms. Santiago asked if this alternative could be discussed in Alternative 2 or for all alternatives.

Mr. Zuckerman noted any issue that is put across all alternatives would be the only issue that is studied.

Ms. Rinke suggested including different mitigation approaches in different alternatives, if the goal was to see how different mitigation measures would work.

Ms. Montgomery said Ms. Rinke's suggestion should be included in Alternative 2 for further study.

Ms. Rinke stated a straw vote would be needed for that direction to staff.

Mr. Breternitz said that the real alternative is a reduction in traffic and that

he had concern, about an alternative that was technologically unproven.

Ms. Lovell said that she agreed with both Ms. Bresnick's and Mr. Breternitz's comments and concerns regarding the unproven technology of low-noise pavement and the lack of economic feasibility by local jurisdictions to re-paving roads with low-noise pavement.

Mr. Zuckerman said that the language includes having other alternatives other than the use of low-noise pavement.

Ms. Santiago stated Board member comments were suggesting evaluating and identifying specific alternative mitigation measures.

Mr. Breternitz said that there were other perspectives to take into consideration when considering the use of low-noise pavement.

Ms. Marchetta stated identifying other alternatives is not needed today, but to give staff direction to review and study other alternatives.

Mr. Merrill said he agreed that specific technology should not be included in a 20-year plan because of changing technologies. He said that any alternative would involve some form of low-noise pavement to a degree therefore the language was open-ended enough to study this issue further.

Ms. Montgomery noted that the language on page 68 states the use of low-noise pavement is required on all major transportation routes.

Mr. Zuckerman directed Board members on how to reach proposed noise mitigation language from the TRPA website home page.

Mr. Cashman agreed that the use of low-noise pavement might be too specific. He suggested changing the language from "use of low-noise pavement" to: "best available pavement technology."

Ms. Montgomery moved to change language in Implementation 21 from "low-noise pavement" to "Mitigation…" in order to remove the specification of the use of low-noise pavement.

Ms. Aldean suggested changing the language to "appropriate mitigation" to better define it.

Ms. Rinke recommended that public comment be taken on this issue before a motion is voted on.

Ms. Santiago said that she agreed with Mr. Cashman's suggested language.

Ms. Marchetta explained the Board provides direction to review alternative mitigations which will then be reviewed and studied by the Environmental Review Process.

Ms. Santiago opened up the discussion to public comment on the motion.

Public Comment:

Jennifer Quashnick, Sierra Club, suggested the EIS review other alternatives that do not include low-noise pavement.

Mr. Angelocci asked for the motion to be repeated for clarification.

Ms. Montgomery repeated the motion which was to change the language as follows: "…appropriate mitigation shall be used on transportation corridors and roadways that are out of attainment with noise standards or that contribute to noise issues in the surrounding community or neighborhoods."

Ms. Marchetta stated the proposed language change would constrain consideration within the corridor. She stated more generic language is needed because mitigation may be outside the roadway corridor, as well.

Mr. Angelocci said his concern was relying on refurbishing or resurfacing a roadway to achieve road noise attainment when some road noise is due to the mechanics of a vehicle. The proposed language change may prevent some roads from being refurbished or resurfaced because they would not be able to achieve road noise attainment.

Ellie Waller said that Highway 267 is being re-done with CalTrans funds. She asked if CalTrans was a part of the stakeholder team and if they understand these same requirements would be imposed upon them.

Mr. Barnett said CalTrans was a stakeholder and that this issue was addressed with them. He reported CalTrans brought up the issue of cost and that low-noise pavement was a new technology.

Governing Board Questions and Comments:

Ms. Aldean suggested the following language change in the second sentence to address staff concerns: "appropriate mitigation shall be used to address noise issues in transportation and roadway corridors."

Ms. Bresnick suggested staff review this issue again as a whole, rather than having the Board piece-meal the language. There may be other implementations that may be affected if language is changed.

Ms. Marchetta said the Board could provide that direction to staff.

Ms. Montgomery said she wanted to withdraw her initial motion and suggested Ms. Marchetta's suggested language be used.

Ms. Marchetta said her language was to provide direction to staff to go back and revise the implementation measure, to make sure that the

Environmental Review document takes into account a full and adequate range of mitigation measures for roadway corridor noise.

Ms. Montgomery suggested adding the following language: “shall be brought into attainment” because, without this language, it may preclude any future projects from wanting to move forward.

Ms. Rinke noted a straw vote was needed. She said when the issue was brought back to the Board, it would be during the implementation stage.

Motion carried unanimously.

Mr. Cashman suggested deliberating and voting on each transportation issue one-by-one.

Trans 1:

Ms. Bresnick asked if the TRPA’s “Bike and Ped” Plan should be the only plan referenced.

Mr. Zuckerman said the proposed bicycle routes for Class Two Bicycle Trails were in the “Bike and Ped” Plan.

Mr. Cashman moved approval.
Motion carried unanimously.

Trans 2:

Mr. Merrill said that he was still concerned about the inclusion of the verbiage: “snow removal.”

It was noted the language has been deleted.

Ms. Montgomery moved approval.
Motion carried unanimously.

Trans 3:

Ms. Bresnick said that the language change from “encourage to “consider” was an important change.

Ms. Moss moved approval.
Motion carried unanimously.

Trans 4:

Ms. Bresnick said that she had concerns about the language that ties this issue to Pedestrian Transit Oriented Development, because the process is not completed and PTOD may not be used in all areas around the Basin. She also stated she was concerned that it may be perceived that TRPA wanted to attract large chain merchandisers to the area with the

use of the following language: “area-wide parking solutions may run contrary to some corporate parking requirements for large chain merchandisers.” She said she would not be voting yes on this issue for these reasons.

Ms. Santiago suggested defining Community Plans because there may be areas that do not have a formalized Community Plan, but may be good candidates for a PTOD.

Mr. Barnett said Chapter 13 of the Code defines what a Community Plan is.

Ms. Santiago asked if it will be the same.

Mr. Zuckerman said the land use milestone discussion would address the new vision for Community Plans, which would be more responsive and more tailored to community needs through standards that can be calibrated to individual Community Plans. One of the standards would be parking standards and to allow those standards to be different within the different Community Plans.

Ms. Aldean asked for clarification that a Community Plan Area would be encouraged to have parking management strategies consistent with the achievement of PTOD. What would be expected of areas that are outside of a Community Plan Area?

Mr. Zuckerman said parking minimums would still remain in place for areas outside of a Community Plan Area, because those areas are usually residential, recreational, or wilderness areas.

Ms. Santiago noted Community Plan Areas related to commercial core areas.

Ms. DuPre asked how significant parking management strategies would be in a PTOD. She did not see the emphasis on encouragement of parking management strategy development.

Mr. Zuckerman explained the intent behind parking management strategies was to review parking needs in communities and to develop a better solution that would provide enough parking year-round rather than only on maximum days.

Ms. Marchetta explained there would be key opportunities during the Community Plan Update process that would review parking management strategies.

Mr. Barnett said the business community was no longer in favor of strict parking formulas and that local jurisdictions wanted each community to be able to develop its own parking strategies on a neighborhood basis. This was designed to provide flexibility to both of those concerns.

Ms. Moss moved approval of amended language.
Motion carried
Ms. Bresnick abstained.

Ms. Aldean suggested amending the language in Policy T-8.4 as follows: "encourage rentals of vehicles that are low or zero emission within the Tahoe Region" because Implementation 19 encourages this activity because it was being proposed that those vehicles would be exempt from the payment of rental car mitigation fees.

Mr. Merrill commented that the traffic issue of reducing vehicle miles traveled needs to be divided into two different categories: air/water quality issues and delay time.

Ms. Marchetta said key projects around the Basin were presented to address traffic flow issues.

Mr. Merrill asked about the measurements in the review evaluation that were being used to see if it was working. He commented that vehicle miles traveled was not an adequate measurement to use because delay time was the issue.

Ms. Fink said they were trying to develop a way of evaluating how many vehicle accesses there were in the area for individuals. Also delay time for vehicles can be measured during Phase 2.

Mr. Merrill commented on the difficulty with developing projects around the Fanny Bridge area without addressing delay times.

Ms. Marchetta said the only solution to address that issue is by building the project and addressing it at that time.

Ms. Aldean asked if we should take a vote on her proposed language.

Ms. Rinke stated a vote could be taken and that public comment should be allowed on the motion.

Ms. Santiago opened up discussion to public comment on the motion to amend the policy as follows: "encourage rentals of vehicles that are low or zero emissions within the Tahoe Region."

PUBLIC COMMENT:

None

Board Action:

Ms. Aldean moved approval of the proposed language. Staff should be mindful of using positive language.

Motion carried unanimously.

Governing Board Question and Comments:

Ms. Santiago asked if there were any additional issues that need to be discussed regarding the transportation element.

Ms. Bresnick asked about the study of emissions per person per mile traveled, as requested by the Sierra Club.

Mr. Zuckerman explained the study of emissions per person per mile traveled was a good way of determining if a transportation system was working, but they did not want to study the effectiveness and efficiency of transportation systems at this stage. They suggested that this should be studied by the EIS contractor.

Ms. Bresnick said she was just curious about the study and how it would play a role.

Mr. Zuckerman stated it could be looked at as a measurement.

Ms. Santiago asked if it could be a measurement for air quality.

Mr. Zuckerman said it could be used as a measurement for both transportation and air quality.

Ms. Santiago asked how the measurement could be incorporated into the document.

Mr. Zuckerman said it would not be incorporated into the document, but that it may be a measurement of the efficiency of a transportation system.

Ms. Santiago asked if there needs to be more information to determine if this would be the best method to measure the efficiency of a transportation system.

Mr. Barnett noted it was stakeholder comment #35 and that it related to the conformity process being proposed for air quality.

Ms. Santiago asked for clarification that A.B. 32 and S.B. 375 would be included in the Regional Plan and where in the Regional Plan they would be addressed.

Mr. Zuckerman said S. B. 375 requirements would be the “checklist” in the Energy and Climate Change sub-element.

Ms. Santiago asked if this would be presented during the implementation process.

Mr. Zuckerman said it would be used more as a cross-reference.

Ms. Santiago asked if there was a need to memorialize it within the document.

Mr. Zuckerman replied no, because there were already California Legislative requirements.

Ms. Marchetta reminded the Board that public comment still needed to be heard on the land use issue.

Ms. Santiago said she was allowing the Board to address any additional issues they felt needed to be addressed regarding transportation and noise.

Ms. Montgomery moved to give direction to staff to eliminate the 1,000-foot distance and substitute it with a decibel reading.

Ms. Moss noted that local jurisdictions may have already adopted some form of decibel level which may not be the same, therefore she would suggest keeping the distance level.

Mr. Merrill asked if there was already a state-wide or TRPA decibel level requirement for watercraft.

Ms. Rinke stated there were already decibel level requirements.

Mr. Merrill asked for clarification that Ms. Montgomery's motion was in regards to sea planes.

Ms. Montgomery said the motion regarded off-highway vehicles.

Mr. Barnett stated Chapter 23.2A7 has TRPA decibel standards already in place for snow vehicles.

Ms. Rinke clarified the motion was proposing an additional measure.

Mr. Barnett stated the 1,000 buffer is a practical measure and that stakeholder comments were in favor of having a buffer in place away from residences.

Ms. Montgomery asked if there was staff to monitor the buffer.

Ms. Rinke replied no, but that most enforcement was complaint-driven.

Ms. Marchetta said the 1,000-foot buffer can be advertised on signage or maps.

Mr. Barnett noted snow mobile maps would be developed that would have buffer zone markings.

Mr. Zuckerman reminded the Board that staff would speak to the Forest Service about creating their snow mobile map with this buffer zone

marking, but that there would have to be an exception to the 1,000-foot buffer for access to snow mobile areas.

Ms. Aldean asked if there would be a better definition of the 1,000-foot buffer if designated to snow mobile areas.

Mr. Barnett said that the discussion in February was that the 1,000-foot buffer was not going to be enforced for access to snow mobile areas.

Ms. Aldean asked if that was clarified in the documents.

Mr. Barnett stated it was in one of the recreation sub-elements.

Ms. Lovell commented that measurement would be easier in distance than in decibels.

Mr. Zuckerman said he put up on the screen some proposed language to consider that might solve this issue.

Ms. Santiago asked for any further discussion on this issue. Hearing none, Ms. Santiago stated she would open up discussion to public comment on the motion to direct staff to eliminate the 1,000-foot standard and rely on decibel level standards with the following additional language on the implementation: “except where OHVs are being used to accessed dispersed recreation areas.”

Mr. Zuckerman said there were two trains of thought expressed by Board members: to keep the 1,000-foot distance and to change from a distance to decibel standard. He recommended the current language that was noted by Mr. Barnett remain.

Ms. Marchetta stated the decibel level motion is inconsistent with Implementation #3.

Ms. Santiago opened up discussion to public comment. She noted the two issues to discuss were changing the 1,000-foot distance to a decibel standard and to make an exception to the rule for access to snow mobile areas.

PUBLIC COMMENT:

Mike Lefevre, US Forest Service, pointed out that OHVs for summer use are limited to designated routes only and that they were working with TRPA staff on the 1,000-foot distance for the winter time. This is because of the difference in the terrain during the winter.

Ms. Aldean suggested changing OHV to over-the-snow vehicle.

Mr. Zuckerman said that he make the same suggestion, because of the different standards for the winter time.

Paul Thompson, Placer County Planning Department, asked if local governments would be expected to enforce this restriction. There have been comments from the Placer County Sheriff's Department about having light vehicles to enforce this, which they do not have the funding for at this time.

Ms. Marchetta pointed out this issue has been an implementation issue and that they are not sure that all implementation issues discussed can be addressed.

Ellie Waller said that Mr. Zuckerman already addressed this issue with the APC. She asked where the line was drawn with rehashing these issues from policy to implementation.

Jennifer Merchant, Placer County, said it has already been stated that implementation measures should not be discussed at this point and time, therefore only policy issues should be addressed.

Garry Bowen pointed out the standard was a contradiction because 82 decibels cannot be registered 1,000-feet away making the standard unenforceable either way.

Mr. Zuckerman said they were working with the US Forest Service regarding enforcement of this regulation by their snow mobile maps.

Ms. Bresnick suggested this issue be tabled for further review.

Ms. Montgomery stated she would withdraw her motion if the issue was tabled.

2) FactSheet#3 – Land Use

a) Technical Advice from the Advisory Planning Commission

Jennifer Merchant presented the APC's technical advice on the Land Use Milestone.

Mr. Zuckerman said all hand-written notes from the APC meeting were displayed on the screen for review.

Ms. Merchant asked if more detail about the APC discussion was needed or if questions were going to be asked later.

Ms. Santiago asked if the Board wanted to review each item separately or as a whole.

Ms. Rinke noted that public comment would have to be heard after each item if each item was addressed separately, which may hinder the efficiency of the meeting.

Governing Board Questions & Comments:

Mr. Cashman asked what the local incentives would be for communities to update their Community Plans.
Ms. Merchant stated incentives would be development incentives such as commercial floor areas.

Mr. Cashman said that incentives would not be incentives specific to local jurisdictions, but for redevelopment.

Ms. Merchant explained incentives would be made available after Community Plans were completed.

Ms. Santiago asked if the APC discussed the two-step division roles in Issue #5 being more restrictive than existing.

Ms. Merchant stated the APC did not discuss that and she was not aware of that.

Mr. Zuckerman said Gary Midkiff wrote the memo. Mr. Zuckerman said Mr. Midkiff wanted to speak with staff because there were issues that he thought may not be as damaging was originally thought.

Ms. Santiago said she wanted to make sure that the Board would not be voting on this issue today that it would be reopened at a later time.

Ms. Marchetta said Mr. Zuckerman discussed the issue with Gary Midkiff today and he now feels comfortable not raising the issue.

Ms. Aldean asked if there was a reason why there was not much discussion regarding what constitutes a large project for purposes of sub-issue 1A.

Ms. Merchant stated she did not recall why the issue was deferred.

Ms. Aldean asked if there was anything in Code that defines large versus small projects.

Ms. Merchant said she was not sure if it was defined in TRPA Code.

Mr. Zuckerman said the eventual resolution of the APC was that the definition of large and small projects would be defined as part of the process.

Ms. DuPre asked about the incentives for communities to update their Community Plans.

Ms. Merchant reiterated incentives would be development incentives.

Ms. DuPre asked if there would be new ideas offered as incentives.

Ms. Merchant stated they had no new ideas to offer at this time.

Ms. Santiago opened up discussion to public comment. She clarified public comment would be heard both on the land use issue and the air quality issue.

PUBLIC COMMENT – Land Use:

Brian Helm, Project Manager for Boulder Bay, commented on the North Stateline Community Plan as it relates to today's discussion.

Jennifer Quashnick, Sierra Club, commented she thought we would have comments on land use and air quality at the same time, so the Sierra Club would defer comments the League to Save Lake Tahoe will make on behalf of land use. Ms. Quashnick stated she was only prepared to talk about Air Quality.

Ellie Waller said there were process breakdowns during today's meeting. She stated the land use issue should have been addressed first because most people in attendance for that issue have left. She stated it was made clear at the June 9th APC meeting that the discussion items were implementation issues, so clarification is needed on what is considered policy and what is considered implementation. There is general confusion on transect zoning and that it would be helpful if this issue is clarified before implementation measures are discussed. She also encouraged everyone to listen to the APC meeting because a lot of information was provided during that meeting regarding land use and air quality.

Susan Gearhart expressed her appreciation that Community Plans would be taken into consideration before development was considered after the Regional Plan Update was completed and development incentives were in place. She said that the scenic threshold is not in attainment and that the definition of community character should be identified for attainment.

John Falk, Tahoe Sierra Board of Realtors, asked that the Board reconsider that only small projects can pursue an in-lieu fee and bonus units; to separate policy discussions from project-level debates; and to include in the narrative that environmental benefits are linked to redevelopment activities. He also stated that the resident-occupancy program is ill conceived therefore this issue should remain with the local jurisdictions.

Garry Bowen said that land use and transportation are not separate issues.

Ms. Santiago stated that issue had been discussed earlier in the meeting and that there were policies and federal legislation that support that land use does drive transportation. She said there was a misunderstanding because she stated they were the same.

Garry Bowen said he apologized for his misunderstanding and that his misunderstanding came from her last comment that they were two separate issues. He said they need to be more intertwined for the public to accept them on transect planning element.

Paul Thompson, Placer County Planning Department, said Placer County Board of Supervisors provided comments reflecting Placer County's positions on the TRPA's Regional Plan Update on June 22, 2010. He stated the Board was in support of maintaining consistency with existing Placer County-approved Community Plans i.e. the Tahoe City Gateway Plan Area. They supported Pedestrian Transit-Oriented Development and the policy to increase height, density, and allowing mixed-use development in town centers. They wanted to ensure the availability of development commodities during the interim period after the Regional Plan was updated, but prior to Community Plans being updated. They supported creating an affordable housing unit banking policy and streamlining the two-step subdivision process.

Nicole Gergans, League to Save Lake Tahoe, said the League never requested two sets of public comment today. She stated the League contacted TRPA to confirm that public comment would not be limited to APC technical advice, but had been told multiple times by staff that public comment would be limited only to APC technical advice therefore her comments were on the APC technical advice only. She stated the League does not support APC technical advice to allow in-lieu fee options, because those options have proven to be inadequate at mitigating access coverage. The League opposes APC-support for any loosening of soft coverage transfers, which can create a net effect of more pavements in the area. The League does not support APC advice and opposes allowing coverage transfer across hydrologically-related areas specified in Land Use #1C, which could allow development transfer from more appropriate areas to less appropriate areas. The League supports a reasonable increase in height and density in limited circumstances. Ms. Gergans stated increasing walkability, environmental quality, and economic vitality while reducing blight does not need to occur at the expense of urbanizing Tahoe and impacting threshold standards, therefore the League was not in support of Land Use Issues #2, 3, and 4.

Ms. Rinke clarified for the record the League and the public were given the opportunity to comment on Land Use at the last meeting. She noted the Board always had the discretion to offer more public comment on issues.

Governing Board Deliberation & Action:

Ms. Santiago suggested the Board deliberate first on Land Use Issues #1, sub-issue 1A, 3, and 4 that were supported by the APC.

Ms. Bresnick said she was going to abstain on all the Land Use issue

direction. She prepared all her comments last month and didn't have time to carefully consider what she wanted to say on each issue for today's meeting. She said she would provide general comments on all land use issues after the rest of the Board deliberates on each land use item.

LU Issue #1, Sub-Issue 1A

LU Issue#3

LU Issue#4

Mr. Merrill stated he was in support of allowing the use of mitigation funds to buy property outside the same hydrological areas. He asked if excess mitigation funds would be used to buy developed land.

Mr. Hitchcock asked Mr. Merrill to repeat the question.

Mr. Merrill said he believes excess mitigation funds should be used to acquire developed property as well as undeveloped property to try to remove some of the existing developed projects in the area. He asked if the restriction on this was a TRPA Policy issue.

Mr. Hitchcock said there is a current restriction on using in-lieu fees across hydrologic boundaries only for sensitive lands, but there was no policy that would prohibit the California Tahoe Conservancy from using excess coverage to buy potential coverage, which excess coverage mitigation fees were meant to be used for.

Mr. Merrill said he was asking if CTC funds from the excess coverage mitigation funds to buy existing built environment properties.

Mr. Zuckerman said they would love to do that, but they cannot afford it. Funding being received can only be used to buy vacant land.

Mr. Merrill said there was approximately $10 million in funding and that it may have more of an impact if it was used to purchase already developed land.

Mr. Zuckerman said there is no policy issue.

Mr. Beyer asked why "impaired watershed" was defined in Issue #1, sub-issue 1A, but not in 1C. He also asked if there have been any transfers currently from the language stated in 1C.

Mr. Zuckerman asked for clarification on what transfers Mr. Beyer was referring to.

Mr. Beyer said he was asking if there were transfers from watershed to watershed.

Mr. Zuckerman said that was prohibited under current rules.

Mr. Beyer said they were being defined, but there is not a clarifying comment as in 1A. He stated he was lost in terms of the description for 1C in relation to 1A.

Mr. Hitchcock said 1A and 1C are somewhat related, but were completely different issues. 1A regards excess coverage mitigation fees, which are used to mitigate impact by removing hard coverage or potential coverage. 1A was proposing to allow those fees to cross hydraulic boundaries in sensitive areas. 1C regards general coverage transfer. Currently, coverage can only be transferred within sub-water sheds within existing hydraulic boundaries. 1C is proposing to allow that coverage to be transferred across hydraulic boundaries, as long as they go into non-impaired watersheds.

Mr. Beyer stated he was confused because impaired water shed was not defined. He stated 1C was providing a remedy and asked why that was not included in 1A if that was the intent in 1C.

Mr. Zuckerman said the land in question in 1A regarded sensitive land, which is defined by TRPA Code. 1C relates to impaired watersheds and the restriction of transferring more coverage into an area that already has too much coverage. The problem is that “impaired” has not yet been defined.

Mr. Merrill moved approval.
Motion carried.
Ms. Bresnick and Mr. Beyer abstained.

LU Issue #1, Sub-Issue 1B

Ms. Santiago asked about staff recommendation.

Mr. Zuckerman said staff was recommending restriction on soft coverage transfers, because it would only restore SEZs and de-value coverage in Community Plans.

Ms. Aldean asked if the APC amendment was approved by unanimous decision.

Mr. Zuckerman said that notes on APC’s deliberation was consensus of the majority of the APC members.

Ms. Marchetta reiterated that the APC recommendation does not achieve the policy purpose but was trying to make development easier. It would restore SEZ thresholds, which would allow huge amounts of coverage in the Basin to go into Community Plans.

Ms. Merchant stated APC decisions were not by unanimous consensus. She stated the purpose of the recommendation was to allow greater

flexibility so that transfer of coverage was not determined by how sensitive the land was.

Ms. Aldean asked if the APC amendments could still be analyzed by staff if TRPA supported staff's recommendation without APC's amendments.

Mr. Zuckerman said it could be listed as an alternative, but there was no support on the amendment by TRPA staff.

Ms. DuPre asked if the amendment would encourage a project proponent to go to an SEZ first, rather than one of the other options that are already available.

Mr. Zuckerman explained the idea was to create a transfer matrix where transferring coverage from a Stream Environment Zone (SEZ) to a community plan would provide more incentive than transferring from a high-capability parcel into a Community Plan. He noted current code allows soft coverage to be transferred out of an SEZ and to be made into hard coverage in a Community Plan, but only to support residential uses. Staff's recommendation was to allow soft coverage to be transferred in for all uses in Community Plans.

Ms. DuPre asked if staff knew how close Community Plan Areas are to being at maximum coverage.

Mr. Hitchcock said that would be addressed during the EIS analysis, but most areas are already over-covered.

Ms. Montgomery stated this issue is what is valued more: SEZs or different land capabilities. She stated she valued SEZs more because the different land capabilities can be addressed once the SEZs are restored.

Ms. Moss moved approval of staff recommendation.
Motion carried.
Ms. Bresnick and Mr. Beyer abstained.
Ms. Lovell voted no.

LU Issue #1, Sub-Issue 1C

Mr. Merrill said he did not understand this issue and would staff elaborate.

Mr. Zuckerman reiterated the concept was to determine whether areas have too much coverage and if they do, more coverage would not be allowed in the area, but "impaired watershed" has not yet been defined.

Ms. Santiago asked when there would be a definition of "impaired water shed."

Mr. Zuckerman said they would work with the Lahontan Water Board, CTC, and NDEP on a definition. He noted implementation measures as written today will not read exactly like the Code they will create, but will

still reflect Board direction.

Ms. Aldean asked if local jurisdictions would also be given the opportunity in defining “impaired watershed.”

Mr. Zuckerman said everyone on the master stakeholder list will be given the opportunity to assist in defining “impaired watershed.”

Ms. Montgomery asked if there was discussion of permitting transfers out of an impaired watershed to unimpaired areas, but that were not crossing the watershed boundary and, if that was not discussed, why was it not discussed.

Mr. Zuckerman said that was reflected in the discussion regarding sub-watersheds.

Ms. Marchetta stated they would address a definition of “impaired water shed” with the Lahontan Water Board first, because it would be the TMDL science that will drive what the meaning is.

Ms. Montgomery asked for clarification that was being proposed was an expansion across watersheds.

Mr. Zuckerman said yes and for good reason.

Ms. Aldean moved approval.
Motion carried.
Ms. Bresnick, Ms. Montgomery and Mr. Beyer abstained.

LU Issue#2

Ms. Montgomery echoed comments that were made earlier to ensure availability of commodities in the interim prior to the Regional Plan and Community Plan Updates.

Mr. Cashman moved approval.
Motion carried.
Ms. Bresnick abstained.

LU Issue#3

Ms. Montgomery asked for clarification that the Board was not giving direction as to specific transect zone, but that staff was requesting direction on evaluating transect zoning.

Mr. Zuckerman replied yes. He said that staff was trying to get the concept of transect zoning out to the community in a way that would be understood.

Ms. Montgomery asked for clarification that this issue has nothing to do with allowable coverage for mixed use and commercial percentages.

Mr. Zuckerman stated that was correct.

Ms. Aldean suggested providing an example in order for individuals to better understand this issue.

Mr. Zuckerman noted that Gary Midkiff's fears were allayed by an example.

Mr. Merrill said he would make the same comment as Ms. Aldean's, but with the focus on the community itself, rather than the development community.

Ms. Moss moved approval.
Motion carried.
Ms. Bresnick abstained.

LU Issue#4

There were no clarifying questions.

Ms. Moss moved approval.
Motion carried.
Ms. Bresnick abstained.

LU Issue#5

Ms. DuPre asked for clarification that the local permitting agencies already provide this disclaimer.

Ms. Merchant replied no because the two-step process doesn't exist. She stated, for the record, Placer County did not agree with that.

Ms. Marchetta said this disclaimer would be revealed to an applicant when the multi-family project application was submitted.

Ms. Moss moved approval.
Motion carried.
Ms. Bresnick, Mr. Beyer, Ms. Montgomery abstained.

LU Issue#6

Ms. Santiago asked if the EIS would analyze existing CFAs to determine there was enough to promote environmental redevelopment.

Mr. Zuckerman stated yes.

Ms. Aldean moved approval.
Motion carried.
Ms. Bresnick abstained.

LU Issue#7 - This item has been continued.

Ms. Marchetta asked about the basis for the abstentions that were made during voting on the Land Use Issues.

Ms. Bresnick explained her abstentions were based on the fact that too little definitions were provided and that she would not approve of the Land Use issues until the implementation and integration was presented to the Board. She reviewed her concerns with the Land Use issues.

Ms. Santiago asked if there were other Board members who wished to express the basis for their abstentions on Land Use issues.

Ms. Montgomery and Mr. Beyer stated they would provide their concerns to staff at a later time.

AIR QUALITY:

Jennifer Merchant presented the APC's technical advice on the Air Quality Milestone.

Ms. DuPre left the meeting at 6:00 p.m.

PUBLIC COMMENT:

Paul Thompson, Placer County Planning Department, said that the Board of Supervisors supported withholding implementation measure requirements until appropriate monitoring systems are located and Placer County and the Air Quality Attainment Plan is updated to include data and cost benefit analysis. They also support creating a policy for pollutants of localized concerns.

Jennifer Quashnick, Sierra Club, reiterated air quality mitigation funds should be separate from transportation mitigation funds. They support the concept of prioritizing projects by regional benefits. They support incentivizing programs that would phase out older wood stoves for newer ones, but requested the programs emphasize removal of the dirtiest, oldest stoves first. They support APC's recommendation for Air Quality Issue 2C. Ms. Quashnick also noted there was no conclusion drawn at the APC meeting for support of Air Quality Issue #4. She commented that they were one Basin and should have one set of uniformed standards. She also asked what would happen with Air Quality Issue #4 since the APC did not deliberate on technical advice for this issue.

Mark Novac, Tahoe Basin Fire Chiefs, asked if the APC recommendation for Air Quality Issue #3 was to include the letter from the Tahoe Basin Fire Chiefs.

Mr. Zuckerman noted the underlined wording was the verbiage provided in the letter.

Mr. Novac stated the underlined wording was not 100% correct on what they provided in the letter. He read the following language submitted from the Tahoe Basin Fire Chiefs into the record: "fire agencies will continue to follow air quality regulations of respected state regulatory agencies. The Tahoe Fire and Fuels Teams will collaborate with fire agencies to refine smoke management best practices."

Mr. Zuckerman clarified that this was the language that was presented to the APC.

Mr. Novac stated part of the confusion was that the language was not reflected in the Governing Board packet on the website. He stated they were in support of Air Quality Issue #4, Alternative 2, which is retaining the most stringent standards of both States and not for the entire Basin.

John Falk, Tahoe Sierra Board of Realtors, commented on Air Quality Sub-Issue #2C, Alternative 2. He stated they strongly encouraged the Board to support point of sale retrofit mandates versus point of sale disclosure mandates for Alternative 2.

Mr. Zuckerman noted the correct language from the Tahoe Basin Fire Chiefs was included on the one-page sheet for the Board, but not in the slide material presented, so this will be corrected by tomorrow's meeting.

Ms. Santiago opened the Thursday, June 24, 2010 meeting at 9:35 a.m.

AIR QUALITY: (Continued)

AQ Issue#1

Ms. Aldean commented that her understanding in the original discussion was that "cost effectiveness" was included because it meant cost benefit of projects. She suggested changing the wording to "cost benefit."

Ms. Montgomery agreed with Ms. Aldean's comments. She stated that she and Placer County were proponents of having locally raised mitigation funds stay within their respected jurisdictions and that this language should be added.

Ms. Santiago asked for clarification that the policy statement already defines mitigation funds.

Mr. Zuckerman said yesterday's discussion was regarding 25% of mitigation funds, but that was only for operation and maintenance.

Ms. Santiago said she wanted to make sure added language would not conflict with current policy.

Ms. Bresnick said she would like for the cost benefit analysis to be a part of the prioritization. She asked what would be the effect of keeping local mitigation funds within the respected jurisdictions.

Mr. Zuckerman said the APC had discussed keeping local mitigation funds within the local jurisdictions because Placer County representatives at the meeting had pointed out they also had to meet California State Air Quality requirements. Mr. Zuckerman said they get funding from the State of California to meet California-mandated air quality requirements. TRPA collects air quality mitigation funds to achieve threshold benefits region-wide, therefore staff was suggesting setting aside some funding for regional projects.

Ms. Montgomery said she would support a defined allocation of that funding, because air quality is different in each jurisdiction. She suggested added language that 25% of air quality mitigation funding would be used for regional projects with 75% of the funding remaining within their respective jurisdictions.

Ms. Marchetta said staff cannot determine air quality standards in each jurisdiction, but the “trigger” in one jurisdiction may set off action that is then taken Basin-wide.

Ms. Rinke said they were allowing States to use their own standards at each side, but TRPA requirements are the same on both sides.

Mr. Breternitz said he supported the idea of reserving some portion of air quality mitigation funding for Basin-wide projects. He asked how that is done, specifically and where that language should be included.

Mr. Zuckerman said the language would need to be in a new implementation measure.

Mr. Breternitz said that, in his opinion, this was a policy and not an implementation measure.

Mr. Zuckerman said no specificity regarding the amount that should be reserved would need to be included in the language, if included in the policy.

Mr. Breternitz asked when would it be decided what percentage of funding should be reserved.

Mr. Zuckerman said it could be decided when a request for more air quality mitigation funding for projects was presented to the Board.

Ms. Marchetta said another approach was to decide upon a reserved amount when the EIP Project List was analyzed annually.

Ms. Santiago suggested language be added that would state air quality

mitigation funds would be shared and for the reserved amount to be determined during the annual EIP Project List analysis. This language would be included in a new implementation measure because, regarding yesterday's comments about the separation of policy and implementation measures, policy involved sharing and implementation measures should address the specifics of that sharing.

Ms. Lovell said she was in support of reserving some air quality mitigation funding and the standards regarding wood stoves.

Mr. Merrill asked if air quality mitigation funding within local jurisdictions was spent within the entire Basin.

Ms. Marchetta said it was spent within the Basin, but allocated by the jurisdictions.

Mr. Merrill asked if there had been a problem with some counties having to borrow air quality mitigation funds from other jurisdictions.

Mr. Zuckerman said he did not know the breakdown of funds county by county, but there is still approximately $2 million in air quality mitigation funds that has not been spent.

Mr. Wells clarified the problem is that the amount of funding is segregated into different areas.

Mr. Merrill commented that approximately $2 million of that funding was the water quality portion and that the more restraints put on how the funding is being spent the more restriction there is on how mitigations happen. He stated there should be fewer restrictions on how the funding is spent.

Mr. Beyer said he would be concerned about the cities and counties that could not meet California Air Quality Control Board standards. He stated he agreed cost benefit should be for the Basin therefore, there should be fewer restrictions, as Mr. Merrill suggested.

Mr. Merrill said TRPA should not be funding California-imposed air quality standards.

Ms. Aldean moved approval of Air quality Issue #1 with removal of "by cost-effectiveness" and to include the following language: "the projects would be prioritized in providing air quality improvements. EIP projects requesting air quality mitigation funds would be dispersed to the highest ranked projects first based in part on cost benefit. A portion of these funds will be allocated to Basin-wide projects."

Ms. Rinke suggested including "may be" in the last sentence because there may be a year when no funds will be dedicated.

Ms. Lovell asked if funds would be decided at a staff or Board level.

Ms. Rinke stated the Board currently approves disbursement of these funds.

Ms. Aldean moved approval of Air quality Issue #1 with the following amendments to the language proposed by the APC: “Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized in providing air quality improvements. EIP projects requesting air quality mitigation funds would be dispersed to the highest ranked projects first based in part on cost benefit. A portion of these funds may be allocated to Basin-wide projects.”
Motion carried unanimously.

AQ Issue#2, Sub 2A

Mr. Merrill asked how to define an item that is for decorative purposes and if this kind of detail should be included in the Regional Plan. He asked how much of a contributor to fines in air quality is wood stoves in the Basin.

Mr. Zuckerman said that wood stoves had been overlooked and that it was not known what percentage of emissions is coming from heating units, but it is known that 20% of particulate matter in the Basin is coming from chimneys.

Mr. Merrill commented that is a significant contributor, but the problem is that the sources have not been identified.

Mr. Zuckerman said the science has not been provided to break that information down without having to do a door-to-door survey of wood stoves.

Mr. Merrill said this should not be regulated in the 20-year plan when the source has yet to be identified. He stated he would defer this issue and have staff be directed to collect this data.

Ms. Bresnick asked if this implementation measure would still have validity in collecting the data needed.

Mr. Zuckerman replied yes and no because the definition of wood stoves encompass all wood heating appliances.

Ms. Bresnick asked if these standards would apply to a fireplace.

Mr. Zuckerman said the problem with the way the language was written was that it did not take into account if this measure was implemented it would also apply to fireplaces.

Ms. Bresnick asked if staff’s recommendation was to defer this issue.

Mr. Zuckerman said staff's recommendation was to clearly define what a wood stove is and then to continue to restrict wood stove emissions.

Ms. Bresnick asked about staff's recommendation for segmenting this in order to address the problems that have been raised.

Mr. Zuckerman said it was to define wood stoves and fireplaces and to amend the definition of wood heaters because, currently, it encompasses all wood heating appliances. There should also be stricter standards.

Ms. Bresnick asked if there is a particular recommendation regarding the action needed by the Board.

Mr. Zuckerman said the Board could direct staff to define the terms and develop an implementation that makes sense.

Mr. Cashman asked if the EPA standards are achieved by catalyst.

Mr. Zuckerman said there were two standards: the 4.5 grams per hour of particulate matter for a non-catalyst equipped stove and 2.5 for a catalyst-equipped stove. He noted it was determined that there were over 300 non-catalyst stoves that meet the 4.5 standard and approximately 100 non-catalyst stoves that meet the 2.5 standard.

Mr. Cashman asked if there was information regarding what a fire place emits.

Mr. Zuckerman said he was not sure because he was not an air quality expert.

Mr. Cashman asked to what extent have we looked at banning wood-burning fireplaces from new construction and mandating gas.

Mr. Zuckerman said the original implementation measure proposed by staff would have banned all wood-burning appliances in new construction.

Mr. Cashman said he was asking if there was a catalyst developed or a way to manage the emissions in a fireplace.

Mr. Zuckerman said he was not sure how emissions could be managed in a fireplace versus a wood stove.

Mr. Cashman stated a catalyst could be put in a chimney, but he was not sure of its effectiveness, so this should be studied.

Ms. Santiago asked if the standards listed were the new EPA standards.

Mr. Zuckerman said they were in line with the Washington State standards, which are better than EPA standards.

Ms. Santiago commented that this discussion is regarding implementation

and that it was her understanding that discussion of the milestones was strictly for policy. She asked what policy the Board has that relates to this implementation measure and if there is something in the policy that the Board needs to review and defer discussion for this implementation measure and what staff direction was needed.

Ms. Marchetta said the Board could propose a new policy about achieving the best available technology and standards in the retrofit of wood stoves and then direct staff to research this technology and develop the implementation standard.

Ms. Lovell asked for clarification that this discussion was in regards to new construction only, because the language is regarding existing wood stoves and adjustments for the future.

Ms. Marchetta said that could be a policy choice of the Board to separate the issue to both existing and new construction.

Ms. Lovell said she was fine with the new construction portion, but she was concerned about requiring retrofit for existing wood burning appliances, because these appliances are needed when there is no natural gas for the area and she provided an example. She stated she would like the two issues to be separate because there was consensus with stakeholders.

Ms. Zuckerman clarified there was no ban of wood stoves being proposed. The requirement of the removal of dirty wood stoves by 2020 was supported because it allows time to provide incentives for individuals to remove dirty wood stoves.

Ms. Lovell commented on the need to separate the two issues.

Ms. Santiago reiterated that the purpose of milestone meetings is to review policy and not to discuss implementation.

Ms. Montgomery agreed with Ms. Santiago’s comments and stated that the focus should be on whether or not TRPA should adopt new emission standards for wood stoves and implement a deadline for removal or replacement of all non-compliant stoves. Implementation can be discussed at a later time after definitions have been put in place and after it has been determined if existing wood stoves can be retrofitted.

Ms. Montgomery moved for TRPA to adopt new emissions standards for wood stoves after having defined the term and implement a deadline for removal or replacement of all non-compliant stoves.
Motion carried unanimously.

Mr. Zuckerman clarified terms will be defined in the policy.

AQ Issue#2, Sub 2B

Ms. Santiago clarified the proposed amendment was to policy, but the response was an implementation measure.

Ms. Aldean suggested the following language for the policy statement: "TRPA shall prohibit the installation of wood stoves that do not meet current air quality requirements" and the implementation portion would elaborate on that statement.

Mr. Zuckerman said the proposed language: "adopt new emission standards for wood stoves" would be all that is needed because it would bring new construction into alignment with retrofit and that everybody has to meet the same standard.

Ms. Aldean noted that the previous policy statement adopted includes the verbiage: "removal and replacement of all non-compliant stoves", which implies that the focus is on existing stoves.

Ms. Santiago said the new policy statement would be to adopt new emissions standards for wood stoves.

Ms. Aldean noted language would also include a deadline for removal and replacement of non-compliant stoves. She suggested the language should be: "TRPA shall adopt new emission standards for wood stoves and new construction shall implement a deadline for removal or replacement of all non-compliant stoves in existence."

Mr. Zuckerman said the wording will be: "TRPA will adopt new emission standards for existing wood stoves and stoves installed in new construction and implement a deadline…"

Ms. Rinke pointed out the issue was the prohibition of installing wood stoves in new construction and that this was different than regulating wood stoves.

Ms. Aldean said the general consensus was not to prohibit wood stoves as long as they have been retrofitted or are in compliance with current air quality requirements.

Ms. Santiago asked for clarification that prohibiting non-compliant wood stoves should be included in the policy statement.

Ms. Rinke stated the Board can reject staff direction on the issue, if the Board does not want to prohibit wood stoves, but to apply emissions standards.

Mr. Zuckerman noted the implementation measure already does not prohibit wood stoves in new construction.

Ms. Montgomery reiterated the policy question was: "*Should TRPA prohibit installation of wood stoves in new construction*" and that the focus

was not on the implementation.

Ms. Montgomery moved for TRPA to prohibit installation of wood stoves in new construction.

Mr. Cashman stated he would vote in favor of the motion because he believes wood stoves should be prohibited in new construction.

Ms. Santiago asked for clarification that the current implementation measure states that wood stoves are prohibited in all new construction.

Mr. Zuckerman clarified that was the previous proposal.

Ms. Santiago called for the vote. It was determined a roll call vote was needed.

Mr. Merrill commented that this issue should not be discussed until the pollution effect from wood stoves was researched.

Ms. Montgomery said she wanted to point out that staff already knows the pollution that comes out of wood stoves, but what is not known is how many open-burning fireplaces are in the Basin and the only want to determine this is to conduct a door-to-door survey, therefore the issue is should wood stoves be regulated.

Mr. Merrill said that only policy direction should be discussed and the board should ask staff to gather more data so that staff can make an intelligent recommendation to the Board.

Ms. Rinke clarified the Board directed staff in their last motion to apply air quality standards to all wood stoves and now the question is to prohibit all wood stoves in new construction.

Ms. Ruthe asked for the motion to be clarified.

Ms. Montgomery said the motion was TRPA should prohibit installation of wood stoves in new construction. She noted voting in favor of the motion would prohibit wood stoves in new construction, even if they were in compliance with emission standards and voting against the motion would not prohibit wood stoves in new construction.

Mr. Cashman and Mr. Miller voted yes.
Motion failed.
Ms. Bresnick abstained.

Ms. Bresnick explained she abstained because the previous motion was to adopt a policy that would have standards that would apply to both new construction and existing and this motion was to prohibit all wood stoves even in new construction.

Ms. Montgomery clarified “no” votes would not prohibit wood stoves in

new construction.

Ms. Rinke explained how the motions were consistent.

Ms. Bresnick voted yes on the motion.

Mr. Beyer asked if the last discussion on milestones referred to federal or state standards. He reviewed legislation for California and Nevada and questioned if the Board was looking to be a leader in standards or flip-flopping standards.

Ms. Marchetta said staff was looking for early policy direction from the Board and to import that policy direction into the draft EIS for Board review.

Ms. Aldean commented that she understood fuels reduction is the single largest source of particulate matter of pollution in the region, but a lot of time is focused on a small component of that contribution. She said she was concerned that policy was being fashioned after other States who may not have anymore data regarding what percentage wood burning stoves was having on particulate matter and that, in order for the region to be a leader in this issue, information should be based on sound science.

Mr. Zuckerman said staff wanted the planning process to respect the Tahoe Basin and the needs of the Basin. He said what they learned from stakeholders was that they wanted the highest standards for wood stoves, but not the elimination of wood stoves, therefore policy language would reflect Board direction on that issue.

AQ Issue#2, Sub 2C

Ms. Moss asked why the Board needed to consider this when it was an implementation measure.

Mr. Zuckerman explained the issue was to provide proof that a compliant-stove is in place during escrow and that it was a minor point of contention with stakeholders, because a similar requirement is already in TRPA Code.

Ms. Santiago noted that APC supports staff's recommendation on this item.

Ms. Moss asked if implementation of emission standards would not apply to something already in the Code that requires a compliant wood stove be in place during escrow.

Mr. Zuckerman said adopting emission standards for every wood stove would cover this and then implementation of those standards would need to be developed.

Ms. Moss suggested adding escrow language to new construction and

retrofit language in AQ Issue #1.

Mr. Merrill asked for clarification of Ms. Moss' suggestion.

Ms. Moss reiterated she suggested adding change of ownership language for the new TRPA emission standards for new construction and retrofit.

Mr. Zuckerman read the following change to the language: "adopt emission standards based on best available technology for wood stoves existing, in new construction, and at change of ownership and implement a deadline for removal or replacement of non-compliant stoves."

Ms. Bresnick commented that further study of this language needs to be conducted because changes can affect other language.

Ms. Aldean stated she did not believe there should be a vote at all on this issue because this was an implementation measure and not a policy statement.

Ms. Ruthe suggested that an exemption be included for titles of ownership that are transferred through a trust.

Ms. Aldean asked if action needs to be taken on this issue since it's an implementation measure.

Ms. Marchetta stated this could be deferred to implementation.

Ms. Santiago asked if action needed to be taken to defer this issue.

Mr. Zuckerman suggested bringing back information to the Board for review which reflects what the Board discussed at today's meeting.

Ms. Marchetta suggested the Board provide direction on whether or not this can be continued as a tool for consideration as an implementation measure.

Ms. Santiago moved to approve APC's recommendation of staff proposal. Motion carried unanimously.

Ms. Aldean asked for clarification that this would be included in Alternative 2 or could it be analyzed under another alternative.

Mr. Zuckerman stated it is currently in Alternative 2 and Alternative 4 goes even further by recommending a wood stove mitigation fund.

Mr. Aldean asked for clarification that the language in Alternative 4 was more restrictive than what's being proposed this alternative.

Mr. Zuckerman stated it was because it had also included a mitigation fund. He clarified Alternatives 2 and 4 both include the proposed

language and Alternative 4 also included a wood stove mitigation fund that is being proposed for removal.

Ms. Aldean asked if it would be redundant to have the same policy in both Alternatives. The objective is to have various alternatives analyzed as part of the EIS process.

Mr. Zuckerman said that is the objective, but in some cases where the implementation measure meets the character of two different alternatives, it can reappear.

Ms. Aldean asked if the wood stove mitigation fund program being proposed for removal in AQ Issue #2, Sub 2D could assist some individuals who might not otherwise be able to afford to retrofit their wood stove for resale of their home.

Mr. Zuckerman explained the priority of TRPA was to design programs that help residents meet requirements. The wood stove mitigation program's purpose was to charge people who have wood stoves and to use the money to do air quality projects around the Basin.

Ms. Aldean said she agreed with that. She asked if developing programs that would provide incentives to residents to retrofit their wood stoves could be an implementation measure.

Mr. Zuckerman said yes, that could be an implementation measure

Ms. Santiago asked for clarification that AQ Issue #2, Sub 2C has been resolved.

Ms. Marchetta said she thought it has been voted on and resolved.

AQ Issue#2, Sub 2D

Ms. Aldean said her sense from staff was that they want to abandon the wood stove mitigation program. She moved to not consider the creation of a wood stove mitigation program.

Mr. Merrill said he agreed that it should not be created at this time, but that it may need to be created in the future if voluntary programs with incentives do not work.

Mr. Zuckerman said consensus of stakeholders was that the deadline of 2020 to have wood stoves in compliance with requirements was more than sufficient.

Mr. Merrill said there should be a mitigation fund that would implement retrofits.

Ms. Marchetta noted air quality mitigation funds can be used towards retrofitting.

Ms. Bresnick made the distinction that this type of program can be considered in the future, if needed.

Ms. Santiago noted APC recommendation was to support the staff proposal which was to delete the implementation measure.

Ms. Marchetta clarified that the motion was to accept staff proposal.

Ms. Aldean said it should include the policy decision, as well.

Motion carried unanimously.

AQ Issue#3

Ms. Bresnick said she respects the sovereignty of the States and she respects the input of our fire districts on this. But she has real problem with issue number 4 but it implicates this issue on the differing air quality standards. She thinks that she is going to abstain on this issue, but not because she is being disrespectful to the fire districts and their requirements. She has an issue with one air Basin having policy statements that talk about the differing regulations of the State, because we are one Basin. She would support a general statement of TRPA requiring a reduction in pile burning.

Ms. Ruthe said it was not a workable situation, because there were two States with two different feelings.

Mr. Merrill asked what percentage of the air quality particulates come from wood pile burning.

Mr. Zuckerman stated the amount was not known exactly, but pile burning may contribute 50% to particulates. The issue was having proper smoke management which would have no net effect on particulates in the Basin when burning is allowed on certain days.

Ms. Aldean asked if there is a presumption that wood pile burning was being done on days when it should not be done.

Ms. Marchetta said they do not know the exact percentage because some pile burning needed to be allowed and that the capacity to have an affect on this issue was to use best smoke management practices. Now, it needed to be determined how the public sector can contribute to this issue.

Ms. Aldean said this issue may not be resolvable. She also questioned if the proposed language: "*Should TRPA reduce pile burning"* was an accurate reflection of staff's proposal because it seems flexibility has been built into the implementation measure. She stated she would be inclined not to vote in favor of this issue because it seemed contradictory.

Ms. Bresnick agreed with Ms. Aldean's comments. She stated the policy question should be emission reduction in relation to pile burning, rather than a reduction in pile burning.

Ms. Marchetta commented that the policy could be changed to reducing emissions by using smoke management best practices.

Mr. Breternitz said he agreed with Ms. Bresnick's suggestion.

Ms. Santiago asked if public comment would need to be taken since the Board was discussing a policy statement that needs to be included.

Ms. Marchetta said that was correct.

Ms. Santiago asked if the Board was discussing the policy and language for the implementation measure.

Ms. Marchetta replied yes.

Ms. Santiago asked if policy language should be re-stated for the public.

Mr. Cashman said the Board should vote on the policy language that was presented: "*Should TRPA require a reduction in pile burning."* The implementation measure was a suggestion that was provided during yesterday's meeting.

Ms. Aldean said that the Board would have to revisit the issue of re-wording the policy statement so it conforms to the proposed implementation measure.

Ms. Bresnick asked if there were proposed implementation measures that go toward reduction in pile burning or for emissions related to pile burning.

Ms. Marchetta said the original proposal was for mandatory reduction in pile burning, but the amount of pile burning could not be regulated in the Basin, so staff is proposing to remove that regulation and address this as controlling emissions through best smoke management practices.

Mr. Zuckerman reviewed the current and amended proposal. He suggested the language should be goal language that should read: "reduce emissions from pile burning", which would not require a new policy. The implementation measure would be to allow TRPA input in how to work out the smoke management plans.

Ms. Santiago clarified there was already an adopted policy and that discussion was already heard on this issue. She asked if additional public comment was needed since the policy has already been established.

Ms. Rinke said the adopted policy Ms. Santiago is referring to is the policy that already exists in Code.

Ms. Marchetta said a clear motion was needed in order for the public to offer public comment.

Ms. Aldean said she was fine with the proposed policy for AQ Issue #3 and to substitute the proposed language.

Mr. Zuckerman said when the Board provides staff direction to move forward, it is to move forward on the proposed policies that are in the matrix. He asked if an additional goal should be included that would reduce emissions from pile burning and for pile burning to be conducted on appropriate days to use non-burning methods when possible and for the implementation measure would have TRPA involved in the discussion for the best smoke management practices.

Ms. Aldean said her recommendation would be to vote against the proposed policy statement.

Ms. Bresnick clarified there is already a proposed policy that deals with pile burning. This issue would require a reduction in pile burning. But, the adoption of the proposed policy and working with the Fire Districts on best smoke management practices may produce the same result that this issue is requiring.

Mr. Zuckerman said the confusion is that the Board should be voting on staff's proposal and not the question listed in bold.

Ms. Santiago said she wanted to clarify if public comment was needed when a new policy statement was being determined.

Ms. Rinke said public comment would be required if new items were being proposed, but not for items that have already been presented to the public. She noted new language was being proposed therefore public comment needed to be heard.

Ms. Aldean moved to adopt revised language prepared by staff in connection with air quality implementation measure #14 as follows: "fire agencies will continue to follow the air quality regulations of their respective state regulatory agencies. The Tahoe Fire and Fuels Team will coordinate with fire agencies to refine smoke management best practices."

Ms. Santiago opened up discussion to public comment.

PUBLIC COMMENT:

Mark Novac stated for the record the Basin Fire Chief support the implementation measure, but they would also support the elimination of the question because a reduction in pile burning is not where they want to go.

Mary Huggins, CAL FIRE, stated she supported Mr. Novac's comments and reminded everyone there were regulations already in place that were being used for pile burning.

Motion carried unanimously.

AQ Issue#4

Ms. Santiago asked for clarification that there was no APC resolution on this issue, as noted during yesterday's meeting.

Mr. Zuckerman said there was and that it was included in the APC meeting minutes.

Mr. Cashman asked for clarification of the staff's recommendation and the Board direction that is needed.

Mr. Zuckerman explained staff's recommendation was to adopt or implement air quality standards in the respective portions of the region for which the standards are applicable. He noted Ms. Bresnick's suggestion from the previous meeting to change "adopt or implement" to "recognize" would reflect what staff was trying to propose.

Ms. Bresnick commented that the proposed language does not reflect what Mr. Zuckerman stated.

Mr. Zuckerman said he agreed therefore "adopt or implement" would be changed to "recognize."

Ms. Aldean moved to adopt air quality implementation measure #27 which reads as follows: "emission standards and practices recognize and implement air quality standards whichever are strictest in the respective portions of the region for which the standards are applicable."

Mr. Zuckerman said the proposed language should read: "recognize air quality standards in the respected portions of the regions for which the standards are applicable", which would recognize the different state standards, but would have no affect on the way TRPA thresholds are administered.

Ms. Aldean amended her motion to adopt air quality implementation measure #27 to read: "emission standards and practices recognize air quality standards from the respected portions of the region for which the standards are applicable."

Motion carried unanimously.

b) Governing Board direction to Staff regarding the Land Use Milestone

Julie Regan stated this item could be deferred to the next meeting

when the adoption of the ethics policy would be addressed

Mr. Cashman suggested Board comments be submitted for incorporation in the policy.

X. RECONSIDERATION

A. Governing Board Member Allen Biaggi's Request for Reconsideration of Governing Board's Direction to Staff Regarding the Potential Buoy Placement Line Adjustments

Ms. Santiago said she discussed this issue with Ms. Rinke and that it was her feeling the vote taken on this issue at last month's meeting was a correct vote, therefore she wanted to withdraw any reconsideration on this issue.

Ms. Rinke said that Mr. Biaggi had requested reconsideration of this vote because it may have been an incorrect vote. She stated it's not completely clear that it was an incorrect vote, but that, on Mr. Biaggi's behalf, Ms. Santiago would be requesting a withdrawal of this reconsideration.

Ms. Santiago said withdrawal of this reconsideration would also eliminate the need to discuss agenda item XIA.

Ms. Aldean asked for clarification that staff would then proceed with amendments to buoy lines with the withdrawal of this reconsideration.

Ms. Rinke clarified that was correct and that it may be included in the presentation planned for the August meeting.

Mr. Cashman asked for clarification on what had been proposed on this issue.

Ms. Rinke said the previous vote on the buoy line suggested, that in the future, certain areas could petition the Board to move the buoy line. Eight potential areas were presented to the Board at last month's meeting but two were directed by the Board to be pursued.

Mr. Cashman asked for clarification that other areas could still be considered in the future.

Ms. Rinke said that is correct.

XI. ADMINISTRATIVE MATTERS

A. Direction to Staff on Potential Buoy Placement Line Adjustments

This item was not heard.

B. Strategic Plan Discussion and Endorsement

This item was continued.

C. Ethics Policy Discussion and Adoption

This item was continued.

XII. REPORTS

A. Executive Director Status Report

1. Agency Work Program Priorities for June

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

Ms. Marchetta said she will send out a mid-month report to the Board and has no additional report today.

B. General Counsel Status Report

Ms. Rinke said that the briefing on shorezone has been completed and oral arguments were scheduled for July 19, 2010.

Ms. Bresnick asked if it was helpful to break up the mid-month report into two portions.

Ms. Marchetta said she would take that into consideration.

XIII. GOVERNING BOARD MEMBER REPORTS

Ms. Bresnick said she would like to encourage the Board to hang a picture of Jerry Waldie in the TRPA Board room.

Mr. Cashman suggested establishing a TRPA Governing Board Hall of Fame.

Mr. Beyer said what he was trying to infer in his discussion of Land Use Sub #2C was to give staff as much flexibility to move forward with their recommendations and the language did not provide that.

Ms. Santiago announced an Environmental Economic Summit will be held the day before the Environmental Summer on August 16, 2010 from 4:00 p.m. to 5:30 p.m. and it was requested that local jurisdictional representatives be the sponsors of the event.

Mr. Breternitz said the Hyatt Hotel would sponsor the event. He asked if the local jurisdictional representatives would be honorary sponsors or financial contributors.

Ms. Santiago said they would be honorary sponsors.

XIV. COMMITTEE REPORTS

A. Legal Committee – no report

B. Operations Committee

Mr. Cashman said that the Operations Committee recommended approval of the budget because a budget was needed for this fiscal year, but an augmentation will be presented in the future.

Ms. Ruthe added the Committee will be receiving more information on this issue.

Mr. Breternitz added the Committee also discussed a policy decision proposal to receive the budget before the day that it would be presented.

C. Public Outreach & Environmental Education Committee - no report

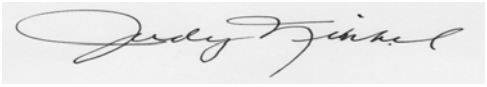
D. Catastrophic Wildfire Committee - no report

E. Local Government Committee – no report

XV. ADJOURNMENT

Governing Board Vice-Chair Ms. Santiago adjourned the meeting at 12:38 p.m. on Thursday, June 24, 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.