TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN UPDATE COMMITTEE MEETING

North Tahoe Event Center
Kings Beach, CA

August 24, 2011

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 3:00 p.m.

Members Present:

Ms. Aldean, Ms. Bresnick, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute

Member Guests:

Ms. Santiago

Mr. Shute gave an opening statement that this committee is an integral part of making sure the Regional Plan Update is completed by December 2012.

II. PUBLIC INTEREST COMMENTS

Ellie Waller said that any presentation that is presented to the committee should be available to the public, so it can be commented on. She said transect is going to be part of the environmental study process, so when we are adopting transects through the local jurisdictions community planning, we won't know what the analysis will bring, until it is done.

Laura Ames, Sierra Club, said the Thresholds are important. The Regional Plan has to meet the findings and the Threshold Standards. There will need to be a better understanding by Board members on what the Thresholds really are before they are spun before you can deal with the outcome.

III. AGENDA

A. Recap of Progress to Date on the Regional Plan Update

Mr. Zuckerman recapped the progress to date on the Regional Plan Update.

Mr. Sevison asked if transect will be required in each community or is it an option.

Mr. Zuckerman said that transect will be required in each different community.

Mr. Shute said it might be useful to see the specific topics that will be taken up by the committee. This might help with the charter development.

Mr. Zuckerman said there are several areas of the Regional Plan Update that still need to be fleshed out and understood. The transect zoning system, for example we need to make sure that everyone is educated and understand what it is. There are some items that are educational and some items that are policy decisions. There is the difference between community based planning systems and the plan area statements and the community plans that we have today. Another topic would be understanding the major differences across the different EIS Alternatives, including the major new themes in Alternative 2. Regional Plan Update architecture for TMDL and the Sustainable Community strategies is a big issue and is something the Local Government Committee will take up. There are policy choices and there are potential areas of delegation to the local jurisdictions. Other policy choices would be transfer of development rights, Tourist Accommodation Units, bike paths versus coverage and understanding the Code update. Do we need a new Threshold standard for nearshore? Do we need it now? These are some ideas that the committee may consider for discussion and possible action to the full Board.

Board Questions & Comments:

Mr. Shute said it bothers him that the EIS is underway and the Board has not worked out the specifics yet. That may be something that staff should think about. Some of the zoning, the community planning and the plan area statements are proceeding with workshops and community meetings and local jurisdictions are thinking about doing community plans. How do they fit into this process? Are they implementation of the Regional Plan Update or are they part of the Regional Plan Update? How do they fit with what we are trying to do? There is the 208 Plan that is off to the side, but is something that is being worked on to amend. By Federal law the Regional Plan Update has to be consistent with the 208 Plan. How will this work? There are a lot of things that we need to get our arms around. He has the sense that Alternative 2 received some prior blessing by the Governing Board and he would like to understand if this is accurate or not.

Ms. Aldean said Alternative 2 has been characterized as the staff's preferred Alternative. Staff has attempted to come up with a balanced series of proposals in Alternative 2. Obviously, Alternative 3 is more liberal than Alternative 2 and Alternative 4 is the most environmentally restrictive. But we have been told even though the EIS is underway; there is some flexibility with respect to any items that the Board may want to pull from other Alternatives.

Ms. Bresnick asked if the Local Government committee discussed their role in relation to this committee. How will the two committees interrelate on the Regional Plan Update? Are they going to inform us or are we going to inform them or is there a mix? She thinks

that Alternative 2 was the staff preferred alternative, but she doesn't think we are calling it that anymore. It is the alternative that encompasses the ideas for the Regional Plan Update that staff has been promoting. She thinks in terms of the Governing Board there has been, through the milestone meetings, probably a majority of the Board has endorsed many, if not all of these concepts in Alternative 2. There has never been any absolute vote of pre-approval on Alternative 2. It does embrace the concepts that staff has been proposing and the Board has been discussing the last few years. This is the direction staff would like to go. There was a break that we took to incorporate other ideas from the conservation community, who felt there were other ideas that they wanted to see in the document.

Ms. Reedy said she has clear memory of milestones being approved and of the Board actually voting on certain things. She is not comfortable with the statement that staff is pushing this Alternative. It really is things that were presented and were voted on. We have given staff a feeling for the appetite of the Board. The change was when we allowed an additional bite of the apple and invited other groups to submit another 900 recommendations and from that 300 was incorporated in the alternative. She thinks there was a vote at that point that 2 was the preferred alternative. Each and every time that staff presented things, even though there has not been 100% acceptance, but as a Board it was agreed to go in this direction. If we are opening this up again, we are setting ourselves up for failure. We need to go with what the Board voted on originally and then go through some of the more contentious issues that haven't been vetted yet. This was clearly the Board's choice and it could set up a disconnect within in this group.

Mr. Zuckerman said there were place-based visioning sessions with over 2500 people who participated. This is not just Board endorsement or staff's proposed alternative. It has been driven by the vision of 2500 people, 43 members of the forum and five years' worth of public outreach. We attempted to synthesize all this information into one alternative.

Ms. Marchetta said first what is the Regional Plan Update? The update at this point is a set of targeted amendments that are organized around the TMDL, updating our water quality element so that we can improve our ability to achieve attainment of our Water Quality Threshold. There are other targeted amendments that focused on the Sustainable Communities Strategy which is largely land use element updates. The Regional Plan Update is amendments to the Goals and Policies. The Goals & Policies becomes the organizing principal for a plan and we are going to incorporate that plan into a more explanatory document. Today you pick up the Goals & Policies and it is a list of goals and policies and you say okay but what is the plan. We will incorporate this into what we are calling the "Coffee Table Book". It will be targeted amendments to our Goals & Policies. Then there are implementing vehicles for those Goals & Policies changes. The Regional Plan Update amendments to the Plan Goals &

Policies and targeted amendments are to implement those changes in the Code of Ordinances.

Mr. Shute asked if you see those as being part of the Coffee Table Book, the Regional Plan or separate.

Ms. Marchetta said it would be separate, but the Plan will become the Goals & Policies with a set of appendices. That set of appendices will define different additional details of the Plan and how it is implemented. The Goals & Policies themselves are really the Plan and then there are implementing elements, which is the Code, 175 Plan Area Statements, and 22 Community Plans. We are proposing to simplify and consolidate that system, so it becomes understandable. We will use transects as the organizing form of consolidating those 175 Plan Area Statements. When you are in a certain district, you know what that district means within the Basin-wide Regional entity. The Code and transect will set Region-wide sideboards and then there will be more specific character areas. These will be implemented largely through form-based coding. This Regional Plan Update is not proposing to move to that form-based coding on 100% of the land area of the Basin. All we propose to do is to move this to the district level of transect planning. Some jurisdictions are very eager to move into character area planning and that is effectively the Community Planning. Other localities within the Basin are not so eager to get there, or may be more contentious. We are proposing to do in this update, four pilot areas that take it down to the character area planning and will give you the flavor of what we would hope to deliver, overtime throughout the Basin. Within the 22 Community Plan Areas, if the jurisdiction isn't ready to move to that detailed character area planning, we don't have to get there by the end of 2012.
This is for four pilot project areas only. That is really the amendments that are being brought forward. The 208 Plan update is a discussion that we are having with legal counsel, to determine if we need to do this concurrently with the Regional Plan Update. The EIS is not part of the plan, but is an analysis that we need to do to deliver the plan. The scope of this committee was an excellent forum to do education, both of the members and the public. This will get everyone more up-to-speed about what some of these concepts that are within these targeted amendments. We started this last month at the Board presentation on the specific items that we are targeting. There are 33 themes in the attachment that was provided last month and you can look at this and say I think there are areas of potential disagreement on for example, the TAU issue. Issue identification and resolution is another part of this committee's function. Addressing Ms. Bresnick's question about how does this committee relate to the Local Government Committee. One of the difficulties is that we have been dealing with 15 individual Board opinions. What you represent is two states and a set of local governments. To move these issues to conclusion you should think of this as a statewide delegation of Nevada, California and a local government

delegation. This committee represents the two states by majority and if you as a committee, talking across the table to one another about whether the two states agree on certain issues or not. We need to discover if you can find common ground or if not, maybe we need to take the discussion to the full Board, with a clear statement of what that difference is. This committee will be looking at the same issues as the Local Government Committee will look at, as you can start to identify where there are differences between these groups. Framing these discussions and comprises between these groups can move issues to conclusion. The other question that was raised is to what degree was there acceptance of Alternative 2. We used the milestone process as an attempt to find the majority endorsement on different policy issues. We took this endorsement and put it into Alternative 2, so we don't view it as staff's proposed alternative, but as an initial indication on where the majority sentiment of the Board was. There is a range of alternatives on either side of Alternative 2. Another important issue of this committee is if there is some fundamental disagreement about this set of sideboards that we will study, we need to know now so we can expand the scope of our environmental analysis. All of the inclusions that were added as a result of that hiatus, where we took additional scoping and considered additional measures, to the extent that those items are still within our scope; that range are still there. The sideboards are defined in Attachment E and this is the simplest format for determining what the range of sideboards is that we are looking at.

Ms. Aldean thinks we are all in general agreement that we went through the milestone process and we have those sideboards. She doesn't think we want to revisit that.

Ms. Marchetta said we believe we have those sideboards and we are not asking to reopen that.

Ms. Aldean said there is an implication there is major new themes in Alternative 2. What are you referring to?

Mr. Zuckerman said this means themes that would be new to the 1987 Regional Plan proposed.

Ms. Aldean said there are certain items like understanding the Code update. All the Governing Board members need to understand this, not just this select few. This committee should focus on policy driven issues. For example, should bike paths be required to have coverage in order to be accommodated? This is a policy issue that we should be focusing on.

Ms. Bresnick said she doesn't disagree with what Ms. Reedy or Ms. Marchetta has said. Staff synthesized years of information to put together Alternative 2

through the milestone process, which had some issues. This was done by straw vote and a majority of the Board, in most instances took a position. We should not start over again and should identify things that are clearly missing. This is a good function for this committee. She would like the committee to make Thresholds one of our top priorities.

Mr. Shute asked what Ms. Bresnick meant by that.

Ms. Bresnick said that is the starting point is what is being proposed for amendments. This committee could discuss other Thresholds that we may want to look at.

Ms. Reedy said if there is going to be any new major themes; we need to know as soon as possible for implementation into the EIS. She thinks the committee should know a date on which to make this decision.

Ms. Marchetta said this should be first up on the next meeting agenda.

Mr. Zuckerman said this would be a decision that would be recommended to the full Board to add to the alternatives.

Mr. Shute said the proposed Threshold amendments should be an agenda item for next meeting.

Ms. Bresnick said as we decide on priorities, could we get helpful hints so we know what we should look for. For example, the nearshore Threshold, if we could review materials in advance, we could be prepared to discuss the issue having already reviewed relevant materials.

Ms. Marchetta said the science is not complete on the nearshore, so when we have this discussion about bringing forward a potential new Threshold, it will be based on best available information, not complete science.

Mr. Zuckerman said this information will be made available for the public as well as the committee.

Ms. Aldean said with respect to redefining TAUs, we had a range of proposed alternatives from 300 sq. ft. to 2500 sq. ft. Can't we just analyze those in the three alternatives without rehashing this again? She is not sure we would get any closer to consensus than this work group did with another work group.

Ms. Marchetta said this is the range that we are relying upon. This is starting the deliberation on where might you want to land as an end decision. When we

developed that range there was clearly no agreement, so how do you as Board members want to start thinking about how would you make that decision.

Mr. Shute said he would like to see the role of this committee to take proposals that are in the alternatives and start talking about consensus we might reach. If we can't, we narrow the range to 1 or 2 options that goes to the full Board.

Mr. Zuckerman said this is a perfect example of whether the sideboards need to be adjusted or not.

Ms. Aldean said we will be relying on the analysis to determine what the real implications are of defining a TAU as a 2500 sq. ft. unit, in terms of environmental impacts. Shouldn't we allow that to govern our decision rather than predisposing that position?

Ms. Marchetta said the environmental analysis may be part of the policy considerations, but there are questions that the environmental analysis will not answer, like the economic feasibility of actually applying one proposal on a transfer ratio versus another.

Ms. Aldean said if the 2500 sq. ft. TAU has no appreciable difference, then do we care. We are predetermining what the outcome is going to be and she thinks this is a waste of effort.

Mr. Shute said he would like to visit the range of alternatives that in the document and have a discussion about what the criteria upon which they were based.

Mr. Marshall said he appreciated the suggestion to make sure everyone is on the same page to understand what the range of alternatives are that is being analyzed in the EIS. Are the policies that you want to debate laid out in the alternatives? Is this committee really functioning to advance the decision on the alternatives, which can happen as the EIS process is going forward, versus some policy debate that would require a change to an alternative that would necessitate some new analysis in the EIS. The latter is something, if it is going to happen at all, has to happen immediately in order to deliver the Regional Plan Update by the end date. It has to be so critically important that the risk of that kind of delay is worth the consequences.

Mr. Shute said that one subject for the next agenda is Threshold amendments as they stand, plus the possibility of a nearshore Threshold. Another subject is the TAU policy discussion and whether the range of alternatives is acceptable.

Mr. Marshall suggested adding a description of the Alternatives and the 33 themes. This way you have a feel for what is in process and what the policy decisions are that will be brought to the full Board. He would suggest before the TAU issue is discussed, that the committee feels comfortable with the range of alternative. Then, if TAU issue is the first issue you want to discuss, then you can do so.

Ms. Santiago said to Mr. Marshall's point, this should be where the committee starts. There are a lot of new Board members that haven't seen this yet. From the Local Government Committee standpoint, we want to make sure we are in sync with the RPU Committee when it comes to these kinds issues.

Mr. Sevison said his concern is more with TAUs. He remembers when this was implemented and why. So this may predacious his attitude towards resolving the issue. This needs to be discussed as an independent item.

Mr. Shute asked that the transect sheet be distributed to the committee.

Mr. Zuckerman asked if there was any concern about the order of discussion at the next meeting. We discussed holding monthly meetings and to clue up a number of issues in order of importance.

Mr. Shute said he has no problem with that.

Mr. Sevison said we could add a few items that are open to discussion at each meeting, if there is time to do so.

B. Discussion and Development of the Charter for the RPU Committee and Discussion of Next Steps for the Committee

Mr. Shute asked for any changes to the charter language that Mr. Zuckerman proposed.

Ms. Marchetta said it encompasses the education, the informational piece and the winnowing piece.

Ms. Reedy said the language doesn't indicate the need to get this done and by when.

Ms. Marchetta said if we can strengthen the language, then we can add a separate item.

Mr. Shute said he would suggest adding by December 2012.

Ms. Bresnick asked if either A or B is broad enough in terms of identifying any areas that aren't encompassed in the policies that are being reviewed in the EIS. She is not sure how important that is for incorporation in the charter.

Mr. Marshall said there is nothing in the Charter that says anything about Thresholds.

Ms. Bresnick said it doesn't need to be that specific. Does this encompass the issue if we need to identify additional policies?

Mr. Marshall said it is already encompassed in B.

Language is:

The responsibility of the Regional Plan Update Committee is ensuring the December 2012 completion of the Regional Plan Update by:

(a) facilitating the Board's understanding of the proposed amendments to the Regional Plan
(b) consulting with the Board on proposals in the Regional Plan Update; identifying areas of difference and recommending resolutions
(c) accepting other responsibilities assigned by the Board

Ms. Bresnick asked by having this in a Charter, how much responsibility does each individual take for this.

Mr. Marshall said that if the responsibility of the committee is to **ensure** the completion of, then this almost says you are looking at how the EIS is progressing. That is not what the committee is all about. He thinks for this committee to take on ensuring the completion, you are significantly expanding the potential of responsibilities beyond what has been discussed.

Final language is:

The responsibility of the Regional Plan Update Committee is **expediting** the December 2012 completion of the Regional Plan Update by:

(a) facilitating the Board's understanding of the proposed amendments to the Regional Plan
(b) consulting with the Board on proposals in the Regional Plan Update; identifying areas of difference and recommending resolutions
(c) accepting other responsibilities assigned by the Board

Moved approval.
Motion carried unanimously.

Laurel Ames asked for a list of all documents that will be posted on the TRPA website. What documents are related to this committee and what will be discussed at the next meeting.

Mr. Zuckerman said we will do this.

C. Schedule for Future Meetings

Mr. Shute asked for the schedule for future meetings.

Mr. Zuckerman said we are willing to meet every month or as the committee determines is necessary.

Mr. Shute said if the Board meeting is a one day meeting, we should meet after the Board meeting is concluded. What are any other suggestions?

Ms. Bresnick said on a two day meeting, what is the appetite to have a dinner meeting. That might be an option.

Mr. Sevison asked is it possible to schedule this meeting at the end of the first day.

Ms. Santiago said in terms of managing the regular Board meeting, we could arrange it to conclude at 5:00 p.m. Then the committee could meet at 5:30 p.m. We would have to make a commitment to conclude the regular meeting at 5:00 p.m.

Ms. Marchetta said for now we will plan on the conclusion of the first day. We will think about how we define the Governing Board meeting end of day.

Public Comment:

Ellie Waller said she would ask for sensitivity to what side of the Lake we hold these meetings on. If the meetings are scheduled every month, she hopes that we will still have alternating North/South Shore meetings.

Mr. Zuckerman asked if there is appetite for this committee to look at the October workshop for the Code Cleanup. Does this committee want to take any leadership role on this or should this go to the full Board?

Mr. Sevison asked for parameters for the workshop.

Ms. Marchetta said these are not Regional Plan amendments. They are foundation changing amendments so that we have a better foundation on which to build Regional Plan amendments. The idea is that anything that needs potential heightened levels of environmental review isn't going to come forward. If we get input from you on anything, it would be the issue of the substantive procedural items. What is your point of view on, in versus out?

Mr. Zuckerman said this falls into the category of an educational piece have the committee get more familiar with what is being proposed. This would be an opportunity for you to hear a presentation from the Code consultants prior to this

being presented to the full Board.

Mr. Shute said he would hate to see this interfere with the more critical discussions that we need to focus on.

IV. MEMBER COMMENTS

No member comments.

V. ADJOURNMENT

Chair Mr. Shute adjourned the meeting at 4:38 p.m.

Respectfully submitted,

Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.