

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN UPDATE COMMITTEE

TRPA
STATELINE, NV

AUGUST 14, 2012

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 9:32 a.m.

Members present: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison,
Mr. Shute

II. PUBLIC INTEREST COMMENTS

None

III. APPROVAL OF AGENDA

Ms. Aldean moved approval.
Motion carried unanimously.

IV. APPROVAL OF MINUTES & ACTION SHEETS FROM PRIOR MEETING (S)

None

V. PLANNING MATTERS

Continued Items from the August 3 Regional Plan Update Meeting

- Tahoe City Golf Course
- Coverage within 300 feet of Lake Tahoe
- Height for Affordable Housing Outside Centers

Mr. Shute said that the first three items on the Agenda have to do with the Bi-State Agreement. We have been directed by both states not to get close to the idea of reopening this package. There have been numerous telephone calls, letters and e-mails suggesting little changes here and there, and as was stated by the two Cabinet Officers when they were here, this is a package, and if you begin to pick at little things the whole thing can come apart. There are three items that are in the nature of technical amendments or policy changes that are to be taken up as a package before Committee comments and public comments.

The first is the Tahoe City Golf Course. The Bi-State Consultation Group thought they were doing the Tahoe City Golf Course people a favor by adding this to a list of projects that would qualify for heightened bonus transfer ratios and found out that was not the case. They were concerned about the financing for their projects and being hindered in their plans. There is no objection to removing the Golf Course to the list, which includes Meeks Bay and Motel 6.

The second issue is the 300 foot buffer from high water around Lake Tahoe where a coverage management plan would not be able to be utilized. It was pointed out that there are some very small areas in Tahoe City and Kings Beach which are across the highway and present difficulties if they were excluded from coverage management plans. The 300 feet was considered to be a lake-wide, big picture item, and a recommendation from the Bi-State Consultation Group is that there needs to be a technical adjustment to reflect those small locations.

The third point is about the height exception for affordable housing. People felt it was opening a contentious issue that would lead to others asking for the same for other issues. The Bi-State Consultation Group was not interested in reopening the negotiations of the Agreement. The recommendation is to put this item on a "to do" list with more broad considerations for affordable housing outside of town centers in general, and not just a height exception.

Mr. Robinson said that he would emphasize the direction that has been given by both states to not reopen the negotiations. This really reaffirms the intent of the Committee.

Ms. Aldean asked for clarification regarding the summary under item three. She does not believe it is in keeping with the Consultation Group's recommendation. The recommendation was to limit height for affordable housing in community plans outside of town centers. There is a distinction that needs to be made.

Mr. Shute asked for a motion to accept the three items from the Bi-State Consultation Group.

Mr. Sevison said he understands that the 300 foot area is only an issue in Tahoe City and Kings Beach, but asked about other small communities.

Mr. Hester explained that the discussion was that in town centers, where you would want to have coverage management plans and the possibility of redeveloping those areas, are where it is appropriate to look at the 300 foot boundary and move it to the upland side of the highway. That is why it was limited to those two areas and that dealt with the issue.

Mr. Sevison asked about other communities, such as Tahoe Vista, Sunnyside,

Lake Forest, and others that had hoped for some benefit from the Regional Plan and said now they are excluded.

Mr. Hester said that those communities still can do coverage management, just not within the 300 feet boundary.

Mr. Sevison said that most of those communities, such as Homewood and Tahoma, are within the 300 feet.

Mr. Marshall explained that those communities can do coverage management plans, they just cannot use that device to increase coverage within the 300 feet beyond the current Regional Plan maximums of 50% toward Community Plans, 70% for developing of existing vacant and then up to either existing or their Bailey or IPES limits. It is just that they can't move coverage into the 300' beyond those limits as a result of a coverage management plan. But that doesn't mean that they can't include those parcel in the coverage management plan that mover coverage around. They just can't move coverage beyond the current limits in that 300' zone.

Public Comments & Questions

None

Mr. Robinson moved approval.

Ayes: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute

Nays: None

Abstain: None

Motion carried unanimously.

Request to include Programs in the Sustainable Communities Strategy of the Regional Transportation Plan/Regional Plan Update.

Development rights/Sustainable

Steve Teshara, Sustainable Community Advocates said as you recall as members of this Committee and as members of the Governing Board, several times during the public comment period of the Regional Plan Update and Regional Transportation Update comment period, he came to the podium as a few others and talked about the concept of a TAU buy-out program. And in working through that issue and talking with a number of people, organizations, individuals and agencies came to include in my comment letter on both the RPU and the RTP the concept that is in writing before you in a summary form today. Basically there are two program that we are asking that this committee recommend to the full Board be included in the Regional Plan Update package

and the two programs are the Development Rights Acquisition and Land Restoration Program and the Sustainable Transportation Infrastructure and Operations Program. He understands during the Bi-state consultations, this concept was also discussed. Not only does he personally believe that these have great value as additions to the Regional Plan Update package, but they also help to position Lake Tahoe for some new or adjusted revenue sources. Certainly the theme of the last couple of days was we are going to have to do more with less public funding and other resources such as we've known them over the past 10 years plus are shrinking so we need to do some different things. This is very much along the different things idea.

Specifically what we are asking this committee to do today is to put forward these two initiatives into the plan package, once the Governing Board has given direction and hands them off to your staff and environmental document writers for the analysis. In regards to the Development Rights Acquisition and Land Restoration Program; this would be sort of the commercial equivalent of the popular and very successful residential buy-out programs of the 80s and 90s. Burton Santini on the Federal side, the State of Nevada and the State of California program. When folks had residential properties that they couldn't build there were programs that helped remediate that expense and they could sell to one of the programs and take their leave. This is a similar concept, and we have heard a number of analyses that have said there are probably 13,000 tourist accommodation units in the Basin, the majority of which are within the City of South Lake Tahoe which is just the way development patterns occurred here. Many of them are serving no useful purpose economically and are basically what he describes as a drag on the environment. There is an opportunity here to move some of those out of the inventory to retire those sites. Maybe a portion of them could go into the transfer program, but many of them just need to come off the books and be retired permanently. He said he does not think it does harm and in fact it does a lot of good both from the environmental and the economic perspective. Working with California specifically on Assembly Bill 1532 which is Speaker Bres's bill, looking at what eligible activities or what activities would be eligible for the cap and trade revenues; this is clearly a potential depending on how that bill turns out. The way it gets determined in California is going to be a combination of legislative direction and direction that has been given by AB32 from 2006 the Global Warming Solutions Act to the California Air Resources Board from the administration perspective they are going to be setting some policy and expenditure priorities. The Sustainable Transportation Infrastructure and Operations Program have a couple of piece; one is that in AB1532 there is a possibility that some of the cap and trade revenues could be used for sustainable transportation initiatives around the state. We are positioning Tahoe to take advantage of this and we are working in Sacramento to make sure that transportation capital and those kinds or programs would be included both in

terms of the legislative direction and the administration direction. We also are talking about an initiative to change the formula by which Tahoe receives money both from the sales tax or Transportation development Act fund in California for public transit and also the money that we get from Caltrans and CTC being the California Transportation Commission and our formula application for what is called STIP dollars or State Transportation Improvement Program dollars. Those monies are handed out on a permanent population basis essentially and on the public transit side, because our population has gone down from 2000-2010 as documented in the census, as of last month of the new fiscal year, we are getting about \$200,000 less from sales tax revenues through the TDA Program for public transit at Lake Tahoe. That is a big hit and that is opposite of the direction we are trying to go with the Regional Plan Update and the Regional Transportation Plan which is more public transit service, not less. This has been a chronic issue for us at Lake Tahoe for a number of years and that is our population is not the only group that we serve.

Over the last several months, working with TRPA and the TMPO transportation staff Nick Haven and Carl Hasty from the Tahoe Transportation District; the team has developed a blended population formula which you will see as the last page of your handout, which has a blend of year round residents, overnight visitors and day visitors. We have been to this rodeo before where we say well we have visitors here and we need to include them in our calculation for revenue and people say in other places, we have visitors too, can we do that. Where do you draw the line? You draw the line at those areas that are subject to the mandates of a Bi-state Compact. We would say to anyone in California or Nevada and specifically California, any part of the State of California that is subject to a Bi-State Compact that requires a reduction of the use of the private automobile and the reduction of VMT. As a mandate, could take advantage of the same formula program. He is not aware that anyone else that fits that category, but that is the way we are proposing this because we are sensitive to Monterey, Santa Cruz, Napa, the Bay Area, Los Angeles, San Diego because we all have visitors. We have visitors but we also have the Bi-state Compact. The other side of it is that because California is a Region Transportation Planning Agency that is designated by California, RTPA is one of your transportation responsibilities and yet we aren't a county we sort of get a subsets of what, for instance in El Dorado County or Placer County would get in terms of state transportation improvement project dollars and those are dollars for transportation project. Because we are a piece of two counties and not a county and because we have this sort of odd construct of a region, we don't get anything like what other counties in California who have smaller populations get a lot more money for transportation than we do. We are proposing this unique blended formula for both an allocation for transit dollars through the TDA Program and also for the STIP dollars and for each of those if we are successful in this would significantly increase. For public transit, it could be three times the amount of money we are presently getting

and three times or more of the state transportation improvement dollars. This is not a slam dunk.

We are in a situation where our revenues are going down or not increasing consistent with what we are trying to do in the Regional Plan and the Regional Transportation Plan. We are specifically counseled by folks in Sacramento to insert these into the sustainable communities' strategy because that's really what folks in California will look at in terms of AB32 revenues and cap and trade revenues and these other sustainability programs. We also commit that you should put them wherever else in the Regional Plan Update package that they would be appropriate.

Committee Comments & Questions

Ms. Aldean asked about the Development Rights Acquisition Land Restoration Program and said it seems that until the area plans are adopted by the local jurisdictions we really don't know how much CFA is going to be required or how many TAU's. She thinks it would be a little presumptuous to retiring those commodities, until those area plans are adopted. She said that is just an observation and comment. She asked if you are proposing to acquire fee title to the land using these funds or merely the commodities and who ultimately has the responsibility of restoring the property if the building is demolished.

Steve Teshara said there have been discussions for instance the California Tahoe Conservancy; could the conservancy operate this in much the same way they have done with other land bank and allocation rights programs. From at least from the staff level discussion and he doesn't believe it has come to the board, but interested in pursuing those programs consistent with other missions that they have that are very similar. That discussion needs to occur and some of those details that need to be worked out. It could be premature, but this program is going to take a while to put together and ramp up, but if it isn't included as part of the Regional Plan Update package, we will have no foundational basis to go forward. In order to engage the conservancy and the local governments in support of this program, it should be an element of the plan.

Ms. Aldean asked staff if there is sufficient specificity in this recommendation to be analyzed in the EIS.

Ms. Marchetta said yes she believes there is.

Mr. Severson said he believes there have been some discussions at the conservancy at the basic level including that program in our banking system, so those units will initially become available to buy back out of the bank at some

number representing the cost to create the commodity to start with. They then could manage and maintain the land as part of their program and that would make it fairly clean, but I think we could provide that.

Steve Teshara said as indicated in the memo, we are willing to sit down with agency staff and the writers of the environmental document to put a more defined parameters on what we are asking them to analyze in the document. By the analysis we would prove that these programs are indeed beneficial environmentally and from a community and economic perspective such that they merit being in the Regional Plan for the benefits that they provide. We have tried to bring the detail of this along to a point where it could be formally discussed and included, although certainly as you point out there is a number of questions and details that would have to be developed. Perhaps in the experience of the 1987 Plan, we developed the idea of IPES and Community Plans and after it was adopted, we tried to actually say what those were. We are taking a concept and putting it into the plan because hopefully the analysis will show it has merit to be in the plan and then we can work out the details.

Mr. Robinson said when you mentioned weaving this into the EIS, we are along in that process and asked how does this get melded in and analyzed in the next 30 days.

Ms. Marchetta said she did not know yet.

Mr. Marshall said the key is to not jeopardize the entire package for moving forward, so we need to work with Steve and to craft language that if this is something the committee would like to recommend, that we come up with a way this could be forwarded but not in a way that would cause any sort of delay or additional circulation or analysis that we would have to do for the EIS. This should not be driving the bus.

Mr. Robinson said if you think it is doable, but we have had warnings all along.

Mr. Marshall said yes it is doable in terms of what it is. If it a policy directive to investigate setting up a retirement program, that is one thing and if it is to retire 500 units that degree of specificity is something else. We need to figure out if these are policies that the committee wants to forward to the Board and the Board wants to move with them; then we can figure out how they should be framed so they are consistent with the Regional Planning language and the environmental analysis.

Ms. Reedy said her concern is it seems like we are picking and choosing potentially what we are going to add back into the RPU and she is not seeing any parameters that says this is the reason why. This is different than looking more

into affordable housing, fixing definitions, bringing the appeal process in a more defined manner. She has had people come to her and ask for things that totally makes sense, but she is hearing we can't do that now because it will harm the agreement that has been made between the two states. My own conscience cannot say we will add this, but we won't look at something else. She is not seeing that line; she is not saying that she disagrees with this, but I don't disagree with a lot of other things that she feels we could be talking about.

Mr. Shute said this is not related to the Bi State agreement. He believes what we said is we are not going to get into things that relate to the Bi-state agreement because that opens up a can of worms and this is out of regard to the merits. One possible line is it is not associated at all with the Bi-state agreement.

Steve Teshara said thank you that clarification and would respectively point out that this is part of the comments that we submitted to the Regional Plan Update during the comment period, so it is already in the queue to be analyzed like other comments would be that were submitted by the deadline of June 28. He would assume that staff and the Ascent team already have this and are anticipating incorporating it. He is here today to do is reinforce that and to suggest that this is really a critical program that should have been reviewed at this level by this committee and then a decision made to pass on to.

Ms. Aldean asked if we acknowledge the importance of having the area plans developed as a precursor to this sort of program so we know exactly what the number of commodities we may have available that are not deemed to be essential to the local jurisdictions to fulfill their planning objectives. She asked if there any reason there would be any adverse environmental impacts to retiring these commodities other then there may be some economic impacts that we have not anticipated, but that can be ferretted out through the development of area plans. Is there any reason why we can't put this on the to-do list, if in fact we can't analyze it under the current environment impact statement?

Ms. Marchetta said the honest answer to that is we can put this on the to-do list, but I think this is one of the most innovative things that we did in the 1987 Plan was the thing that was the glue for that first plan was the recognition that the partnership would engage in an acquisition program that would take development potential out of the Basin. We did that remarkably successfully; we don't need to retire vacant land anymore. Right now what we have in the Basin is to some degree excess development that is underused and isn't being economically managed. We can put it on the to-do list but here recommendation would be for those who are concerned about some of these coverage allowances and the idea of adding development to the Basin, although she doesn't agree with that characterization, but this is a programmatic offset to that now to say at a policy level, to say this is one more assurance that those who are concerned is

we are continuing to over develop the Basin, this is an accommodation and a programmatic aspiration to say we can actually remove excess development.

Ms. Aldean said with the pervious buy-out programs, you were primarily focusing on buying sensitive lots that could not be developed. That diminishes the value of that property significantly, so they were paid fair-market value based on the development limitations. This is different, you have properties that are already developed that have an inherent right to redevelop and it will be far more expensive, and she does not believe you will be able to convince a lot of these owners just to take \$50,000 for a development right. She is not opposed to it, we had this conversation with Rochelle Nason a number of years ago, that maybe the ultimate objective to satisfy the concerns of the conservation community was to ramp up another buy-out program, but it is a little bit different when you are buying developed properties as opposed to buying undevelopable lots and that is just an editorial comment.

Steve Teshara said there are people throughout California positioning to get cap and trade revenues. We are actually in a position to do that and perhaps go to a head of a class somewhere. This is a unique opportunity that this committee and the Board as a whole are here on behalf of our community could put us into a position. What he doesn't want to do is put it on the to-do list, and when we ask for money, they say we will put that on the to-do list. We are strategically positioned at a particularly momentous turn of funding source opportunities particularly with respect to the State of California.

Ms. Aldean asked is there is a compromise. If in fact you are a little doubtful that we could actually analyze this based and determined what the environmental impacts are going to be in the existing environmental analysis, rather than putting it on the to-do list, can this RPU Committee and ultimately the Governing Board basically accept and endorse the idea without actually officially incorporating it into the Regional Plan. She knows Steve's concern is you want to be in a position and have this program validated by the TRPA so you can move forward to qualify for these various funding sources. Is there a compromise between having it analyzed in the EIS and actually adopting it as a strategic program going forward?

Ms. Marchetta said she is told by counsel, yes.

Ms. Aldean asked Steve if that would satisfy his needs.

Steve Teshara said these are two separate items; it seems that the analysis that we are requesting for the Sustainable Transportation Infrastructure Program is fairly straight forward. We have all the analysis of what more transit service and the infrastructure would do and now we are having funding for that basically

slashed, so it that is a simple analysis. The committee may wish to treat these two programs separately. With respect to the TAU buy-out program, he wants the committee and the Board to go as far as you feels you can go because that is a bold initiative step. He is encouraging you to go as far down this road as possible.

Mr. Sevison said if we just make it a permissive thing and don't create the package and defer that part to someone like the Conservancy and let them do the analysis on a statewide basis under their rules; all we would be doing is just making it permissive to make it happen and the other agency can pick up the ball and run with it.

Mr. Marshall said yes, there is nothing that precludes anyone from buying up TAUs right now. What he believes Steve is looking for is something a little more affirmative, a policy statement that TRPA promotes this idea and that in it of itself, depending on how we craft it, doesn't necessarily additional analysis. If the CTC is going to acquire TAUs, they can acquire TAUs right now if they have the necessary state authority to do so. They are not prohibited by TRPA from doing that. We need to go back and understand exactly what the maximum promotion that we can do of this program if that is the desire of the committee.

Mr. Sevison said but the TAU value is hinged on the ability to transfer and relocate them and make them available to other persons and that is what the part that we have control over.

Mr. Marshall said he doesn't anticipate that changing. No one wants to change the rules associated with transferring of TAUs other than for programmatic reasons that we have already done. But unless he is missing something, there is nothing in our current rules that prohibits CTC or anyone or the Tahoe Fund for buying TAUs. So it is more of setting a general policy direction of the Board that we would like to see an additional program be put in place that would accomplish this objective, in it of itself he doesn't think it creates the environmental consequences that we would have to analysis. But we need to be careful how we word that and makes sure it is consistent with our environmental document. That is the policy direction that doesn't have any additional concrete impacts that we would have to analyze or that aren't already analyzed within the plan in the EIS. He thinks it is the middle ground that Shelly was talking about.

Mr. Hester said he was in Sacramento a couple weeks ago hearing about the proposals on how you can use California cap and trade money and he and Joanne were at a hearing a couple months ago where they talked about the transit funding formula. He says to boil down what Steve Teshara is saying that we may have some funding opportunities and can we go after them. To the degree that we can put this, to build on John Marshall's idea, to the degree that

we can put this into our sustainable communities' strategy or somewhere else in the plan without creating new policies and new requirements for environmental analysis, let's do that so we can take advantage of the funding opportunity and he would suggest that is the kind of thing that you might want to direct us to do.

Ms. Reedy said she brings up again throughout your description of saying how you could go about doing this, you are talking about policy changes. You are actually using it is a policy this and a policy that policy and there are other policy ideas that have come to us since our last meeting. Again, while she thinks this may be good and may be able to agree to a to-do list on it, she may want other things on that to-do list as well that have come up since that time, she thinks that is picking and choosing and those people are not here asking for it because they don't feel like a policy change would be considered. In good conscience, that is what my problem is with this.

Ms. Marchetta said on that question, we have never said that we had closed off the rest of the plan. The general operating principal right now is not to add or delete, change or modify in a way that might undo the sensitive balance of the Bi State agreement. But other issues that fall outside of that, she doesn't believe we have said we can't take up and consider. It is a judgment call as to whether or not this issue does damage or puts at jeopardy the Bi-state agreement. She said she does not believe that it does and it's aspirational and it goes to the issue that John just summarized to you. It gives us an opportunity to go after some very beneficial funding for environmental programs and transit programs at Tahoe that we might not have. So she thinks your line drawing you are looking for is in your judgment, is this something that we can't add because it affects the Bi-state agreement.

Ms. Reedy said people have come to staff and come to members here asking to look at this and that, can you change that definition. Can you make sure the definitions get done and people that are not in the public process are saying no that affects or could affect; so we have individuals making that decision of what affects this agreement and it gives me discomfort to then bring this one item before us and then say but this in your opinion does not affect the agreement. She has qualms about it.

Ms. Marchetta said she understands that and wants to add one more criterion to your line drawing, and that is making proposals that would cause us to have to do new impact analysis that would add potentially significant affects and add analysis that is outside the scope of the existing the environmental document. She said you have two line drawing categories and then it is ultimately your judgment in whether we have trend into that territory.

Ms. Aldean said in terms of locating additional funding sources for these

acquisitions, is it actually necessary to be a part of the Regional Plan or can it just be a policy statement outside of the Regional Plan. In other words, an endorsement by the Governing Board, because you are going to be working with existing agencies like the CTC to actually acquire these commodities. She asked if an endorsement would be adequate for Steve. This is frosting on the cake and hopefully we have a Regional Plan that helps us achieve our environmental Thresholds and our environmental objectives and this goes above and beyond what we adopt as a Regional Plan in order to meet those objectives. From a political standpoint, what is required to see this program and asked does it need to be incorporated into the Regional Plan Update.

Mr. Teshara said yes and you are talking about some great creative ways to do that because we are often told that the cap and trade revenue is as been already spent 5 and 6 times over. First of all Lake Tahoe has benefited from two sustainable Strategic Growth Council grants on the sustainability side. Around one funding package for almost a million and two funding packages for about $\frac{3}{4}$ of a million. We have had not just one grant, but two grants and Tahoe is being looked at as a model now for sustainability planning. The other piece is that we got permission in Senate Bill 575 to have our Regional Transportation Plan from the MPO respective be recognized as sustainability blueprint for our Regional Transportation Plan and our Regional Plan. After receiving this money and after receiving special legislation declaring that we are an MPO in California that has the opportunity to participate in the sustainability programs. It needs to be a more definitive statement of it being incorporated in whatever way you deem appropriate, not just an add-on later, otherwise we risk them saying that we were not serious about some of this stuff.

Ms. Aldean said the other acquisition programs were not part of the Regional Plan, they were operating independently of the Regional Plan.

Mr. Teshara said this has a more foundational value for the reasons that your Executive Director outlined that you are all aware; certainly that those of you who participated in the consultation process went through the debate of are we adding too much redevelopment or what is that right balance. His view is that we can solidify this by saying we are going to take out some of the existing that serves no useful purpose as long as it is a willing seller, willing buyer situation not withstanding what you said about the price. This is an extraordinary opportunity and again urge you as to go as far down the road as you can to put us into a position that others would envy.

Ms. Aldean asked for clarification on one item for me that satisfies Robin's concerns that we are adding additional items of analysis into the environmental document ahead of others that have been recommended and asked Steve when he submitted his request to TRPA.

Mr. Teshara said it was done by the June 28 comment period deadline, and as he pointed out several times during the discussions on the Regional Plan, he stepped in front of this committee and the full Board to let them know we are working on this and will be coming forward with it. In the context of doing that, He has been told that is a great concept and we will see if there is anybody here today or if I am going to be up here by myself. Again the comment was submitted by the deadline so presumably your staff and the staff at Ascent are looking at this and figuring out what analysis they could do. He would not certainly be the last person here to ask you to do anything that would put you off course from your deadline. But he understands Robin's situation, but he says this has such high value compared to maybe some other requests that you are getting that a line could be drawn above which this could be and others below.

Mr. Robinson said to circle back to Robin's question again; he said there are a number of options on the table. Somebody mentioned about bifurcating the two issues also and that interest me a little bit. He does not think this breaks the Bi-state agreement, but he is uncomfortable with it. It is a big bite and he does not know how much has been evaluated in the EIS, but for that reason he cannot endorse putting it in the Plan.

Public Comment

Carl Hasty, Tahoe Transportation District and also serves as the commission to you as the TMPO Board. He said he might be able to offer a little bit of a pathway here with some important nuances. The program that Steve is describing and the whole object of it is actually an easy thing to accomplish. The district supports and partnered with TRPA in this programmatic document, this cumulative analysis for the Regional Transportation Program. That type of cumulative analysis has already been done. While transportation is a Threshold attainment program, it still has ancillary impacts and the reason we are interested in the cumulative was in order to optimize the kind of mitigation that transportation can bring to bear and said that is the kind of opportunity we have here right now within the documents themselves is really just kind of highlighting that.

Within the RTP document, there is a section that is about financing the program and this is one of those mechanisms that can help finance the program. So there is a place for adding some language to do this. This concept about developing this into a particular program, there has been plenty of times and instances in the past when he looks at the cumulative analysis now, it refers to EIP and the EIP should prioritize this and that. There is no reason that there can't be language in that cumulative analysis that says transportation should be looking to optimize its offsets by targeting these areas because we are using our money then to get multiple benefits. One is a more regional-wide program benefiting our dollars, rather than an individual project by project approach. So most specifically, if within the RTP for example, because that has been the districts intent

to head this way then we can start to look at how can we bring transportation dollars to bear to do more work than just offset its impacts. There is some room here within the documents, both in the environmental analysis as well within the RTP itself that we can address this because we are pursuing it in that way. On the land use side, he suspects it is similar. It is not uncommon in the past where we have had language in there that says the EIP is an example of that. When the plan first got put together; someday someone should put together what was called an Integrated Environmental Improvement Program (IEIP). As a future type of offset for the development impact to Lake Tahoe and that concept got developed starting in 1995 well after the plan was adopted. He said there is room for being at least able to introduce this and in a few places the analysis largely already exists and as far as introducing it as a concept it would be possible.

Ellie Waller said she would have preferred that staff make a recommendation on this and if this is something that is important staff should have analyzed it and made a recommendation to this body. Additionally, she read through each of these next nine issue sheets and there are a couple other things that are going to be brought forward; through these for public consideration of comment on area plans for the Federal state request to add a permitting issue and also in issue Sheet No. 2 you are also going to be asked to bring another policy issue forward that hasn't been discussed. She asked how many more of these things you are going to look at. She is not saying we shouldn't take the opportunity and appreciates that Steve has looked forward looking into getting funding that could be utilized for this Basin, but you are going to open a flood gate. Robin mentioned that she has had people which she is sure everybody has and it is just poor timing and does not know if the funding is going to be compromised. It was suggested that the Governing Board could look at this as a separate item, separate approval and something that could be a portion of a TRPA packet some time, but to add or continue to add to the plate of staff even though it might have some credibility and been looked at. Just like these other things in these issue sheets which she is going to recommend. She is going to make packets of comments because it doesn't make sense to try to bring all this forward. They need to go to the to-do list one way or another if that is the importance, then that to-do list needs to be prioritized. She is frustrated that she has had no preparation for comment on this; not that this isn't a great idea but staff should have been able to analyze and recommend.

Ann Nichols said just looking at this, who wouldn't want to retire a bad CFA and TAUs, but does that mean we are accepting, which she is happy to see this chart about daily resident and visit use, as we have been asking for something like this. She asked where it came from, who did it and does it mean we are accepting these numbers. If we have too much CFA why are we doing 200,000 more? There are some conflicting things that make me uncomfortable about it.

Lew Feldman said there are some things that are controversial that we are concerned about and there are some things that are no brainers and if this isn't a no brainer, he doesn't know what is. We are competing against the rest of the State of California for

money to retire excess development that is obsolete. We have motel owners with units that have less than 14% market share; there is no resale opportunity for these folks. They are great greenhouse gas contributors. They are on some sort of hospice death watch with nothing to help them. This helps them, this helps the environment. When He is talking about the retirement of excess development rights and sometimes he wonders when he gets up here that he is still going to have a constituency when he says we have too much development. The idea of reducing it has nothing but upside for those that can remain in business and shouldn't be tied to an adoption of a local area plan. Some of these areas may never adopt an area plan, they remain subject to a plan area or a community plan. As a member of the Bi-state committee, he doesn't see any conflict whatsoever with the agreement that was struck. This is a furtherance of both sides of the isle's goals and the only folks that loose if we delay this and don't give it the priority to which he said it deserves. He hopes you can reconsider it in that light as there is no downside to us pursuing this and he has been approached as you have been approached by people that had issues that would like to have addressed. He has not been approached by anybody that has an issue like this to which there is really no opposition. So its win-win and would hope that some of you who are struggling with this could reconsider.

Committee Comments & Questions on Delegation and Appeal

Ms. Fortier said this TAU transfer policy has actually been talked about not only in the Bi-state but a number of different occasions and has been essentially hinted at a little broadly and while she has trepidations of exactly how the program will work, because the last thing in the world that she wants to happen in the City of South Lake Tahoe is have a checker board pattern of developed hotels and vacant land. This is an opportunity and we right now as you all well know after the summit have a certain amount of attention from the State of California and if this is possible as a funding mechanism, then we need to pursue it and is not sure at what point whether it is something that we recommend as part of the Regional Plan or whether we are able to offer our recommendations to do it without necessarily incorporating it in the Regional Plan. But says it has great merit and again the devil is in the details and she hopes the end product of what we do here is to retire appropriate units that also allow us the capacity to develop our area plans.

Ms. Reedy said she too wishes she would have seen and been able to digest this prior to walking into the meeting. She is absolutely in favor of people who want to determine what goes on a piece of land to buy it. That is in my cellular makeup, but again to have a small group of people determine whether or not it is policy or not policy, she keeps hearing conflicting things that we can do this now without it being in the Regional Plan Update. She would probably be in favor of it, if it were to come to the Governing Board and certainly would like to have a change to read and figure out what this is and where the numbers come from, but she doesn't see being able to make the judgment that this is not a

policy change without it being vetted more. Maybe it is something that we can do some homework on it and if we are having a meeting tomorrow, do it tomorrow. At this moment, she is not comfortable but appreciates all of the information; it was valuable; just not quite enough to get me over the hump in that we can do this already.

Mr. Robinson said to go back to these lines, but changing the Regional Plan is still on our agenda. We cannot close that out and say with public comment and everything else, we are not going to change. We would be in violation of the process. It is just how substantial this is. How it fits again into the EIS and how it is integrated in there that gives me concern. But he hears particularly what Claire had to say and he doesn't want to throw the baby out with the bath water. Working for the State of Nevada in the Governor's office we endorsed consistently with the Governor's signature projects and proposals and he says the Governing Board has done that in the past. We have sent letters to the Federal government to agencies endorsing programs and projects. He said he knows it isn't as good as having it in the plan, but given where we are date-wise, he would propose that for consideration anyway.

Mr. Severson said the process is starting to bother him little bit. We entered several of these processes and we went so far with our Regional Plan Update and we had a handful of disagreements that we set aside that we agreed we were going to come back and deal with and then there was the two state agreement. We are just finishing up and is concerned as to how that agreement is going to affect our processes from here on because if everything that we have to do from this point forward is going to be affected somehow and we can't make changes or amend this. From his perspective he sees us as being midway in the process. We are not finished with the process and I think the request is totally appropriate. He does not see anything wrong with it and in fact he would encourage it to happen because that is where we are trying to head and those are the kinds of things we are trying to accomplish. We said that in the very beginning that is what we wanted to do and now we are baulking at it because maybe it doesn't sound like it agrees with the Bi-state agreement, he does not understand that and guess he is being hard-headed here, but there is something about the process that I am not clear on. He needs to understand it better, but does not understand why there is any hesitation to continue to put into the process good things that are helpful for transportation. He recognizes that the whole question hasn't been answered as to how you have that program and what do you do with the land as you are going to be taking development off a high capability, he asked what happens to that land. Does it just set there empty or have the potential to be redeveloped in some other way. There are a lot of unanswered questions we are going to have to deal with it someday and offer those guidelines to the conservancy and others in order to make it function. He is concerned that we are suddenly sort of tying our own hands right here and

saying we can't do anything and that is not where he thought we were. Mr. Shute said it has been acknowledged by people who were part of the consultation process that this in no way impinges upon the Bi-state agreement. He does not think there is any reason in the abstract why suggestions by people for adding to the Regional Plan for items that are outside the Bi-state agreement shouldn't be considered. The reason for the sensitivity about the Bi-state agreement is that it was a very carefully crafted compromise with a lot of hard negotiations and discussions and people are concerned that if one part gets pulled out, then the whole thing comes unraveled and people say well they bought into it and now they are not buying into it anymore. This was a huge accomplishment to get people together and it was lauded by the Governor's and the Senators yesterday and we don't want to put that to jeopardy. So he thinks that this is something which does not implicate the Bi-state agreement and is fair game for consideration and he would offer this as a motion.

Mr. Shute moved that the committee recommends or supports for the addition to the RPU, the development of a policy to support the Development Rights and Acquisition Land Restoration Program. Not particularly this program, because none of us have had time to study this table or know all the consequences, but he does not see any dissent to the idea of supporting the creation of a program as a policy in the plan that will evolve into something in the future but at least we have laid the groundwork to the extent it would not impose a recirculation or a burden on the EIS to do the analysis of the environmental and community benefits for the development and implementation of the Sustainable Transportation Infrastructure and Operations Program.

Having worked in government and other people here who have worked in government and knowing what is going on right now with cap and trade funding and the colossal difficulty of obtaining revenue. There is an opportunity here to get hold of some money for the Tahoe Basin. When a bureaucrat is looking at a grant application or a legislator is considering a position on a bill, if the program has been endorsed by the Agency in charge rather than just by a resolution, it means a lot more. It is more official and more sanctioned and so that is why he thinks it is important that there be some kind of statement in the plan. He offers this as a motion for discussion.

Mr. Robinson asked for a clarification on that, and said so this is not an endorsement of this.

Mr. Shute said it is the endorsement of having in the plan a policy that would support the development of a rights acquisition and land restoration program. He has not heard anybody disagree with that.

Ms. Aldean said if this was submitted by the deadline for comments on the RPU,

has staff done a preliminary review and analysis of these two issues?

Ms. Marchetta said we have been aware of this issue for some time and had she known that this was going to come up today we would have had a little better presentation for you. Honestly, responding to something Ellie said if staff was to make a recommendation today she would recommend this. She said it is that important. So after she hears the comments on this motion, she believes it is more important that you don't vote this down and would ask if you think this is going fail allow us to bring this back. That's how important this is to Tahoe right now. We are facing such constraints on funding that to have the Board somehow publically indicate that there is waffling in support on this, that's concerning to us.

Ms. Aldean said she does not think it has to do with the substance of what has been recommended, it has to with process and we are always beholding to process, but she agrees with the Chairman's motion. We have to provide some relief to the people who have properties that that are unable for financial reasons to redevelopment that has fallen in disrepair that are a blight on the landscape and that are detrimental to our objectives to achieve Thresholds, this is definitely a step in the right direction and that we can work on the details at a later date.

Ms. Marchetta said we have never said that we couldn't add other good concepts into this plan. The Bi-state agreement didn't turn the discussion off. The only admonition that she will give to this committee is that Larry's characterization of we are mid-way; we honestly need as much direction as we can get from this committee and from the Board this month, so that we can transfer these concepts into final draft documents. So that is why we are pressing this now. But unfortunately we started with this issue and the rest of today is taking up other issues that were raised that are outside of the Bi-state agreement. Mr. Sevison's issue of process is right where we need to be.

Mr. Sevison said he too also agrees with the motion and think the Chairman was great in doing it. That speaks to what we are doing and just because we are working around the Bi-state agreement that is in front of us, we have to do the best we can with the tools we have and if it means taking on several items that are really important such as these, we can't back away from it and charge forward and bring them out and talk about them. We have to stay within the environmental document and understand that, but he certainly can't conceive that either of these issues is not within the environmental document.

Ms. Reedy said she would like to delay this so she can gather more information, whether that is delaying it to another meeting or delaying it to later in this meeting. She knows people who have brought things forward within the specified time that in my mind some of those items would not have an effect on

the EIS. She said that there is public out there that have brought things to staff has the impression that pretty much no policy items will affect the Bi-state and almost everything is a policy item. She needs some time here otherwise she will have to vote no.

Mr. Robinson said he can accept the Chairman's motion.

Ms. Aldean said it is also important to realize that this is an important mitigation that strengthens the overall RPU in terms of helping us to achieve our environmental objectives so that is very important. As we all know, there are organizations that are dissatisfied with what we have produced to date and whether that ultimately results in litigation, we can't foretell at this time, but she feels that anything we can do to make this RPU more attractive in general is a plus.

Ms. Fortier said maybe she has a little different look at the Bi-state consultation agreement. She thought it was pretty locked down and thought that it was concerning certainly some very key aspects of the Regional Plan, but she did not think that that was the be all and the end all of what the Regional Plan was supposed to be. What it did was give us a very, if you will the skeleton of the Regional Plan and that there were many other possibilities not to essentially change the guts of that, which she felt were pretty limited. She feels that the motion is an appropriate one and that there needs to be something that looks ahead on what the possibilities are that were not addressed in the Regional Plan and certainly what to do with TAUs is a huge consideration.

Mr. Robinson said he feels we have laid to rest the fact that we can change and add, we have to do that and we would be in violation of NEPA for one thing and we would be telling everybody don't comment or don't say anything else if we are locking it down. We did draw a line with the Bi-state agreement and that is a pretty definable line and we will deal with it later today.

Mr. Shute said he is hoping that we can get through this entire agenda and not come back tomorrow as we have no further meetings of the committee scheduled. So what he would propose is to defer this until the last item on the agenda before we adjourn just for a vote because we have already had the discussion.

Ms. Fortier said she will not be able to attend all of the meeting today. She asked if it is appropriate for me to simply be on the record with my vote. She said on the record, she is in favor of the motion.

Ms. Aldean moved to table this item to the end of the meeting.

Ayes: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr.

Shute

Nays: None

Abstain: None

Motion carried unanimously.

Plan & Code Refinements:

1. Mitigation Measures
2. Allocation Releases
3. Land Capability Verifications
4. TMDL Coordination
5. Other Amendments

Mr. Stockham said this is the second agenda item today dealing with the additional plan and Code refinements. He gave context to the five refinements above.

Committee Comments & Questions

Ms. Aldean asked if you could be more specific under Land Capability Verification where we are eliminating draft Code amendments that would wave requirements for field verification in certain instances and asked what are those certain instances.

Mr. Stockham said currently field verification is required in all instances. There are situations where staff generally knows what the land capability is based on the results of field verification surrounding it and the concept was if the answer is likely to be known the process could be streamlined by waving field verifications in those instances. The specific instances are the entire parcel is high capability land and this is in Code Section 30.3.3.H and the draft language is it is entirely high capability and generally a uniform and slope and no record or evidence of high ground water, field verifications conducted and recorded for other parcels in the immediate vicinity (which is further described) and the 1987 mapping and 2006 mapping are identical. So there was a general sense that this covered all the issues and I think the issue brought up by NRCS is the scale of resolution of the regional-wide mapping is so broad that areas of sensitive land are likely to be missed if there is no field verification. There could be sensitive areas and would not be caught through this process, they may be isolated but still important. So in large part, out of deference to NRCS who are quite well versed in these topics, a cautious approach would be to hold off on this and examine this further as part of the future work item that would allow certified contractors to do these verifications and would largely streamline the process and eliminate the cost and the time impact of field verifications. That is really the

important part and if we just wave the verifications now and there was concerns of unintended impacts.

Mr. Robinson said on that same issue, he would hope this is on the to-do list and underlined a couple times because he says this is one of those things that is irritating particularly if it is common sense and you look at a map and determine that you do not need to buy somebody to go out and do this for you. He is prepared to accept the recommendation, but this really should be looked at. You will never have enough information to satisfy every condition, but common sense sometimes can't fix this kind of thing and for the public at large, it makes a big difference.

Mr. Sevison asked for the outline of what Code Section 5.0.4.1.C says now and that we are going ahead to continue to use as written.

Mr. Stockham said what that section does and is titled the maximum number of residential units and distribution of allocation among jurisdictions and it basically takes the total annual release of residential allocations and splits them up proportionally between the local governments. It is the existing system and is not based on land area or population. It is based on a combination of factors. This recommendation would carry forward the exact same proportional split. So the percentage of the allocations that were given to Placer County last year would be the same proportion as next year. So it is basically a no change from the existing dividing up of allocations for next year. This was a pretty important topic at our earlier update committee meetings and there were discussions and some principals endorsed about how to refine the performance system moving forward. Some of those recommendations were directly addressed by the Bi-state recommendation and others may be less so. To stay consistent with the Bi-state basically continue the same system

Mr. Sevison asked if that tells me how the allocation was created.

Mr. Stockham said maybe someone who has been here longer can provide some input.

Mr. Sevison said he understands this was the performance thing and what a good job you and doing or not doing, but what was the basis for the actual number of allocations going to each jurisdiction.

Ms. Marchetta said there were a total number of allocations recognized in the original plan and we simply metered those at an equal number every year. Originally it was 300 per year; she believes the proposal is now 2600 new allocations. So if you meter those equally every year, it is 130 allocations per year across the jurisdictions of the Basin.

Mr. Sevison said he understands that part okay, but still doesn't quite understand how the allocation between jurisdictions evolved.

Mr. Marshall said he believes there were a number of factors, but primarily it was based on the number used and gone to permit. The base was then adjusted on performance measures. There was a whole process that went in to deriving the base numbers. He asked if there was a local representative here.

Eva Krause, Washoe County said it is my understanding that basically it was based on the number of vacant lots that still needed to be developed in each jurisdiction and then we were rated on IPES scores, EIP scores and other things. So there is a set percentage where Washoe County gets fewer than Placer County but more than Douglas County. It is a very confusing system but it was based partially on the number of lots in each jurisdiction that have not been developed that had development rights on them.

Mr. Sevison said that would make sense to them to have the number relate somehow to the valuable parcels to build on.

Jennifer Merchant, Placer County said she believes John is correct. It may have initially been based on that, but it was changed two Regional Plan reviews ago. Maybe three and it could have been 10 or 15 years ago and it was changed to be based on usage, so the more you developed the more you were allowed to develop. Placer County for instance, she believes Washoe County gave a lot of their allocations back to the pool and permanently had a lower threshold because they didn't use as many as for instance El Dorado County used. If it was based solely on developable parcels, the percentage of 130 would be equal to the percentage of 4,091 developable parcels available. For instance, Placer Counties' 25.6% of that share of developable parcels, yet in this proposal here would receive 22.45% of the share. So it is not equal to that and it is based on what we did before which I would argue is not scientifically defensible. The numbers are a lot different than you would expect as she did every jurisdictions and Douglas County is 4.8% of developable parcels and here is proposed to get 7.14% of the current allocations and she thinks probably El Dorado County fairs the best as they are 291.7% of the total developable parcels and get 38.6%, so it is a little bit skewed. If it is meant to be on developable parcels and not the more you use to develop, the more allocations you get it is something that she believes was incorrect in the last Regional Plan and just carrying that forward is just more of the same.

Mr. Marshall said he believes Jennifer is correct in that there was a change in the way that TRPA did residential allocations a couple of Threshold Evaluation's ago and it dropped basically and took the historical use patterns of each county and

gave that as the base number and then allowed the jurisdictions to go up if they did good things for the environment basically. He said that is eminently defensible and makes sense. It may have the consequence of shifting allocations around to some degree, but that is the way the current allocation system and is based on historical pattern of use with adjustments based on performance. So that was the performance review system that TRPA put in place and he can't remember the exact date.

Jennifer Merchant, Placer County said that she would like to clarify that the performance review system is absolutely defensible. There is no arguing that you get what you earn. But it was built on the system that gave more from the base system was where the error occurred and if the system is based on the old system that gave more allocations to jurisdictions not based on developable parcels and not based on share of land, but just because they happen to use more in the previous 15 years, that is the part that we have a little bit of heartburn with. Certainly if this were a performance based system that would be one thing, but the 130 looks like it gives a certain number to each jurisdiction and you can earn or you don't get dinged if you don't do anything. That is the problem, if it were simply based on earning or based on share of available developable parcels in each jurisdiction, either one of those would be fine. It is the piece that bases it on previous development that we have some heartburn over. For instance in Washoe County with this 22 allocation, all of their developable parcels, if allocated every year would be gone within less than 10 years and while other jurisdictions could still go 40-50 years based on this. The percentages appear to be a little bit out of whack.

Ms. Aldean said can the metering out of allocations change based on market demand or would like require an amendment to the Regional Plan to change these percentages.

Mr. Marshall said he believes that would require an amendment to the Code but the base percentages are set, but remember this is the proposal here just to use the system for one year and then to reevaluate the entire system for 2014.

Ms. Aldean said some of Jennifer's concerns might be addressed as a result of reexamining performance system that we have been traditionally been using in terms of how the allocations are allocated.

Mr. Stockham said that is correct and the points Jennifer brought up are really exemplify why this is a complex issue and our recommendation is to take more time before proposing significant modifications to the performance system because there are pros and cons of the existing or alternative systems. So given the policy endorsements, the Bi-state policy directive keeping the program as it is now for one more year and making those changes through a more focused

process is what we are recommending.

Ms. Aldean said this really has to do with respect to commercial floor area, again this is restricted to 2013, she does not want to lose sight of a very important point that was brought up in connection with the Bi-state discussions, She does not think that the Bi-state recommendations would be necessarily negated by addressing the issue of what happens if one jurisdiction exhausts all of its square footage but no additional square footage is available under the pool is entirely used. That is an issue that we need to address at some point. She does not know when we are going to take that issue up.

Mr. Stockham said our recommendation would be to look at all of the allocations releases, residential/commercial through this same process.

Ms. Aldean asked if that would be during that same 12 month period.

Mr. Stockham said right.

Ms. Fortier said it feels very much like the Local Government Committee needs to be very involved in this because these issues are huge for our local jurisdictions and they become particularly significant in the parceling out of commercial floor area. As you had pointed to, we have the constraints of the Bi-state consultation group and underneath those constraints it is going to be very difficult for Placer, the City and Douglas will all have different plans ideas that are going forward that will have really impact in the next couple of years, so she is wondering if we keep taking it to the Regional Plan Update committee, but can we convene local government for this year and have them really look at this issue.

Mr. Stockham said certainly. The last piece of our recommendation is for the Board to give us directly as to the process to do this work and it is certainly an issue of critical importance to local government as well as others I'm sure.

Public Comments & Questions on Items 1-4 of the Staff Report

Ellie Waller said she read through all the issue sheets and has a lot of comments. She needs a point of clarification; there is in the Development Allocations on Page 1 of 12 of that issue sheet and a recommendation to establish a pilot program for onsite conversation of TAUs to residential units. She asked if you are accepting these packets as whole or just a piece of what is in this document when you talk about development of allocations. She has several questions along that line based on what is in these issue packages as recommendations for considerations of things that haven't been discussed before.

Mr. Stockham said the issue sheets have basically been bifurcated. The topics in

the Bi-state recommendation are one of those and those were endorsed two weeks ago by this committee. So the purpose of this meeting is to take up any additional matters. The document that we put together today basically put it all on one sheet of paper. These pieces were included in the each of the issue sheets, but we thought this would just be easier to follow.

Pat Davison, Contractors Association of Truckee/Tahoe said she is here to speak on the Land Capability Verification recommendation which we had supported the inclusion of that change in Alternative 3 and we did think as Mr. Robinson said that this made some sense especially since all parcels whether developed or not need to have site specific BMPs or as we are now talking about, perhaps an area wide BMP plan. We felt that this remedied or addressed the concern of NRCS. She also pointed out if she understood correctly, the requirement for site specific BMPs is across the board today and last year forever versus land capability verification which comes up when there is a development proposal. We thought that the requirement for BMPs would take care of any concern and again this is only on what is identified as high capability land.

Jennifer Quashnick, Tahoe Area Sierra Club said first we are concerned that so many changes are being made after the draft environmental impact statement has been released and concerned that they will not be adequately analyzed in the final and also she wanted to mention that we will be following up with written comments related to these meetings as well as the previous meetings as well.

Committee Comments & Questions

Ms. Aldean moved to accept staff's recommendation with respect to the revisions contained in Paragraph 1 under mitigation measures.

Ayes: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute

Nays: None

Abstain: None

Motion carried unanimously.

Ms. Alden moved to accept staff's recommendation with respect to the release of allocations, noting for the record that this will apply only to the year 2013.

Ms. Fortier asked for an amendment to that motion which is to task the Local Government Committee over the next year with proposing a solution to the Governing Board on how we go forward with allocations.

Ayes: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute
Nays: None
Abstain: None

Motion carried unanimously.

Ms. Alden moved to accept staff's recommendation with respect to land capability verification. She frankly share some of the concerns about retracting where we were originally about simplifying the process for people who own lands in high capability areas, but my presumption that we will have a chance to look at this in more detail at a later date.

Ayes: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute
Nays: None
Abstain: None

Motion carried unanimously.

Ms. Alden moved to accept staff's recommendation with respect to the TMDL coordination.

Ayes: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute
Nays: None
Abstain: None

Motion carried unanimously.

Item 5 Other Amendments

Mr. Stockham said this is the opportunity for the public or the committee to request any other changes that haven't already been covered.

Committee Comments & Questions

None

Public Comments & Questions

Pat Davison, Contractors Association of Truckee/Tahoe said she just wanted to throw out to you the Air Quality Mitigation Fee change in Alternative 4 that would extend the period of time from two years to five years. We included that

in our letter submitted before the June 28 deadline. She also asked the question, is the double collection of fees legal. A finding of some mitigation measures that would allow that change to be included in Alternative 3, something that would be qualitative and not based on the fee amount which seemed to be the issue in the Draft Environmental Impact Statement. She suggested perhaps the environmental consultants could look at is that some of the Water Quality discussion and mitigation would be appropriate and applicable for Air Quality mitigation. She just pulled up the EPA letter and there were some items they had identified on the Water Quality side that might be useable as new or additional mitigation for Air Quality and offset what might be a perceived loss as described in the Draft Environmental Impact Statement.

Mr. Stockham said fundamentally this is a policy decision. He said it has been debated pro and con, the benefits and impacts of the current system and staff can administer it either way. So this is a decision for the committee.

Carl Hasty, Tahoe Transportation District said he is here to speak to a few things and reporting out as the Tahoe Transportation Commission relative to the RTP. Two things he wanted to note from our last Board meeting which was last Friday. One is related to Air Quality Mitigation Funds and he is going to read this. "The district understands the commission understands where the Agency wants to go and what we wanted to emphasize that the amendments allowing a portion of these funds to be used for regionally significant projects should focus on flexibility rather than a mandate to use the funds regionally. As much as the language allows jurisdictions to collaborate on using funds on projects where they are needed most and gives the TTD the ability to access the funds, this amendment would be helpful. But there should not be a requirement that a jurisdiction give up some of the locally generated Air Quality mitigation funding to regional projects, when in fact that funding is needed within the jurisdiction itself." That was the sentiment from his commission. Secondly, relative to the level of service, the Board wanted to emphasize its support of the amendment to the committee that the coordination with the state departments of transportation should be emphasized so that the level of service requirements from TRPA and the state DOTs support each other.

Ms. Aldean asked Carl are you satisfied with in connection with how the Air Quality mitigation fees are to be used, whether for regional or local projects with the current suggested language that says "that the Air Quality mitigation projects would be developed in cooperation with local governments."

Mr. Hasty said especially the local government constituents of his commission definitely wanted to emphasize and again flexibility being the word. The mandate word was the one that gave heartburn. Clearly there is an understanding between everyone that flexibility has an advantage.

Mr. Stockham said the language in the draft Code, it is permissive not mandatory and it may be distributed across boundaries in cooperation. He believes the draft language does just what Carl suggested.

Jennifer Merchant, Placer County said a couple things that may be technical issues and follow up to the Bi-state consultation recommendations. We have met with TRPA's counsel regarding the delegation and appeal process and recommended that the counsel's for local jurisdictions get together with TRPA counsel to walk through a couple projects to see how the appeal process would work. She thinks there was no interest in changing the intent or ability of an appeal through TRPA as it kind of exists now. But to make sure that we weren't creating a situation that was going to be unworkable. She does not know if that is something that gets put on a to-do list for the Local Government Committee or if she and John can try to convene folks to walk through items. There were a few pieces that our counsel identified that could be confusing and she feels maybe laying some legal eyes on it from the process perspective, while meeting the same intent but perhaps making some technical changes to the recommendations to clarify or improve.

Also Shelly brought up commercial floor area exhausting the existing commercial floor area prior to using new commercial floor area and she realizes that maybe we have a year to work on that because we have some sort of interim process, but she has no idea how much each jurisdiction has and what sort of development proposals would be on the table. We did craft some language that we thought would clarify that without again changing the intent of the Bi-state group and she has passed this off to TRPA staff, but we just stated that 200,000 square feet that TRPA already has in the current Regional Plan shall be distributed proportionally to each jurisdiction upon adoption of the Regional Plan and this distributed CFA shall not be allocated by individual jurisdictions until such time as their existing CFA is used. That resolves this question of what happens if one jurisdiction runs out of CFA, but the others haven't. The language proposed by the Bi-state group was a little confusing and we thought this would resolve that.

Further, we had commented earlier about the mitigation Measure 3.2-2, to tie level of service to VMT and the use of that as a metering device for residential allocations, that was not brought up with the Bi-state group, but there was some concern that level of service and VMT were not apples and apples and that tying them together was quite awkward and more than likely to result and not attaining pedestrian transit oriented development goals and maybe an actual disincentive to those. That is something we would like the committee to ask staff to review and perhaps provide some sort of mechanism for metering that was an incentive to making the environmental redevelopment improvements,

not a disincentive.

It would be helpful to see the to-do list in its entirety because she know that we keep on talking about let's put that on the to-do list, TAUs and not that we disagreed with Steve's points there and she says were very valid, as things get thrown out there it is really hard to follow the system. If we had a list of to-do's that was then prioritized by the Governing Board or recommendations from your committee to the Governing Board, that would include the TAUs as discussed today, making improvements to the broken IPES system in Placer County and then we had talked also about developing housing elements or a housing element for TRPA. There probably some others that she is not recalling, but those are just three that she jotted down. That is part of the problem not having it written down is that we all have our own priorities and it would nice to have them all in one place.

Lew Feldman said Jennifer's ideas are really an excellent idea that creating as thorough a to-do list for the public to review and quite frankly back to you folks for a recommendation to the Governing Board on prioritizing the workload. He said would probably address some of Robin's concerns as well as others and he would encourage that to be taken up by this committee.

Ann Nichols said on that to-do list, this chart that was given out doesn't make any sense. There would be 38 million visitors a year if you take the average daily times 365 and the difference between the peak and the average day is like 3500 visitors, that doesn't make any sense. No one she has asked here can explain it to me, so it would great to have some good information on this that was correct. It is existing daily population. So do you take the total day visitors and total overnight visitors times 365.

Mr. Shute said just for clarification the motion did not include endorsement or adoption of that table.

Ann Nichols said good, let's get a good one that makes sense.

Committee Comments & Questions

Mr. Robinson said that at one point he saw a to-do list and but it sounds like a good recommendation as he has not seen one lately.

Mr. Stockham said we had the to-do list in the draft plan and a number of items were added by the mitigations and also by the Bi-state recommendation. We have not distributed a consolidated list, but we have one and would be happy to print it out and hand it out to the committee. As the process is proceeding, we have scheduled to do priority setting workshops at the beginning of the new year after adoption of the plan, so that is one point in time where those items

could be prioritized. But if the committee desires, we could print it up and do that after lunch it is really up to you.

Mr. Shute said he was going to suggest that you distribute the list and post it on the website so anyone would have access to it. He is not sure we are ready to talk about prioritizing.

Mr. Stockham said we will add the matters that were discussed today and then post that tomorrow.

Mr. Shute said on disbursement of Air Quality fees, his understanding is no change is recommended from the draft plan and the Bi-state agreement calls for leaving that as recommended. Unless he misunderstands, there is nothing to do there but leave it as it is.

Mr. Shute said as far as the request from Jennifer to meet with TRPA counsel to talk about appeal issues, he does not see any need for any action. He said you should just go ahead and schedule a meeting and if there are any issues that come out of that the lawyers agrees or some problem, we will figure out what to do about it at some future time.

Mr. Marshall said he has already met with counsel for Washoe County and Douglas County and just recently we have had a number of conference calls with counsel for Placer County and he knows that we have been in conversation with counsel for the City. He agrees with Jennifer that it would be useful for either a conference call or meeting to have everyone get together. There will be an exercise to take the Bi-state language and convert it into plan or Code and when we do that we will have that and we can distribute that to all counsels and then if there are any questions, and for example one great point of clarification where they is some confusion that we are delegating and having an appeal back to TRPA. There was a great concern that state law issues, the county issues a permit and a local jurisdiction issues a permit as well that somehow there was confusion that those issues could be appealed to TRPA. They needed the clarification that was not the intent nor is that allowable or even permissible or legal, but he thinks that is something that clarifies what he felt would be the purpose of that kind of meeting. Then working through some examples and just make sure everyone understands that their individual processes hopefully would not be impacted by the overly of TRPA permitting delegation.

Mr. Shute said we had the Air Quality fee where currently where the business is empty for a relative short period of time and then a new business comes in, the fee has to be paid again according to the proponents of the change and they want to lengthen it.

Mr. Stockham said it would go from two years to five years that a business could be close without having to pay fees to reopen.

Mr. Shute said he does not think that this implicates the Bi-state agreement and so we don't have an issue in front of us.

Mr. Marshall said the committee has already taken action on this item. It was part of the EIS but not part of the prior action.

Mr. Stockham said yes the genesis of this is it came up as an issue at the very last update committee meeting before release of the draft and there was a desire among some committee members to look at it, but it wasn't formally endorsed. So we included that in Alternative 4 in the EIS, so it is within the scope of analysis and an option available to you, but it is not in the draft plan.

Mr. Shute said so it is before us as a policy issue.

Ms. Fortier said that this particular issue is a big one for local jurisdictions because business has been bad and so this is one that she has spoken to other jurisdictions about and while we would love to wave the fee altogether, the five year fee at least gives us some flexibility to jump start our economy.

Ms. Aldean moved to support the proposal contained in Alternative 4 of the draft EIS which allows a business to closed for five years before a new Air Quality mitigation fee is imposed.

Ayes: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute

Nays: None

Abstain: None

Motion carried unanimously.

Mr. Shute said the next issue was about commercial floor area. This issue about the Bi-state agreement calling for no recharge until the 200,000 has been exhausted. He did not believe that the Bi-state group dove into the details of how that would work, but he thinks there was the feeling that the 200,000 should be exhausted, but doesn't think there would be opposition to working on a jurisdiction by jurisdiction basis. He is a little concerned about this impinging on what we agreed to. He would be more comfortable putting this on the to-do list with some kind of priority. He understands the issue, but does not want to open up and have somebody who is part of that group or either the states to question what we are doing.

Ms. Aldean said would a better alternative that if we wait and put it on the to-do list we are still going to have to confer to the people who participated in the Bi-state consultation group to determine whether or not this violates the intent of what they were attempting to achieve. So maybe there is a way that we can consult with the members informally to determine whether or not the change that was suggested is consistent with their intent.

Mr. Robinson said as you asking to poll the members of the Bi-state group.

Ms. Aldean said Clem is concerned that this recommendation, which she said makes sense, that there be a proportional distribution to the local jurisdictions of the additional 200,000 square feet that could not be released until it was determined that the square footage that is available to the individual jurisdictions has been exhausted. Then their supply could be recharged on a proportional basis.

Mr. Marshall said he believes this is close enough to what the Bi-state committee is dealing with and we are dealing with the entire distribution system post adoption for all allocations and that is the appropriate plan to put it. Because he does feel there was a sensitivity that the basic understanding is that you couldn't allocate additional CFA (the 200,000) till the existing was used up. If we start breaking that done, then he is concerned that we are going to be seen as, for this first process, kind of nibbling at the edges of that. He would strongly recommend that we make that part as there is no rush to do this because we have 340,000 square feet of CFA existing, so he does not think it is something we need to take up right now, as there is not a time crunch on it. He said it is an issue when you look at allocations and the distribution of allocations; he said that is an appropriate time to take up how you distribute the additional 200,000 CFA at that time.

Ms. Aldean asked about the question that was raised and she feels everybody agrees that we need to respect the work of the Bi-state consultation group until the adoption of the Regional Plan. But these recommendations are not going survive in perpetuity; that is her assumption. We will work with them and see if they help us achieve our objectives, but she doesn't want people to leave with the misconception that somehow these recommendations are so sacred that they are not going to be tampered with for the next 20 years because that is an unrealistic expectation.

Mr. Marshall said let's be clear, these recommendations are just that.

Ms. Aldean said she understands that, but we've been told that they cannot be tampered with at least up until the adoption of the Regional Plan Update, correct.

Mr. Marshall said he would change the verb. It is the strong recommendation of the two Governors that this is how it should be approached. He thinks the understanding is that like with any Regional Plan, there is an ongoing assessment of all the policies and built into this Regional Plan Update is this conception of a shortened time of environmental review and a faster turnaround on regional planning consideration of changes to the Regional Plan to facilitate all the purposes of the Compact. He would agree with you in the sense that it's these are not sanctioned as much as any part of the Regional Plan is. If it proves that there is good valid reasons to shift off of any provision of the Regional Plan, but that said there are larger political considerations that go into what policies that you are looking at and how important those were to craft this compromise and that is something else you take into account in your independent judgment as a TRPA Board Member decide how we should proceed with this process.

Mr. Stockham said a technical matter on this particular issue, there is policies that have been endorsed to reserve some portion of CFA and other commodities for the transfer program. What amount of CFA is held for transfer incentives and what portion is released to governments is something that we also recommend be addressed through these coordinated process over the next year, simply putting in a policy that divides' up everything and we would be left with nothing to be used for transfer incentives. So that is another aspect of this.

Ms. Fortier said on this particular issue, she recalls that when we were discussing this within the Bi-state consultation group, we deliberately backed away from how it would be allocated but with the notion that it would be allocated. Again it is one of those things where how much did this committee intent to decide the details, so she will go back and push for this to be included in the local government presentation on allocations, because this really is critical for local jurisdictions. She believes the intent and Clem will correct me if I am wrong, about having the 200,000 square foot cap on CFA was simply to create a cap but not necessarily to tie Washoe's hands while the City merrily goes off and takes all 200,000. It was intended to come back to local government to look at how to divide it, am I correct?

Mr. Shute said he believes what you are suggesting as part of the implementation process in implementing the Regional Plan that we look at the whole thing. Allocation formula and how much CFA is held back for incentive and all those kinds of things. But the suggestions is to right now create a formula to allocate to local government or direct some process for doing that, he said it impinges too closely on the Bi-state. He is afraid that some people in the group or who the group speaks to who may have the view that the entire 200,000 should be exhausted. He doesn't adhere to that view, but that is one of the reasons for not getting into it. If it is a priority to-do item reviewed by the Local Government Committee, he said that is fine.

Mr. Robinson asked if that is what Claire is suggesting. He said he can go along with that. Getting back to the craft political stuff, he feels that there would be some trepidation among our group about doing what the county has asked.

Mr. Shute said let's leave it that the request will be put on the to-do list and merged with the allocation item which is already on the to-do list. He asked John if we should vote on that.

Mr. Marshall said it doesn't matter.

Mr. Shute said let the record show that this is a unanimous sentiment of the Committee.

Mr. Shute said another item that was brought up had to do with the allocation formula, VMT LOS and unless he is missing something that was already decided to be put on the to-do list to deal with the allocation formula. He understands that is part of the formula. He asked if he is correct or missing something.

Mr. Stockham said there were two issues. The one you are correct is on the to-do list. The second issue is the mitigations that basically said use of all the commodities that are authorized under the Plan under today's long term modeling could exceed level of service and VMT standards, so the mitigation was to release commodities in 4 year increments while implementing alternative transportation and other projects and doing short term modeling to verify that the amount of development is within our adopted standards. It is actually two related mitigation measures that basically divide up the commodities in release them in 4 year chunks rather than releasing 20 years' worth all at once.

Mr. Marshall said in addition, we will be responding to the comment by Placer County as to the connection between LOS and VMT and the mitigation measure. So if in the analysis it turns out that somehow we missed something, we can correct that in that context, but the appropriate place to do that as to that particular mitigation measure would be in the Final Environmental Impact Statement.

Mr. Shute asked if there is any other item that was brought up that he missed on his list. We have the process for incorporating the Bi-state agreement and committee endorsement in to Plan and Code which is the last agenda item other than voting.

Ms. Reedy said it looks like she is preparing to leave so if you want to go to the vote that was tabled.

Mr. Shute said we will bring back the motion on transportation.

Mr. Reedy said again having many years in government and many years in dealing with Board, process is very important. To have something come up and vote on it leaves other people out of the equation and other people that have other ideas as well. She is in favor of the program itself; it is just really the process of it. Given that we are doing straw votes and she is sure people will come out of the woodwork in front of the Governing Board, she is willing to go forward with your motion.

Mr. Shute asked if everyone understands the motion.

Ayes: Ms. Aldean, Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute

Nays: None

Abstain: None

Motion carried unanimously.

Process for Implementing the Various Recommendation of the Bi-state and this Committee

Mr. Stockham said we are going to need to incorporate the Bi-state recommendation and other endorsements of this Committee into the draft Plan and Code. As everyone is aware there are a lot of sensitive issues here of just how the agreement is interpreted and translated to the regulatory language. So we are asking the Committee to establish a process where by these policy directions can be incorporated into Plan and Code and also to take a look at various technical clarifications that have come out of the public input process where it is just clean up cross references, better explain which are unrelated to policy direction; all the technical cleanup that needs to happen. So our Code consultants are here with us today and they have heard your discussion and we are prepared to put together drafts, but basically what we are recommending is some time of process that by either the Committee or a technical group that we used last time that would be appointed by this Committee and would work with us and vet the language is developed to implement the policy direction that you have provided. This would be fairly short process in the plus or minus three week timeframe, so we can have the actual documents to be evaluated in the Final EIS. We are prepared to work through whatever process the Committee would like.

Committee Comments & Questions:

Ms. Aldean said the technical working group worked reasonably well; if they are willing to commit the time and energy to see this through to completion; that would be my recommendation. She believes that members of the committee

would like to probably see the Code language, those who would and perhaps you could keep us in the loop by as sections are completed if you could forward that information on the members of the RPU Committee, and then we can provide comment independently.

Mr. Shute said he feels that this is the way to go. He said the California AG's office will participate in this process this time which he believes will be of great help. He recommended to staff to include someone from the environmental community who was close to the Bi-state consultation process so we have some check from that side.

Ms. Fortier said she appreciated that and wanted to make sure local government which was part of the initial group. This is quite an intense 3 week process and asked if it is possible to either ask whether everyone is still available as this is a huge time commitment.

Mr. Shute said you are referring to the people who had participated on the Bi-state group; last time there was a lot of local government participation. He asked Arlo if he has spoken to folks.

Mr. Stockham said yes and we would like clear direction on which members because it is pretty sensitive. What we had last time were four members of the technical working group. As Clem mentioned, the California AG decided not to participate do to policy disagreements, but there were two local government representatives and one representative from each state. We have received some comments from local government that they would support this process. Maybe someone here today maybe they can be asked if they are available.

Mr. Shute said he encouraged Nevada to have representation.

Mr. Robinson said we will have a representative.

Mr. Shute said and there would be a representative from the environmental community who was close to the Bi-state consultation process and two local government representatives so we don't have an outlandish number of folks and Lew.

Ms. Fortier said as she recalls it was Hilary and Brandy and asked if they were all available.

Mr. Stockham said it would probably be two-three days' worth of work and we would distribute drafts to the group for review and then getting together for meetings to discuss any adjustments to the drafts. Last time the representatives from Placer County and South Lake Tahoe alternated participation and

coordinated among themselves.

Ms. Fortier asked is that acceptable to everyone?

Steve Buelna, Placer County said sharing the seat worked quite well, but one thing to point out with the distribution of the material particularly if we are going to share a seat between two jurisdictions that there is some coordination that will need to be done. So a one day turnaround time on a large package of material could be problematic.

Mr. Marshall said this will be internally vetted before it goes outside so he will have eyes on it and it will hopefully be as clean as possible before it goes out.

Mr. Shute said he believes we have agreement that this working group will be set up and addressed the membership and the availability of the people who will participate and we can take this as committee direction to staff to go ahead and implement that process. As drafts come out and vetted by the sub-committee make them available to committee members, so if we have comments or need to reconvene at some point, we can do that.

Ms. Marchetta said thank you and appreciates the work of the committee and this will allow us to reduce both the Bi-state agreement and the work you've done today will allow us to reduce to a final draft plan and take this forward into the EIS. We will talk to the Board about it next week.

Public Comments & Questions

None

VI. ADJOURNMENT

Chair Mr. Shute adjourned the meeting at 12:14 p.m.

Respectfully submitted,



Marja Ambler
Clerk to the Board

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