

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

South Lake Tahoe City Council Chambers  
South Lake Tahoe, California

August 28, 1996

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular August 28, 1996, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:35 a.m. and asked Vice Chairman Drake DeLanoy to lead in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanoy, Mr. Waldie, Dr. Miner, Mr. Sevison, Mr. Heller,  
Mr. Cole, Ms. Bennett, Mr. Cronk, Mr. Westergard, Ms. Neft,  
Mr. Bradhurst, Mr. Wynn, Mr. Upton, Mr. Neumann  
Member Absent: Mr. Hime

III. PUBLIC INTEREST COMMENTS

Mr. Rick Angelocci, Chief of the Project Review Division, advised the Board of the hiring of Chuck Donaldson under a one-year Planning Technician contract to assist at TRPA's front counter. Chuck had recently graduated from Cal Poly in San Luis Obispo with a major in Natural Resource Management.

IV. APPROVAL OF MINUTES

MOTION by Mr. DeLanoy to approve the July 24, 1996, regular meeting minutes. The motion carried unanimously.

Mr. Waldie questioned staff on completion of tasks requested in July. These related to providing more information on project mitigation in Incline and information on the bistate compact provisions regarding the Tahoe Transportation District (TTD) and collection of a Basin impact fee.

Deputy Director Jerry Wells responded that the bistate compact discussion was being postponed until September due to availability of staff. So far as the Incline project was concerned, the additional mitigation was appropriate because the initial proposed mitigation was not sufficient.

Mr. Westergard stressed the importance of following up on project conditions to insure that mitigation was completed and in place.

V. APPROVAL OF AGENDA

Chairman Upton asked that the discussion on the performance audit (agenda item XII.G.) be taken up after the consent calendar, since California Senator Tim Leslie's representatives were in the audience. Public hearing items VII.B., C., and D. and action on the Forest Service's North Shore Project (item VIII.A.) would follow.

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MOTION by Mr. DeLanoy to approve the agenda as modified. The motion carried unanimously.

VI. CONSENT CALENDAR

Because of questions regarding item 1 (Subdivision of Reserved Bonus Units in Lieu of Development Transfers for Previously Approved Subdivisions in Washoe County) and item 9 (NTPUD outdoor recreation concession), Chairman Upton directed that these two items be taken off consent and acted on separately.

Ms. Bennett asked that the minutes record a negative vote for her on the Ski Way Villas new multi-family dwelling and condominium subdivision (item 4).

Mr. Cole commented that item 4 was another example of a project which would allow the use of preferred affordable housing units for expensive condominiums. He was concerned about the remaining inventory of affordable housing units in Washoe County. Unfortunately, the Code permitted the use, and there was no basis for him to oppose the proposal.

MOTION by Mr. DeLanoy to approve the consent calendar with the deletion of items 1 and 9. Motion carried with Mr. Westergard and Ms. Bennett voting in opposition to item 4.

(Following are items approved on the consent calendar: 2. Gene Akers, Land Capability Challenge, 1700 Grizzly Mountain Drive, El Dorado County APN 33-354-23; 3. KRXI Television Translator, Temporary Use Special Use Determination, 5190 Westlake Boulevard, Placer County APN 97-241-06; 4. Ski Way Villas, New Multi-Family Dwelling And Condominium Subdivision (8 Units), 1004 Tahoe Boulevard, Incline Village, Washoe County APN 130-050-04; 5. Lakeside Park Association, Water Treatment Facility, Pine Boulevard, El Dorado County APN 29-036-23; 6. North Tahoe Cruises, Permit Modification to Allow Special Event Charter Cruises, Special Use Determination, Placer County APN 94-110-19; 7. Bottomley Pier Expansion, 4694 North Lake Boulevard, Placer County APN 115-070-07; 8. Konda, Land Capability Challenge, 256 Rim Drive, Placer County APN 117-030-12; 10. Fett, Single Family Dwelling, Special Use Determination, 440 Highway 28, Washoe County APN 123-101-13)

Subdivision of Reserved Bonus Units In Lieu of Development Rights Transfers for Previously Approved Subdivisions in Incline Village, Washoe County APNs 124-041-31, 132-211-24, and 132-211-06 (consent calendar item 1)

Agency Special Projects Attorney Susan Scholley explained the proposal to use bonus units reserved by Bitterbrush in lieu of development rights transfers. In December 1993, as part of the transfer of 56 existing residential units from Bitterbrush to Country Club Estates, Bitterbrush earned 560 points, or a maximum of 56 bonus units. Currently 17 bonus units were remaining; if subdivided they would provide 11 units. The project proponents proposed to use 7 of the 11. Staff recommended approval because it would assist in using up the Bitterbrush units. The ability to subdivide further units after the end of the year was uncertain. These bonus units had already been earned by the transfer and retirement of high hazard lots. Ms. Scholley responded to Board member questions about bonus units and development rights.

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MOTION by Dr. Miner to approve the subdivision of reserved bonus units in lieu of development rights transfers for previously approved subdivisions in Incline. The motion carried with Mr. Westergard voting in opposition.

North Tahoe Public Utility District (NTPUD), Outdoor Recreation  
Concession, Special Use Determination, Coon Street and State Route 28,  
Placer County APN 90-080-04 (consent calendar item 9)

Associate Planner Paul Nielsen presented the staff summary and recommendation for approval of the proposal by the NTPUD to add one parasail boat and one ski boat to an existing water-oriented outdoor recreation concession. The proposal would also eliminate four fishing boats. A new condition proposed by staff since preparation of the staff summary would provide that the permit would be valid until September 30, 1997. Future use of the site for water-oriented outdoor recreation concessions was subject to TRPA review and approval. This would assure compliance with the Shorezone Cumulative Impact Study currently being prepared by TRPA. Mr. Nielsen distributed copies of the new condition and of letters from neighboring property owners Ray Lamb (letter dated August 27) and Emil Fonner (no date). Neighbor concerns regarding signs had been addressed through removal of off-site signage; the project had been moved to the extent possible to address scenic and viewshed concerns; and the fire district and Coast Guard had indicated there were no fire or safety hazards involved in the operation.

Mr. Wynn asked that the application be modified so that the operation would not start until 8:00 a.m. (not 7:00 a.m.).

Mr. Nielsen explained that the four fishing boats were being eliminated because of supply and demand concerns and because of the effort to reduce congestion. Discussion followed on the difference in impacts associated with operation and use of fishing boats, parasails, and personal water craft.

Mr. John Hassenplug, NTPUD General Manager, explained that the District in a 1978 agreement with the property owner, the State of California, agreed to operate the property for the benefit of all visitors at no cost. All revenues from parking and the concessions went back into the facility; none went to the District's park and recreation activities or water and sewer activities. With regard to the added condition for review at the end of the 1997 season, the District would have no problem with the condition so long as it was applied uniformly to everyone operating in the shorezone.

Mr. Mark Center, the concession operator, explained the operation included one rental water ski boat and 12 two-stroke personal water craft. He had just taken over the concession and had no fishing boats. He wished to have the right to four outboard fishing-type boats, the permanent approval for one parasail boat and one ski boat. Mr. Center explained the instruction given to renters of the personal water craft. Water-skiing started at 7:00 a.m.; the Sea-dos were not rented until 9:00 a.m.

Ms. Leah Kaufman, NTPUD consultant, explained the four fishing boats were part of the grandfathered operation in existence since 1981.

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Mr. Cronk suggested that the Board's concern with personal water craft went beyond the applicant's operation. The applicant wished to add one parasail boat and one ski boat to an existing operation. The personal water craft question was a broader one. In any case, this particular operation would come back for review and approval in another year.

Mr. Ray Lamb, owner of the Gold Crest Resort Motel, spoke in opposition to the proposal on his behalf and for the Crown Motel and the Falcon Motel. His concerns related to public safety and environmental and noise impacts caused by the increased boating activity along the lakeshore. Mr. Lamb explained the differences in boating activity in the area over the past 13 years that he had been running a water ski school.

Chairman Upton reminded Mr. Lamb that the Agency was currently in the process of reviewing all of its regulations and policies related to the shorezone. Mr. Lamb's concerns were best addressed in that process. In this instance, TRPA was reviewing an application which complied with the existing regulations.

Mr. Severson offered to meet with Mr. Lamb to discuss his concerns. He agreed there was increased boating activity in this vicinity because there were boat ramps on either side of the area in question.

MOTION by Mr. Cronk to approve the NTPUD water-oriented outdoor recreation concession project. The motion carried unanimously.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

G. Performance Audit Committee Report

1. Selection of Consultant to Conduct Performance Audit

Chairman Upton presented a detailed synopsis of the events starting from the proposed 50 percent budget cut in California for TRPA to restoration of the budget and, ultimately, direction that a performance audit be done at TRPA's expense (approximately \$55,000 plus expenses). The Governing Board's Performance Audit Committee, which had met two times, had a concern about Nevada's share of the unbudgeted cost and a desire that the product be a credible, bistate one. The Committee was recommending that audit proposals submitted by private consultants and pertinent correspondence be forwarded to both State Auditors and to Senator Leslie, in the hope that they could work with the Performance Audit Committee on an appropriate direction. The Nevada Audit Committee was meeting September 25 to discuss its position on the audit. From Senator Leslie's perspective, there was a concern whether the \$20,000 TRPA had established in the audit RFP (Request for Proposal) was sufficient to get an audit that would be satisfactory to the State Legislature. Having an audit conducted by the California Bureau of State Audits would satisfy that concern. One consultant declined to submit a proposal for the \$20,000; three were within the \$20,000 cost, with one of the three indicating that additional follow-up work would be necessary.

Mr. Wynn explained his view of the legislative and audit process and described his conversation yesterday with Senator Leslie.

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Mr. Kirk Taber, from Senator Leslie's office, noted that Senator Leslie regretted not being present but he was busy with the final days of the California legislative session. A recent piece of legislation proposed by Assemblyman Knowles would require the State Auditor to conduct the audit and would require TRPA to reimburse the State Auditor for all reasonable costs associated with it. Mr. Taber presented Senator Leslie's view of the process going back to the proposed cut in TRPA's budget and the compromise legislative language calling for the performance audit. Of the two possible options for the audit, the Senator had chosen the State Auditor over the private RFP process because of the need for acceptance of the audit by the State Legislature. Should the Knowles legislation be approved, the California Bureau of State Audits would be conducting an audit with reasonable expenses being taken from the California allocation to TRPA.

Mr. Wynn noted that, because the budget for TRPA was based on a 2/3 California to 1/3 Nevada contribution, the money would be coming as well from Nevada. A cut like this would require other tasks to be sidelined to pay for the audit; he was concerned that the cost of the audit would go above \$60,000. TRPA ran on a razor-thin margin, and having an upper limit was important.

Mr. Taber noted that the legislative language on the upper limit of the fee was open. The language called for "all reasonable costs." The Senator would be happy to work with TRPA on this. If things appeared too tedious financially, there was always the possibility of an augmentation in next year's budget. Next year's budget was contingent on a credible audit, and \$20,000, even by the RFP standard, was not a credible figure.

Mr. Westergard, a member of the Performance Audit Committee, spoke on the importance of having some sort of communication from the finance committees of the Nevada Legislature. Nevada approved TRPA's budget based on a line-item understanding of how expenditures would be made. The game had now been changed because of this budget modification. There would need to be some sort of concurrence from the Nevada Legislature. He did not think that TRPA today could endorse any action that authorized an expenditure without concurrence from the Nevada Legislature. If this was a fait accompli, however, TRPA would have to live with it, but it should be with the understanding that one of the potential impacts was a reaction by the Nevada Legislature.

Mr. Wynn explained that in his conversation with Senator Leslie he never understood that there was to be no latitude for TRPA on the audit. The process had not started with that intent. He was very concerned that it now appeared that the legislative amendment took away all discretion from TRPA.

Chairman Upton reminded the Board that the intention going in to this was that there would be two tracks available - the RFP for private consultants to do the work and the State Auditor. There had been an evolution in the process for TRPA and for Senator Leslie. Senator Leslie originally thought that a legislative committee would need to authorize a submission of a proposal by the State Auditor in the mix with the others. Instead, Senator Leslie found out that if he requested authorization for an audit that audit would be done by the State.

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Mr. DeLanoy suggested putting a cap on the audit at \$70,000 with a condition that California must at a minimum work with the Nevada Oversight Committee or with the pivotal people in the Nevada Legislature. He would like to see this set forth in the California legislation. It was important to include Nevada in this, because half the Board members were from Nevada and were accountable to the Nevada Legislature.

Mr. Cole suggested that the audit should be a product that convinced the California Legislature that continued support for TRPA's budget was an important thing to do.

Mr. Bradhurst suggested the matter came down to the scope of work. The scope of work that was included with the RFP apparently was not acceptable to California. Washoe County did audits all the time and found them to be very helpful for determining effectiveness of operations. If the scope of work was deficient, it should be modified. The bottom line was California would pay two-thirds, and Nevada would pay one-third. Nevada needed to be plugged in as soon as possible.

Dr. Miner suggested that if California were to short-fund TRPA \$70,000 to pay for the audit the actual cost to TRPA would be an additional \$35,000 because of the two-third/one-third split between the states.

Mr. Taber explained that Senator Leslie had a good working relationship with the Bureau of State Audits, and he felt that TRPA's concerns would be mitigated. TRPA was shooting itself in the foot by stumbling over nickels and dimes - in the face of a \$750,000 hit that could very well come back next year. He knew that great work was being done in the shorezone effort, and the audit may show that there was nothing to worry about. The Legislature needed to hear that and to hear that credibly. Senator Leslie could not promise anything with regard to audit cost, but there needed to be an understanding that TRPA was better off today than it was two months ago.

Mr. Severson explained he had talked with Senator Leslie and also with Board member Hime who had talked with Senator Leslie. The problem was that the Board was under the impression based on Senator Leslie's earlier presentation that the State would pay for the audit if it performed the audit. That was what was causing the problem now. What the Board needed to do was see if there was a commitment on the Senator's part to resolve the issue without making it the battleground between the California and Nevada Legislatures.

Mr. Taber advised that the cost for the State to do the audit was \$60 per hour, half of what would be charged by one of the six large private auditing firms the State often worked with. There was a savings right away. There were political realities here and scarce resources. It had been difficult to get the Bureau of State Audits to agree to do the audit, let alone to get the State to pay for it. Next year's budget was a possibility for more funding; there were avenues to pursue. The Senator and his staff would do everything they could to work with the Nevada Legislature.

Chairman Upton explained that the RFP was sent also to Nevada. The committee that would oversee such an activity in Nevada would not be meeting until September 25. He would like to see coordination between the states.

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Mr. Heller suggested that there were two efforts here: to mitigate costs and to resolve problems involving California and Nevada. Working hand in hand, these issues could be addressed.

Mr. Severson suggested that a \$60,000 figure would have to be contingent on Nevada's agreement. He did not see any other way to deal with it. The legislative deadline was three days from now when the session ended.

Mr. Cole commented that the audit to be done by the State and to be paid for by TRPA appeared to be a done deal; it was already mandated.

Mr. Westergard suggested that having the Board attempt to set an audit cost at this meeting was contributing to the problem.

(The meeting recessed for a 15 minute break.)

More discussion followed among Board members on getting a credible audit, the cost of the audit, whether TRPA had any say in the cost, the importance of Nevada's involvement and the partnership between the states, not recommending an audit cost without some input from Nevada, letting California do what it would do without input or recommendation from TRPA, working within the scope of the agenda item, and a possible course of action.

Agency Special Projects Attorney Susan Scholley suggested that the safest course of action at this time was to take no action. The Performance Audit Committee had been established by the Board to deal with this issue and would schedule a meeting before the September Board meeting. The September Board agenda could contain a much broader agenda item to come up with specific recommendations and direction. At this point in time, under this agenda item, the discussion related to selection of consultants for interviews.

Chairman Upton concurred with this approach and directed that no action be taken on this matter at this time.

(Chairman Upton noted that agenda items VIID. and VIIIA. would be taken up concurrently.)

VII. PUBLIC HEARING

- D. Certification of the U.S. Forest Service Final EIS for the North Shore Project

VIII. PROJECT REVIEW

- A. U.S. Forest Service North Shore Project, Substantial Tree Removal, Portions of Washoe and Placer Counties, TRPA File #950172

Associate Planner Paul Nielsen presented staff's summary on the environmental document which analyzed four alternatives for managing forest health. The total study area encompassed 24,000 acres. Scoping on the project began a year ago, and public input was an integral part of the environmental review process. The Advisory Planning Commission (APC) recommended certification of

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the document. Using a wall display Mr. Nielsen described the project boundaries and specific methods for tree removal.

Mr. Bob Harris, representing the Forest Service, presented introductory remarks about the project, the project team, and the goals of the analysis. These included reduction of the fire risk through fuels reduction, particularly in the urban interface; treatment of overstocked, bug-infested and diseased trees in the higher landscape using the forest health consensus desired future condition recommendations; and managing the total eco-system.

Mr. Joe Oden, Forest Service planning team leader, described and explained responses to issues raised in the environmental review of the proposal. These involved the ratio of dead to green timber to be removed; the size of trees to be removed; the amount, location and methods of underburning; the locations of DFPZs (Defensible Fuels Profile Zones); location of avalanche hazard areas; archaeology in the area; winter operations; mitigation; and implementation schedules. The first contract for tree removal in the Incline area was tentatively scheduled for award this fall, with possible over-the-snow work this winter. Underburning could start as early as the fall of 1997.

Chairman Upton opened the hearing.

Mr. John Reynolds, a local citizen, spoke in support of the proposal because it would address the extreme fire hazard in the North Shore area. The beetle infestation, the drought situation, and two fairly wet winters had added to an increasing fire danger, and it was important to reduce the fuel supply. Concerns about flushing nutrients into the Lake were well founded, but through use of BMPs the impacts could be reduced. This needed to be balanced against the impact of a major conflagration in the Basin.

Mr. Jeff Cutler, Assistant Director for the League to Save Lake Tahoe, explained that one goal of the project was to get to a healthier forest state; only 10 of the 24 units to be cut in this sale, however, were above the desired condition. The majority of the sale area was rated as moderate mortality, and the scale of the project was too large; negative water quality impacts could result. The League, however, did not oppose the project and recommended approval with two changes to the conditions. These amendments had been agreed to by the Forest Service. The first included an addition to Condition A (page 10 of the staff summary) to add "The Forest Service shall submit for TRPA approval a detailed implementation schedule of activities prior to advertising the initial contract. Such implementation schedule shall be updated on an annual basis." This would help the League to be more involved in citizen monitoring activities. The second change would be an addition to Condition B (page 10 of the staff summary) as follows: "The Forest Service shall submit a plan to accommodate public access for citizen monitoring prior to advertising the initial contract. Such plan shall include provisions for timely notification of citizen monitors of marking prior to timber cutting." An amended Condition J (page 11) would read as follows: "Live trees greater than 30" dbh may be removed ~~shall only be removed~~ if they are determined to be hazardous to life or property or are required for landings or temporary road construction or in other exceptional circumstances. TRPA staff shall review the marking of live trees greater than 30." ~~that are not determined to be hazardous to life or property or are not required for~~



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landings of temporary road construction." The League recommended approval of the project and would continue to work with the Forest Service to improve the plan.

Mr. Bob Macomber, Superintendent for Sierra District of the California Department of Parks and Recreation, explained that the Sierra District managed 2,000 acres of land in the Burton Creek State Park contiguous to the proposed Forest Service project. The District had reviewed the environmental document and supported alternative 2. State Parks believed the North Shore project would complement the Department's resource objectives in the Burton Creek Watershed. Road closures, reduction of fuel loads, and in particular the reintroduction of prescription burning were all fully endorsed. The State Parks Department had begun similar smaller projects on its properties and looked forward to working with the Forest Service to attain mutually beneficial resource management goals on the North Shore. He urged approval of the permit. State Parks had discussed joint burns with the Forest Service.

Mr. Jim Nakada, speaking on his behalf and not on behalf of the IVGID Board nor the NTCD, spoke in favor of the EIS and urged that more be done on dirt roads. Alternative 4 provided for more of that, but alternative 2 was headed in the right direction. Incline Village had been heavily involved in timber removal and controlled burning; he was pleased that the Forest Service would complement these activities by doing work in the surrounding areas.

Mr. Duane Whitelaw, with the North Lake Tahoe Fire District, noted that a good portion of the project area was adjacent to lands protected by the District. The District had followed the project and had given input during the review process and was supportive of the project, particularly alternative 2. Of particular interest were the DFPZ areas, many of which were adjacent to subdivisions in the District. These complemented nicely the District's efforts to create fire-safe neighborhoods by clearing dead and dying trees from neighborhood interface areas.

Mr. Hank Weston, with the California Department of Forestry, spoke in favor of the plan, suggesting that it complemented the new California fire plan emphasis on pre-fire management. The Forest Service was the responsible fire protection agency for approximately 40,000 acres of state and private lands in this area; this type of project was what CDF envisioned throughout California. It served as an excellent model to show the Legislature as a priority plan for commingling private and public funds in prescribed burn projects.

Mr. John Thorne, arborist, spoke in favor of most of the project but asked the Board members to visit the earlier approved East Shore project prior to taking action. He had been privately monitoring the site, and 95 percent of the stumps on the site were from green trees. The East Shore project was not really a salvage sale but rather a green tree sale. He did not think the project had done much to reduce fire hazard, and it had hurt the forest health situation because most of the dead trees were left standing. What the Board members were told by the Forest Service prior to approval of the East Shore project was not what had happened in the field.

Mr. Bob Dolton, a Carnelian Bay resident and member of TRCD, applauded the Forest Service for the environmental document and asked for Board support.

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The project was long overdue and he favored the defensible space proposals. He strongly recommended Board approval of the EIS.

Mr. Harris explained that one of the goals of the East Shore project included taking out bug-infested Jeffrey pine trees; these trees may have looked green when they were cut but would likely be dead the following year. The project also proposed thinning. Of the 177 acres treated behind the Hidden Woods Subdivision, there was disagreement between the Forest Service and the Sierra Club representative on the marking of only one tree. Board members were encouraged to visit the site. The Forest Service had established a schedule for the public to be escorted onto the site to view the activity, and once a project was operational, the Forest Service needed to know who was on the site and when. The conditions proposed by the League were acceptable. With regard to the concern about marking of trees, only the government had the authority to designate a tree for removal. A contractor would be in violation of the contract if trees other than those that were marked were removed, and there were penalties for this. The only way to verify the accuracy of Mr. Thorne's assertions would be to have been on the site during the marking of the trees, since that was the only way to know why a tree was marked for removal.

Mr. Wynn asked if there was a way to save TRPA and the Forest Service time on these types of projects. TRPA knew what procedures were employed by the Forest Service, and it would be a streamlining function to expedite these projects. The Forest Service was one of TRPA's most dependable partners, and it would be helpful to move these projects ahead. He asked Mr. Harris to prepare a short summary of suggestions to accomplish this.

Mr. Harris responded that there were areas under federal law where the Forest Service was required to consult with others on historical values, fish and wildlife matters, and other issues. Some staff work could be eased up where there was duplication. TRPA and the Forest Service would be looking at their joint MOU in November to see what modifications were needed to avoid duplication.

Executive Director Jim Baetge advised that the Forest Service and TRPA staffs had conducted a facilitated workshop several months ago to accomplish that very goal. Certain agreements were already in place through an MOU.

Mr. Wynn asked that suggested revisions to the TRPA/Forest Service MOU be brought to the Board along with a list of areas where agreement could not be reached. He would like to see this done before the end of the year.

Mr. Thorne explained that all the stumps he had seen in the field on the East Shore project were marked. He saw no evidence of loggers cutting trees that were not marked by the Forest Service. However, stumps and logs did not lie and the log decks showed that, at best, five percent of the logs had bark beetles.

Chairman Upton closed the hearing.

Staff member Paul Nielsen advised that the staff did support the League-recommended additions to the conditions, along with an amendment to the first required action for the project, as follows: "A motion based on this

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staff summary, for the findings contained in section D above. ~~add a finding of no significant environmental effect~~

MOTION by Mr. Sevison to certify the environmental document for the Forest Service North Shore Project (agenda item VII.D.). The motion carried unanimously.

MOTION by Mr. Sevison to make the findings contained in the staff summary for the North Shore project (agenda item VIII.A.). The motion carried unanimously.

MOTION by Mr. Sevison to approve the project subject to the conditions as amended (agenda item VIII.A.). The motion carried unanimously.

The meeting recessed for a lunch break from 12:30 to 1:40 p.m. (The Capital Financing Committee and the Rules Committee met during the recess.)

VII. PROJECT REVIEW (continued)

B. Paiute Gas/Southwest Gas, Phase 2 Gas Main Expansion, Washoe and Placer Counties, project Number 540-305-95

Associate Planner Jim Allison presented the staff summary for approval of the project which proposed expansion of a gas main owned in Nevada by Paiute Gas Company and in California by Southwest Gas Corporation. The project in the Basin was part of a much larger project occurring outside the Basin.

Mr. Allison described the route of the pipeline and the proposed mitigation. An amended Condition 3g (copy distributed) would extend the time period for providing a restoration plan an additional 30 days from the date on which the project was finalized. This would permit coordination with the Forest Service and any other agencies on the required restoration plan and would encourage the project to take place this year prior to October 15; the project would conflict with the Forest Service's timber harvest project planned for 1997.

Mr. Jack Klackner, on behalf of Paiute Gas, explained that Paiute Pipeline was a solely owned subsidiary of Southwest Gas Corporation and provided common carrier transportation service for natural gas within Nevada and California for 13 customers and nine industrial customers. Southwest had asked Paiute to conduct the expansion program to increase the capacity of its line to serve current needs as well as future anticipated growth. Both the 8" and the new 12" lines would be used. Gas would be supplied to the Incline/Crystal Bay area, to the West Shore at the Tahoma/McKinney Estates areas in El Dorado and Placer Counties, as well as providing transportation of gas up through North Star into the Truckee area.

Mr. Bob McDowell, of the U.S. Forest Service, noted that, even though the Forest Service had not yet made a decision on the project because of regulatory matters involving the State Historic Preservation Officer and the biological evaluation, the Forest Service did support the proposal.

MOTION by Dr. Miner to make the findings required for the Paiute/Southwest Gas pipeline expansion. The motion carried unanimously. (Members absent: Hime and Heller)

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MOTION by Dr. Miner to approve the project with an amended condition 3g. The motion carried unanimously. (Members absent: Hime and Heller)

(Mr. Heller came into the meeting at 1:50 p.m. after the vote.)

VII. PUBLIC HEARING (continued)

- A. Amendment of Goal #1, Housing Subelement of the Land Use Element of the Goals and Policies, and Chapter 2 of the Code Relative to Regional Median Income Levels and Definition of Affordable Housing

Mr. David Atkins, contract employee working on the fair share affordable housing needs assessment, explained he had been working closely on the report with an advisory group of housing experts from each jurisdiction and the Local Government Committee, made up of local TRPA Board members. The advisory committee at its last meeting suggested that affordable housing as currently defined in the Goals and Policies and the Code stood as a major impediment to developing affordable housing needs. These documents used a regional and not a county median income level as a determining factor. A regional median income was a difficult number to come up with; it required detailed extrapolation of 1990 census data, and there was no published number as yet for what the regional median income was. A regional number, if developed, would have to be annually updated. The use of a regional median level also inaccurately identified too many affordable housing needs within the Basin, because the high income extremes in the Basin skewed the number of households needing affordable housing to the upper end of the sector. Mr. Atkins presented more information on the proposal and responded to Board member questions. One reason the advisory committee recommended using HUD's established median income levels for each county was that currently the housing authorities had to meet the requirements of state and federal agencies (Community and Housing Development in California and HUD at the federal level); and these agencies currently required that, in order to apply for affordable housing funding, the jurisdictions were required to use the county median income level. It made sense that TRPA remain consistent with already-imposed county requirements. As a result, the fair share report, now being prepared, would be a more productive document; each county would be able to use it in seeking affordable housing funding; and the median income level would more accurately identify the net housing needs for each county.

Mr. Cole suggested that he was not interested in the proposal if it meant justifying the status quo and not bringing about any meaningful change. One of his concerns related to deriving the median income on a county-wide basis based on residents who were actually living in another jurisdiction. In the South Shore area, for example, this would mean that low wage jobs would be coming from Douglas County for residents who actually lived in El Dorado County. This would cause the median income level to be lower and the affordable housing demand to be greater, thus implying that Douglas County would be left off the hook because its employees did not reside in the County. It did not make sense that \$250,000 condominiums in Washoe County were being sold as affordable housing. If using the entire county to establish the median income would level this off, the formula may work better. He wanted to insure a fair share distribution of truly affordable housing throughout the Basin.

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Mr. Cronk questioned TRPA's involvement in affordable housing, since it seemed more like a local than a regional issue.

Mr. Atkins responded that the issue was air quality and transportation; the report would identify the number of out-of-Basin employees and employees commuting into the Basin.

Mr. Baetge explained that this was a very technical issue. The Local Government Committee was hearing these matters and making recommendations. TRPA was acting as a facilitator to get the issues discussed, and the APC had heard the discussion and had recommended approval of the amendments.

Dr. Miner expressed concern that the findings would be used to keep the local jurisdictions' feet to the fire in the assignment of allocations.

Ms. Bennett noted the concept of regional median income was discussed by the Local Government Committee with less than a quorum. She did not recall that direction was given to staff to proceed with this amendment.

Chairman Upton agreed and suggested that the matter go back to the Local Government Committee for more discussion and that it be brought back - perhaps with the fair share report.

Mr. Atkins noted this amendment was the basis for the fair share report and for determining how much affordable housing would be needed in the Basin.

Mr. Cole questioned whether the subject of regional median income shouldn't be held off until after the fair share report was completed. He thought that the fair share report was based on local employment information, and the amendment was based on census information.

Mr. Atkins responded that the fair share report, in addition to delineating responsibility based on employment, also went a step further to assess affordable housing needs and used the percentages of fair share to determine how much each jurisdiction should have.

Chairman Upton directed that the Local Government Committee have another meeting to clarify the issues.

MOTION by Dr. Miner to continue the matter. The motion carried unanimously.

- B. Amendment of Chapter 4, Project Review and Exempt Activities, to Provide for an MOU Between TRPA and Contel/GTE

Deputy Director Jerry Wells advised the MOU was similar to 23 other MOUs adopted by the Board. It would allow routine maintenance and repairs and service connections without the TRPA permit process. The APC had recommended approval.

No one wished to comment in the public hearing.

MOTION by Mr. Cronk to make the findings and adopt Ordinance No. 96-14 amending Chapter 4 and providing an MOU with Contel/GTE.

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Chairman Upton read the ordinance by title:

An Ordinance Amending Ordinance 87-9, as Amended, by Amending Chapter 4 of the Tahoe Regional Planning Agency Code of Ordinances Relating to Exempt Activities; Adopting a Memorandum of Understanding With Contel/GTE to Exempt Certain Activities of Contel/GTE from TRPA Review; and Providing for Other Matters Properly Relating Thereto

The motion carried unanimously. (Members absent: Hime, Westergard)

(Mr. Westergard came back into the meeting during the following discussion.)

C. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

Mr. Cronk suggested it would be helpful for the Committee and/or staff to advise the Board on which issues would be the most troublesome in the process, so that the Board could discuss them and give direction early on.

Mr. Cole explained that there were three levels of discussion on the shorezone: the Partnership Committee, the consensus-building group; the Policy Committee, a subcommittee of the Governing Board; and the full Governing Board.

Mr. Wynn noted that every ample opportunity was being given for public input and comment in the process, and the comment period for the environmental document was still open.

Mr. Baetge suggested that staff come back to the Board later in the summer with a report and presentation on major issues being discussed by the shorezone groups.

Mr. Sevison explained that two key issues at the moment related to scenic and personal water craft; these topics had been sent back to the Partnership group for more discussion and a recommendation to bring to the Board.

Mr. Cronk commented he had no problem with the process but down the line the Board was going to have to make the final vote; it would help all Board members to have a half hour update on where things stood.

Mr. Wynn suggested that at the end of the process the Governing Board Policy Committee would be recommending changes to the regulations, in partnership with the Partnership group and the staff. Because of the importance of the issues and the need for continuity and focus, the Board may wish to schedule a two- to four-day TRPA Board meeting in December or January to address all the issues.

Chairman Upton asked that there be a presentation to the Board in October on the status of the process and the key issues. This would alleviate any concern that there may be a Board-directed course correction at the end of the effort. A two- to three-day session would likely come in December or January.

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Mr. Baetge suggested before setting the date for a longer session that the groups would need to assess how the product was coming forward. There still was a lot of work to be done and a question of the regulatory drafting.

IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

- A. Resolution Authorizing Program Supplement to Local Agency Agreement for Use of Transit Demand Management (TDM) Funding

Chairman Upton recessed the TRPA Governing Board meeting and convened the RTPA meeting.

Associate Planner Bridget Cornell briefly described the intent of the resolution. The TDM funds would be pass-through funds that TRPA, as the RTPA, administered and passed on to the two local Transportation Management Associations.

MOTION by Dr. Miner to approve RTPA Resolution No. 96-11 as proposed. The motion carried unanimously. (Member absent: Hime)

(Chairman Upton adjourned the RTPA and reconvened the TRPA Board meeting.)

X. PLANNING MATTERS

- A. 1996 Threshold Evaluation Report

1. Water Quality Status Report and Recommendations

Associate Planner and Hydrologist Kevin Hill reported to the Board on the outcome of the 1995 Annual Water Quality Report, which summarized data collected by USGS, Tahoe Research Group (TRG), TRPA, and others on the status of water quality in the Tahoe Basin. The report had evolved into the compilation of historic and current data and served as the basis for the upcoming five year work program. Mr. Hill gave a slide presentation and addressed his remarks to what was currently known about water quality, what information was needed, and how to get to that needed information. The annual average Secchi depth for the period of record (1968 through calendar year 1995) showed clarity continued to decrease at the rate of 1 to 1-1/2 feet per year, correlating to a 30 percent decrease since measurements began in 1968. Over the same period of record, primary (algal) productivity continued to increase at an alarming rate, over 300 percent since 1968. Mr. Hill's presentation addressed surface water, groundwater, atmospheric deposition, importance of SEZs, effect of urbanization on nutrient runoff, local and distant airborne nutrient budgets, current water quality monitoring programs, other lake monitoring programs, mixing of the Lake, the Lake's nutrient budget, and water quality thresholds and recommendations. Mr. Hill responded to Board member questions.

(Mr. Wynn left the meeting at 3:15 p.m.)

3. Air Quality Status Report and Recommendations

Associate Planner Bridget Cornell gave a slide presentation and discussed the

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status of the air quality threshold, the threshold categories, monitoring, and recommendations. The eight different parameters studied included carbon monoxide, ozone, particulate matter, regional and subregional visibility standards, traffic volumes on Highway 50 at Park Avenue, woodsmoke levels, vehicle miles traveled (VMT), and atmospheric nutrient loading (nitrogen dioxide and particulate nitrates). Ms. Cornell discussed monitoring methodologies, the location and operation of monitoring sites, the results of monitoring, VMT as a measurement of threshold status, the effect of atmospheric deposition on nutrient loading in the Lake, the status of air quality thresholds, transit improvements, and threshold recommendations. Ms. Cornell responded to Board member questions.

B. Six-Month Status Report on Individual Parcel Evaluation System

Chairman Upton noted this staff summary was in the packet materials.

XI. ADMINISTRATIVE MATTERS

- A. Resolution in Support of Ballot Measures to Fund Erosion Control, Stormwater Drainage and Stream Environment Zone Restoration Projects (California Proposition 204 and Nevada Question 12)

MOTION by Mr. Sevison to adopt Resolution No. 96-13. The motion carried unanimously. (Members absent: Hime, Wynn)

- B. Report on Performance Statistics for the Project Review and Environmental Compliance Divisions

Chairman Upton noted this staff summary was in the packet materials.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee Report

1. Receipt of July Financial Statement and Check Register

MOTION by Ms. Bennett to receive the financial statement and register as recommended by the committee. The motion carried unanimously.

- B. Legal Committee Report - no meeting

- C. Capital Financing Committee

Chairman Cole advised that the Committee directed Senior Planner Carl Hasty to pursue funding for forest health projects and money through ISTEA as well. There was continuing discussion about special designation of the Tahoe Basin and whether this would facilitate future funding. The Committee discussed a Basin Impact Fee and the desire to update the previous feasibility study. The present course was to look for grant funds to accomplish the update and to take the \$100,000 request out of the federal legislative packet because it seemed to be muddying the water. The funding may be available through other sources. Grant funding was a way to accomplish a number of goals. California Proposition 204 and Nevada Question 12 were moving forward and would provide



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significant funds for Lake Tahoe through a number of sources. A Question 12 fundraiser was scheduled for September 20.

D. Rules Committee Report

Committee Chairman Bradhurst reported that the Committee discussed a rule relating to time limits for action by TRPA on applications. The matter would be before the Board for action next month.

E. Shorezone Policy Committee Report - previously discussed

F. Local Government Committee Report - previously discussed

XIII. REPORTS

A. Executive Director Monthly Status Report

Executive Director Jim Baetge noted that staff had conducted a day-long tour with representatives from the California Department of Finance. Hopefully this would assist the budget process. Secondly, staff had contracted with a local consultant to conduct training on how to better interact with the public. There would be follow-up on this.

B. Legal Division Monthly Status Report

Agency Counsel R. J. Nicolle reported to the Board on the status of the *Suitum v. TRPA* case, a case involving an SEZ lot. A petition asking for a hearing before the Supreme Court had been filed by the affected property owner.

C. Governing Board Members

Mr. Sevison asked if the Board would be able to accept the invitation from the North Lake Tahoe Historical Society to tour the Gatekeeper's Museum at noon on September 25.

Chairman Upton responded that, while he appreciated the invitation to attend a luncheon and tour, the number of items already scheduled for the September agenda and the time needed for the drive and tour of the site did not allow such an activity.

Chairman Upton reported on the August 14 visit to the Tahoe Basin by Senator Barbara Boxer. It was a productive visit.

Chairman Upton advised the Board of the establishment of the Gold Country Alliance Policy Board for distribution of monies related to California's sesquicentennial. If the timing had been such that the matter could have been placed on the agenda, he would have asked the Board to appoint him to that board to distribute the approximately \$600,000 in funds. He did not know if there would be a meeting in the next month but if there were no objections he would attend. The board consisted of representatives from Placer County, Nevada County, El Dorado County, Amador County, and TRPA.

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Ms. Rochelle Nason, for the League to Save Lake Tahoe, advised that the League had run a mention of jet skis in its newsletter and had never in its history received such a response. The public was pretty mad about jet skis.

Mr. Upton suggested that it had been many years since the Board had gone on a tour of the Lake to look at some of the technical issues raised in the threshold study. The California Tahoe Conservancy conducted day-long tours of erosion control projects on the North Shore every July and on the South Shore every September. The upcoming tour was on the 19th if any Board members were interested.

Ms. Nason urged the Board to consider taking up John Thorne on his offer to tour the East Shore timber harvest project. The League would be willing to participate in getting a tour vehicle. It was important to take a look at these things up close.

Mr. Sevison suggested taking the Tahoe Rim Trail around the North Shore from Highway 267 east. This provided a good feeling of the harvest project.

Ms. Nason advised she would contact everyone about a tour. There were areas of concern that were not easily accessible to the public.

XIV. ADJOURNMENT - The meeting adjourned at 4:10 p.m.

Respectfully submitted,

  
Julie D. Frame  
Clerk to the Governing Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call the TRPA office at (702) 588-4547. In addition, written materials submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

*These minutes were approved  
as presented on Sept. 25, 1996.*