

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m.** on **Wednesday, March 10, 2010** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

March 3, 2010



Joanne S. Marchetta
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
128 Market Street
Stateline, NV

March 10, 2010
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS
 - A. Presentation on 2010 Annual Shorezone Program Report [Page 1](#)
 - B. Recommendation on the Approval of the Phase II Blue Boating Program and Adoption of Related Chapter 54 & 81, Clean Up Code Amendments [Page 133](#)
 - C. Discussion of Proposed 2010 Watercraft Inspection Fees [Page 205](#)
- VI. PLANNING MATTERS
 - A. Discussion on Regional Plan Update Land Use Milestone [Page 207](#)
- VII. REPORTS
 - A. Executive Director
 - B. General Counsel
 - C. APC Members
- VIII. ADJOURNMENT

**TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION**

TRPA
Stateline, NV

February 10, 2010
9:30 a.m.

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting called to order at 9:35 a.m.

Members Present: Mr. Angelocci, Mr. Donohue, Mr. Greene, Mr. Jepsen, Ms. Krause, Mr. LeFevre, Mr. Loftis, Mr. Maurer, Mr. McIntyre, Ms. McMahan, Mr. Thompson, Mr. Tolhurst, Mr. Upton, Ms. Garcia, Mr. Riley

Members Absent: Mr. Goldberg, Ms. Kemper, Mr. Plemel

Ms. Merchant arrived at 9:50 a.m.

II. APPROVAL OF AGENDA

Chair Mr. Tolhurst moved approval.
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

No public comment.

IV. DISPOSITION OF MINUTES

Chair Mr. Tolhurst moved approval with amendments.
Motion carried unanimously.

V. PUBLIC HEARINGS

A. Status Report on Individual Parcel Evaluation System (IPES) Line in Placer County.

Staff Heather Gustafson presented the Status Report on the IPES line in Placer County.

Commission Comments & Questions:

Mr. Maurer asked if there was no ability to adjust the denominator. He stated that, in his opinion, this would be the logical solution.

Ms. Gustafson explained the Attorney General determined there should be no changes in the denominator. It would also be time consuming and

require a lot of labor. There would also be technical and logistical hurdles to overcome to ensure an appropriate retro analysis could be conducted. The analysis may also not be in favor of Placer County.

Mr. Tolhurst asked for clarification that increasing the IPES score above the line for a property owner if a water quality project was completed in their neighborhood would help the program.

Ms. Gustafson replied correct. She noted there were a number of ways to add or remove a parcel from inventory.

Mr. Thompson asked how APNs would work for multiple lots and how that would calculate IPES.

Ms. Gustafson explained two lots embedded within one parcel could have two IPES scores. If one lot already had an IPES score, the original score would be retained.

Mr. Thompson asked if the IPES score would be reduced.

Ms. Gustafson stated it could go either way.

Mr. Thompson asked how this was typically handled for multiple lots.

Ms. Gustafson stated that was a difficult question to answer because the size of the parcel is a factor.

Mr. Thompson asked if this would result in more buildable parcels in Placer County.

Ms. Gustafson provided different scenarios of how parcels can be added or removed.

Mr. Thompson asked what Placer County can do to lower the IPES score.

Ms. Gustafson stated water quality improvement projects could be co-located in the vicinity of IPES parcels that are close to 726 and 653 and work on retirements.

Mr. McIntyre asked how water quality improvements would help the IPES score and provided an example of the Kings Beach Commercial Core Improvement Project recently approved by the TRPA.

Ms. Gustafson stated it would depend on how project boundaries are drawn. Maps could also be drawn for Placer County providing IPES scores and water quality improvement points for parcels.

Mr. McIntyre asked how the project can be restricted to quote project boundaries when water for the project was taken from the top of the mountain.

Ms. Gustafson stated the historic approach taken is that projects have to have some boundaries or limits and that points would be applied to those parcels that are most impacted by water quality improvements.

Mr. McIntyre stated that, in his opinion, Placer County would be wise to draw project limitations around the entire watershed subdivision in order to take advantage of the project.

Staff member Gabby Barrett explained there was a scoring system for subdivision areas.

Mr. Thompson asked if map information could be provided of water quality improvements that could raise IPES scores if completed.

Mr. Barrett stated yes.

Mr. Upton suggested discussing areas of impact when projects similar to the Kings Beach Commercial Core Improvement Project are presented.

Mr. Loftis asked for clarification that the denominator is based on a Bailey score and the numerator is based on the IPES score.

Ms. Gustafson stated that was correct.

Public Comment:

No public comment.

- B. Amendments to Chapter 33 of the TRPA Code of Ordinances allowing re-issuances of Certain Residential and Commercial Permits without requiring new allocations.

Staff member Lyn Barnett presented the amendments to Chapter 33 of the TRPA Code of Ordinances.

Commission Comments & Questions:

Mr. Tolhurst stated he was confused about the permit and allocation process and asked for clarification that fees would have to be paid again if allocations were lost.

Mr. Barnett stated the six-month requirement for pulling a building permit after an allocation is received is a County requirement. Staff requires allocations be used before the end of the calendar year. There is also nothing that allows allocations to be carried over into the future if applications were not made. The amendment was to assist individuals that did get allocations and permits.

Mr. Maurer asked if the Compact would allow this amendment.

Mr. Barnett clarified the Compact does allow the amendment, but not extending permits. He explained TRPA permits are limited to three years by the Compact, but the Compact does allow a continuance past the three-year limit if progress on physical construction was being made on the permit. The Compact does not have provisions to extend permits. The amendment would allow for re-application of permits with original allocations.

Mr. Maurer asked for clarification that the amendment would not extend the permit, but would allow the allocation to be carried over.

Mr. Barnett stated that was correct.

Mr. Thompson asked if individuals would be notified of the amendment.

Mr. Barnett stated press releases would be held and MOU partners would notify individuals with residential permits that are issued through the MOU partners. He added, in December 2009, the TRPA approved changing staff rules and procedures to allow for mitigation fee refunds after seven years if building permits were not acted upon to respond to the current economic downturn.

Mr. Donohue asked why a second date was chosen for this amendment.

Mr. Barnett stated the date was chosen to provide a maximum time period to the public because this is the day of the Governing Board action. There was three years to consider an extension of this amendment.

Mr. Maurer commented that building permits were automatically extended in El Dorado County therefore no notification was required. He stated that it sounded like the allocation carry over/extension would have to go through the TRPA.

Mr. Barnett stated the County does not have the authority to extend the three-year TRPA component if acting on behalf of the TRPA through one of the MOUs. The amendment would give the County the ability to re-issue the permit.

Mr. Maurer commented that individuals would follow this issue closely and contact staff about extensions.

Mr. Barnett reported staff has been contacted, but most requests were for refunds, not extensions.

Mr. Greene asked about the cost associated with the amendment.

Mr. Barnett stated it would be 40% of the full fee because re-applications would be considered minor plan revisions. Mitigation fees change annually because fees required as part of the permit would be updated to

current Code requirements. Counties were not bound by TRPA's fee schedule therefore can decide what fees to charge.

Mr. Greene asked about the actual cost in dollars.

Mr. Barnett stated it depends on the size of the house because the fee schedule for residential is a graduated scale which is based on square feet. He stated a brand-new permit would be issued with updated fees and another Code review. The fee schedule already has a minor fee built in for this reason.

Mr. Thompson asked how an allocation extension would carry over into the following year's allocations issued to the jurisdiction.

Mr. Barnett stated it would not affect the following year's allocation pool because the allocation will be used if it was submitted for an application and denied or approved. Commercial allocations will be returned to the pool.

Mr. Donohue asked, theoretically, if he would be penalized for getting an allocation to move forward with a new project even though permits were being extended with allocations.

Mr. Barnett explained projects being re-applied for would not delete or diminish the number of allocations available for new projects.

Mr. Donohue commented that he did not understand the logic that there were delays in obtaining new allocations.

Mr. Barnett stated there are time delays when there is competition for allocations or when allocations become available.

Mr. Donohue asked if there was a time delay or a competition for the available allocations.

Mr. Barnett stated it was more of a time delay because allocations are a metering system for development.

Ms. Rinke added competition for allocations and allocations for new projects are two separate issues.

Mr. Donohue asked how this would affect commercial allocations.

Mr. Barnett stated it would impact commercial allocations because individuals with original commercial permits can hold onto allocations for a longer time period.

Ms. Rinke added rules for commercial permit extensions are liberal compared to residential permits.

Mr. Angelocci commented that commercial permits are limited.

Mr. Barnett added commercial permit expiration dates can be extended for long periods of time with construction schedules. Residential projects cannot take advantage of construction schedule provisions available to commercial developers.

Mr. Tolhurst commented on current re-development which may trickle down to new activity in a year or two.

Public Comment:

No public comment.

Mr. Maurer moved to recommend Governing Board approval of the Chapter 6 findings (Attachment A) and a Finding of No Significant Effect for all potential impacts.

Motion passed unanimously.

Mr. Maurer moved to adopt the attached ordinance (Attachment B) adopting the Code of Ordinance amendments in Exhibit 1 amending Subparagraphs 33.2.A and 33.3.A of the TRPA Code of Ordinances.

Motion passed unanimously.

VI. ADMINISTRATIVE MATTERS

A. Discussion on APC Input Process at the Regional Plan Update Milestone Meetings

Mr. Tolhurst commented that this item was agendaized to figure out ways for the APC to be more effective and get ideas across more clearly when presenting to the Governing Board.

Mr. Zuckerman commended the APC for achieving the goal that was set with regards to the Regional Plan Update at the last Governing Board meeting and that motions from the Governing Board were properly influenced by the technical direction and advice from the APC.

Mr. Tolhurst commented on the difficulty of having to take notes and participate in discussion at the same time. He suggested a staff member be available to take notes during the discussion for later review. He stated it was also difficult to offer technical advice on general, broad-base policy issues. He suggested being e-mailed on issues for discussion in the Governing Board packets.

Ms. Merchant agreed having a staff member taking notes during the discussion would be helpful and to e-mail issues for further discussion if Board packets were received in advance. She suggested elimination of items that require no further discussion be the first order of business and that APC notes be reviewed and presented to the Governing Board. She

stated she was not comfortable with having only a one-hour period for resolution of Regional Plan Update issues.

Mr. Upton stated that the most that could be accomplished in that one-hour time period is identifying glaring technical issues and to have more time at the next APC meeting to further discuss technical issues identified.

Mr. Tolhurst commented that, at this point, only staff direction is needed on what issues should be addressed.

Mr. Zuckerman reaffirmed that issues identified at stakeholder meetings were written down and reviewed by staff and prioritized. He noted Ms. Merchant's issue that was addressed at the stakeholder meetings was written down and reviewed by staff, but not deemed significant enough to be presented to the TRPA and was also not deemed significant by other APC members. He stated there needs to be a way in which individual APC members representing individual interests can make their point.

Ms. Merchant stated the issue of duplicative regulation of water quality TMDL is an issue that local governments were passionate about and that having a discussion of that issue would raise awareness.

Mr. Donohue commented that they tried to discuss the issue during the one-hour period, but that the issue got lost during discussion. He agreed an hour was not enough time to address issues and that, in his opinion, what is considered "technical comments" are actually policy-level decisions, but there is no forum to express policy issues to the Governing Board. He stated the APC has the ability to provide sound, policy-level input, but that is not being fully represented in the Fact Sheet.

Mr. Zuckerman stated APC Board members should have the liberty to speak during public comment if they feel passionately about an issue. APC Board members should also have one-on-one discussions with individual Governing Board members about issues. He encouraged APC members to review the Fact Sheet to see which issues were not elevated.

Mr. Donohue asked how APC members could address issues that were not elevated.

Mr. Zuckerman stated it could be addressed during the question and answer session or during technical advice.

Ms. Krause requested an hour and a half-time period be provided for discussion and summary.

Mr. Zuckerman stated he would present that request to the Governing Board.

Mr. Tolhurst commented that an hour was okay for discussion, but extra time was needed to prepare the presentation to the Governing Board.

Mr. Upton suggested having more time agendized at future meetings to further discuss milestone issues of importance.

Ms. Merchant stated having more time to discuss issues of importance prior to the Governing Board meeting would be more advantageous.

Mr. Upton suggested having further discussion at APC meetings.

Mr. Tolhurst commented that the APC would have to be willing to hold their own two-day stakeholder meeting to discuss issues.

Mr. McIntyre stated he agreed about holding discussion of issues prior to the Governing Board meeting.

Mr. Upton stated it was his understanding that the e-mail issued was for APC Board members to stay after the Governing Board meeting on February 24th to listen to stakeholders rather than holding a separate APC meeting.

Mr. Zuckerman clarified it was for APC Board members to discuss land use issues with stakeholders after the meeting.

Mr. LeFevre stated he thought the stakeholder meeting being planned would include APC members as stakeholders rather than listening to other stakeholder concerns.

Mr. Zuckerman stated that was correct.

Mr. LeFevre asked if the APC was considered one of the stakeholder groups and not independent from the other stakeholder meetings.

Mr. Zuckerman commented that it was his understanding the e-mail was sent to the local jurisdiction stakeholder group which includes some APC Board members. He did not know if the e-mail was issued to all APC Board members and, if so, that issue would need to be addressed with legal counsel. He noted Jill Miller provides e-mail regarding the Regional Plan update.

Mr. Maurer suggested reviewing the decisional framework for issues by determining what the APC wants and what the Governing Board wants.

Mr. Zuckerman stated the APC's only legal obligation is to recommend certification of the EIS and adoption of the Regional Plan Update to the Governing Board. Staff is attempting to involve the APC in the process and determine what the APC wants and the Governing Board wants when reviewing the decisional framework.

Mr. Maurer stated that could be accomplished to his satisfaction by discussing issues before the Governing Board meetings.

Mr. Zuckerman stated he could not guarantee that Fact Sheet information can be provided ahead of meetings and that what can be reviewed is information provided to stakeholders without the information about which issues staff has elevated for further discussion.

Mr. Maurer stated that information would be a tremendous help in directing staff with regards to the Fact Sheet.

Mr. Tolhurst suggested having a discussion on the reading from the stakeholders with guidance on which issues should be elevated.

Mr. Merchant stated it would not matter if the Fact Sheet was not provided because they would still be working on what issues should be address in the Fact Sheet and summarizing what stakeholders had to say for possible inclusion in the Fact Sheet.

Mr. Zuckerman noted the Fact Sheet would not be available until right around the time of the APC meeting therefore it would not allow influence in the Fact Sheet or allow APC members time to review the document and discuss it at the APC meeting.

Ms. Merchant suggested the March APC meeting discuss land use issues for inclusion in the Fact Sheet before the April Governing Board meeting.

Mr. Upton stated the Fact Sheet plus reading through the appendices was an extremely useful tool for him with respect for preparation of last month's meeting and that he could work with that information being provided a few days before the meeting.

Mr. Zuckerman stressed that technical advice be provided from information from the Fact Sheet and for the process to be respected. He stated his concern was generating expectation that all issues discussed during the APC meeting would be major issues for further review at the Governing Board meeting. He suggested holding a public stakeholder meeting on land use in March for results that could be included in the Fact Sheet.

Mr. McIntyre commented that holding a public stakeholder meeting in March would put the schedule a month ahead for discussion.

Mr. Tolhurst stated his only caveat was not having a two-day meeting.

Ms. Merchant questioned the APC's role in speaking with the Governing Board if APC issues are filtered through staff before reaching the Governing Board.

Ms. Sertic agreed an hour's time is not enough to address APC issues and that having discussions earlier than scheduled may be a resolution. She stated the schedule may need to be reviewed, overall, for an extension.

Mr. Upton commented that the hour-time period may be enough time to present issues if discussions were scheduled earlier.

Mr. Zuckerman stated the schedule cannot be adjusted because it was driven by the Governing Board. They were attempting to accommodate APC comment and APC advice as much as possible, but that recommendations continue to follow TRPA Code. Staff members could be provided to take notes during discussion. A flip chart could be used to record APC comment. Information for discussion could be sent before meetings. A public stakeholder's meeting could also be held a month in advance so that input could be included in the Fact Sheet. Staff members could also be available to record input at stakeholder meetings.

Mr. Tolhurst requested an additional fifteen minutes at joint APC/Governing Board meetings for APC members to have lunch and prepare a presentation to the Governing Board.

Mr. McIntyre asked if there was consensus on having information a month in advance.

Mr. Zuckerman stated a public stakeholder's meeting could be held if agendaized.

Ms. Rinke noted there was a difference in timing in providing input into the Fact Sheet.

Mr. Tolhurst clarified input does not need to be included in the Fact Sheet, but a discussion of Fact Sheet information was needed in order to prepare a presentation to the Governing Board.

Mr. Zuckerman noted Fact Books that clearly outline issues were needed at every Governing Board meeting.

VII. REPORTS

A. Executive Director

Jerry Wells gave the Executive Director's Report.

B. General Counsel

Nicole Rinke gave the General Counsel's Report.

C. APC Members - None

VIII. ADJOURNMENT

Chair Mr. Tolhurst adjourned the meeting at 11:31 a.m.