

**ADVISORY PLANNING COMMISSION**

Tahoe Regional Planning Agency  
8318 North Lake Blvd.  
Kings, Beach, CA

October 11, 2006

**REGULAR MEETING MINUTES REVISED**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:30 a.m.

Members Present: Mr. Combs, Mr. Romsos for Ms. Davidson, Ms. Jamin, Mr. Jepsen, , Ms. Krause, Mr. Lawrence, Mr. Mauer, Mr. McIntyre, Mr. Plemel, Mr. Tolhurst

Ms. Schmidt attended at 9:40 a.m.  
Ms. Kemper attended at 9:50 a.m.  
Mr. Zuckerman attended at 10:00 a.m.

Members Absent: Mr. Harris, Mr. Poppoff, Mr. Riley, Ms. Sertic

II. APPROVAL OF AGENDA

Mr. Tolhurst moved to approve the agenda  
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

No Public Comment.

IV. DISPOSITION OF MINUTES

Mr. Combs moved to approve the minutes as amended.  
Motion carried.

V. COMMITTEE REPORTS

A. Tahoe Transportation Commission

Staff member Nick Haven updated the APC on the TTC meeting.

VI. PLANNING MATTERS

A. Amendment of Code and Goals and Policies to extend the Allocation Programs for Residential, Commercial, Tourist and Recreation until adoption of the Pathway 2007 Regional Plan Update.

Staff member Lisa O'Daly presented the staff summary outlining the proposed Allocation Programs for the Interim. Staff is requesting that the APC recommend to the Governing Board approval of the proposed Interim Allocations.

Staff member Paul Nielsen responded to questions of the Committee. There would be no changes in the maximum allocations to the individual jurisdictions. The Annual Performance Evaluation takes place in the fall and the allocations will be established in December for the following year.

Director John Singlaub responded to the question of APC Member, Ron McInyre, that currently criteria for a "Demonstration Project" has not been established, but if a project needs fifty units of moderate housing allocations, and it meets the criteria, it would receive the fifty allocations.

## PUBLIC COMMENTS

1. John Falk, Tahoe Sierra Board of Realtors, stated that he was in favor of recommendation of approval to the Governing Board of the proposed Interim Allocations. There had been a massive amount of effort in finding the middle ground providing a seamless transition. The proposal is necessary to maintain the good faith participation and continuation to the Pathway Process. This should allow for a smooth transition until the new Regional Plan is complete. He recognizes the need for moderate housing and it should not be unduly burdensome for moderate projects, but that it is necessary to ensure the market share is protected in the P7 process with the appropriate environmental protections.
2. Pat Davidson, The Contractors' Association of Truckee Tahoe also supports the proposed Interim Allocations. Her comments are attached.
3. John Friedrich, League to Save Lake Tahoe, recognizes that the Interim Allocation program is a reasonable proposal and correctly defers the larger Issues to Pathway 2007. He also recognizes the need for moderate income Housing, but it should not be exempt from the allocation process, that it would be prudent to look ahead and anticipate. Perhaps establish a rainy day fund and consider the potential to set aside moderate housing from market rate allocations. He expressed concern that the Pathway would possibly take a third year, and that another document would be required to address the interim program again. He suggested reconsidering at the end of next year to assess whether to continue with the program or to budget for an extra year for a smooth and seamless transition. Also to provide enhanced incentives for utilization of moderate income housing and environmentally sensitive parcel retirements.
4. Jennifer Merchant also expressed concerned that there was a potential for a third year requirement of Interim Allocations. Jennifer felt that Placer County had contributed most of the allocations to the Allocation Pool and would like to see an increase in allocations be given to that County. She questioned why so few buildable lots existed in Placer County and was concerned that lots were being retired in Placer County in exchange for allocations being used in the South Shore. Ms. Merchant felt the Special Project criteria focused on

larger projects and that smaller projects should be able to compete. Perhaps develop a simple EIP system that allows smaller projects to go forward. She was also concerned that a large project could take all of the bonus unit TAU's. Ms. Merchant stated that through a lottery drawing of seventy-two applications, fifty were approved.

5. Michael Donahoe, Tahoe Area Sierra Club, stated that he has been an active member of Pathway 2007 process and a Forum representative of national environmental firms. Since he was not able to review the 2006 Threshold Evaluation Report it was not possible to make a decision on the Interim Allocation Program, which is needed to prevent turmoil during the interim period. He is concerned that the current program is not working. He states that TRPA should use the interim period conservatively by allowing only "benign" projects. He could support the Interim Allocations if it has the limitation that the new allocations should be used for projects that utilize existing subdivisions or previously disturbed sites.

Mr. Donahoe continued that he would not encourage the proposal without further and full EIS of undisturbed land and he would hope that would be Incorporated into the Interim plan so he could support the plan.

Staff member Lisa O'Daly responded to Ms. Merchant's questions. The pool is always available to any jurisdiction and they are not proposing to change the system. Any sensitive lots that are retired moves the IPES line downward. The special projects criteria have not changed. There are 172 TAU's left in special projects, there have not been many allocated in the last twenty years, one hundred and forty-five are distributed and available in each community plan. Also any small project that met the criteria would be eligible for allocation.

Staff member Paul Nielsen reiterated that these numbers are estimates that are based on past demand and the allocations are awarded in December 2006 and December 2007. The jurisdictions can reserve allocations for moderate income.

The third year concerns could be alleviated by the code conversion program that Encourages retirement in SEZ, for example 20 motel units can be converted to Residential. Removing non-confirming uses can be converted to residential. Sensitive lot retirement programs have existing programs for environmental Improvement.

Staff member Gabby Barrett, in response to Mr. Combs question of how development rights are transferred from one jurisdiction to the other, stated that both must approve the transfer.

APC member, Ron McIntyre made a motion to modify the staff recommendation document to have the moderate housing portion taken out of the allocations and be considered like affordable.

Mr. Combs seconded.

Member Comments:

Mr. Ramsos stated that there would be a need to clarify the scope of the Development.

Mr. Combs stated the concept of moderated should be exempt from allocations requirements and there should be an unlimited pool for affordable and moderate.

Mr. McIntyre stated that moderate if part of HUD's analysis and should have been Included in the original plan.

APC member Mr. Plemel stated that he would support the staff recommendation, he can not support the motion because it has not been analysed.

APC member Mr. Tolhurst said he does agree that small projects should have more opportunity to obtain CFA allocations. He could see the moderate included in the new plan, but did not support the motion.

APC member Ms. Kemper said she would like to hear staff's opinion on the concept of allocations being restricted to restricted and reserved sites. She also thought some allocations should be reserved for a third year.

Executive Director John Singlaub indicated that most subdivisions have not been analyzed, they were established in the 20's and 40's and that most of the allocations are within these subdivisions.

APC member Ms. Jamin stated that she agreed with Mr. Plemel, that there needs to be more discussion of moderate housing in the P7 process, however right now it might jeopardize the interim allocation program.

APC member Mr. Plemel does support the inclusion of moderate housing, but just not now.

A vote was taken on the motion:

AYES: Mr, Combs, Mr. Jepsen, Mr. McIntyre

NYES: Mr. Lawrence, Ms. Krause, Mr. Plemel, Mr. Zuckerman, Ms. Jamin,  
Ms. Kemper, Mr. Mauer, Mr. Ramsos, Ms. Schmidt, Mr. Tolhurst.

Motion denied.

Mr. Ramsos made a motion to approve the staff recommendation as presented.

Ms. Krause seconded.

Motion carried unanimously.

B Notice of Preparation of a Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Upper Truckee River and Marsh Restoration Project (US 50 to the Mouth of the Upper Truckee River).

Staff member Mike Elam stated that this presentation is an information gathering process to invite public comments on the NOP. There was a public hearing on October 4, 2006 and another will be held at the Governing Board meeting October 25, 2006. The 30 day comment period on the scope of the EIS ends November 2<sup>nd</sup>, and then we will proceed with the EIS draft.

Staff member Mike Elam introduced Rick Robinson of the CTC, who began the presentation of the NOP.

Curtis Allen the EDAW project director stated that this has been a long and careful planning process that has been sponsored by CTC, TRPA and the Bureau of Reclamation. There is not a preferred alternative, but after analysis of the various alternatives the final alternative may result in a combination of the different features.

#### Comments

Ms. Jamin stated that the South Lake Tahoe Parks and Recreation Commission has a keen interest in seeing more extensive public access be incorporated into the project.

APC member Mr. Tolhurst stated that the alternative selected should not deny access to the Lake.

APC member Ms. Kemper described how the corporate yard is part of a settlement and was given a 99 year lease.

Mr. Robinson stated that there was hope that the present treatment facility May be trying to find a higher capability plant and that the cost of doing the BMP's may encourage the move.

APC member Ms. Kemper said that her staff was involved with modeling tools to quantify load reductions and long and short term impacts.

APC member Mr. Ramsos was encouraged and supportive of CTC. He was Wondering how they were dealing with non-native species and the issues of restoration. He also stated that the area was a wintering site for the bald eagle.

APC member Mr. Tolhurst said that he was not an expert on SEZ and was concerned about the effects of the flooding of the marsh.

Mr. Robinson stated that the homes in the Keys had been build on a 100 year flood plan and that the sediment buildup has happened for years, eons.

Executive Director Mr. Singlaub stated that getting development out of the area Is extremely important.

## Public Comments

Michael Donohoe, Tahoe Area Sierra Club, states that it is a great project and he looks forward to seeing it develop. The mission is to explore, enjoy, protect and to prevent rogue trails that adversely impact the area. This is not just a local, but a national treasure to be protected.

Public Comment Closed

No Action Required.

## VII. REPORTS

### A. Executive Director

Mr. Singlaub gave the Executive Director's Report.

### B. Legal Counsel

Mr. Kahn stated the Charles Bluthé suit has been stayed during settlement discussions. The Kings' Beach spill has reached a settlement that includes the responsible parties to pay for an emergency bypass for NPTUD. The Governing Board will address the Airport tree cutting situation at the next board meeting.

### C. APC Members

Mr. Tolhurst announced that there will be a joint TTC/TTD meeting on November 3<sup>rd</sup> at 10:00 at the TRPA office.

Ms. Kemper announced that there is a workshop today here at Kings' Beach at 1:30 on grazing issues in getting a more consistent regulatory strategy. Also prioritizing and review the issues over the next 3 years.

Mr. Zuckerman, Principal Planner for Douglas County, introduced himself as the replacement for Ms. Bovat.

Mr. McIntyre asked the status of the A9A Re-alignment project.

Executive Director responded that there was a problem with the consultant, and we are looking to find money to find a new consultant to complete an EIS and move forward

Meeting adjourned at 12:15 p.m.

VIII. REPORTS

A. Executive Director

Executive Director Singlaub gave the Executive Director's report.

C. APC Members

Chairman Tolhurst adjourned the meeting at 11:15 a.m.

Respectfully submitted,

Danna Meyer  
Clerk to the Advisory Planning Commission  
Tahoe Regional Planning Agency

*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.*