TRPA
APC
PACKETS

JULY
1997
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, July 9, 1997, at the Horizon Casino
Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the
meeting is attached hereto and made a part of this notice.

June 30, 1997

By: __________________________
    (Signature)
    Jerry Wells
    Deputy Director

This agenda has been posted at the TRPA office and at the following
post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley
and Al Tahoe, California. The agenda has also been posted at the
North Tahoe Conference Center in Kings Beach, the Incline Village
GHI office, and the North Lake Tahoe Chamber of Commerce.
AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on an agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter 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 HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Draft Environmental Improvement Program for the Lake Tahoe Region (January 15, 1997) (No Action)

B. Amendment of Section 41.3.A of Chapter 41 (Permissible Subdivisions) Pertaining to Subdivision of Land Conveyed to Public Agencies

VI. PLANNING MATTERS

A. The Gateway Project (Redevelopment Project No. 3), City of South Lake Tahoe

B. Discussion on Conflict of Interest Rules

VII. REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau Clubhouse
955 Fairway Boulevard
Incline Village, Nevada

May 14, 1997

REGULAR MEETING MINUTES

Chairperson Bob Jepsen called the regular May 14, 1997, meeting of the Advisory Planning Commission (APC) to order at 8:40 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Thompson, Mr. Hust, Mr. Doughty, Ms. Baldrica, Mr. Barham, Mr. McDowell, Mr. Dodds, Mr. Biaggi, Mr. Poppoff, Mr. Joiner (arrived at 9:01 a.m.), Mr. Lawrence, Mr. Morgan, Ms. Kvas, Mr. Combs, Ms. Jamin, Mr. Jepsen

Members Absent: Mr. Hansen, Mr. Haen

II. APPROVAL OF AGENDA

MOTION by Mr. Dodds, with a second by Mr. McDowell, to approve the agenda as presented. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

MOTION by Ms. Jamin, with a second by Ms. Baldrica, to approve the April 9, 1997, APC minutes as presented. The motion carried with Messrs. Barham, McDowell, Biaggi and Poppoff abstaining.

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Chapter 2, Definitions, and Chapter 18, Permissible Uses, Related to Secondary Residential Units

B. Amendment of Chapter 34 (Transfers) Relating to Verification of Existing Units of Use

Associate Planner Melissa Joyce presented the staff summary amending Chapter 2, Definitions, and Chapter 18, Permissible Uses, Related to Secondary Residential Units and amending Chapter 34 (Transfers) Relating to Verification of Existing Use.

A discussion ensued.

Chairperson Jepsen opened the meeting up to a public hearing. Since no one wished to comment, Mr. Jepsen closed the public hearing.
MOTION by Ms. Kvas, with a second by Combs to recommend approval to the Governing Board amending Chapter 2, Definitions, and Chapter 18, Permissible Uses, Related to Secondary Residential Units and amendment of Chapter 34 (Transfers) Relating to Verification of Existing Units of Use, with the addition of verification of an existing residential unit of use by the Planning Department of the associated City or County in which it exists. The motion carried unanimously.

C. Resolution Issuing the 1996 Evaluation Report and Adopting Targets, Indicators, Factors, Compliance Measures, Attainment Schedules, and Related Items Pursuant to Chapter 32 of the Code


A discussion ensued.

Chairperson Jepsen opened the meeting up to a public hearing.

Mr. Jeff Cutler, representing the League to Save Lake Tahoe, stated that Lahontan had submitted very thorough comments and suggestions about the water quality thresholds report and suggested that it was premature to recommend passing it prior to looking at what the comments are. Mr. Cutler stated that Lahontan had some valid concerns related to various areas where we are in non-attainment, and yet we are pushing forward with allocating development and other things which lead us further down the road of non-attainment. He commented that if we are not meeting the interim targets and pushing them further and further back, we should seriously consider whether the allocation system should be reevaluated as well. He suggested that the APC look at Lahontan's comments to see whether they agree or whether they are invalid.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

A discussion ensued on fisheries, streams and vegetation management.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Jamie Ziegler, consulting civil engineer involved with the Forest Health Consensus Group, expressed his support for the Old Growth Threshold and the adoption of it. He stated that the decision the APC makes today will affect us well into the future because if you look around, one can see a lot of second growth forest, and the older forests take hundreds to thousands of years to recreate.

Ms. Linda Blume, representing the League to Save Lake Tahoe in the Forest Health Consensus Group, stated that she supported the adoption of the Old Growth Threshold concept.
Ms. Pam Raip, an active member of the Forest Health Consensus Group and an employee of the U.S. Fish and Wildlife Service, stated that she supported the adoption of the Old Growth Threshold concept.

Mr. John Cobourn, a water resource specialist for the University of Nevada Cooperative Extension and a member of the Forest Health Consensus Group, invited the Forest Health Consensus group members attending the meeting to stand so they may be recognized. He strongly supported the adoption of the Old Growth Threshold concept.

Ms. Theresa Talber, representing the State of California, Tahoe Conservancy, urged the APC to support the Old Growth Threshold. She stated that there is nothing currently on record with TRPA to protect the old growth.

Mr. Rex Harold, a Forester with the Nevada Division of State Lands, supports the adoption of the Old Growth Threshold and invited the Washoe Indian Tribes to consider some of the public lands that have been bought under the Tahoe Bond Act as introducing some of the plants Washoe Indian Tribes feel would like to see their population increase. He stated that he would be happy to get together with Ms. Baldrica to discuss this issue at a later date.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

A discussion ensued on the noise threshold.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Cutler stated that the League to Save Lake Tahoe did not endorse the proposed amendment with the wildlife noise CNEL levels being raised from 25dBA to 45dBA. He stated that this was a poor response to a virtually non-existing problem. He commented that rather than raising the CNEL level, the League suggested reevaluating the CNEL system and to not adjust it and background and natural noise levels be elevated just as they happen to occur at night. In addition, another thing that should be looked at is better control of offroad vehicles that operate in or near wildlife areas, which is the real thing that drives the average noise level up.

Mr. Cutler stated that if the CNEL is raised, we run the risk of allowing noise levels much higher than 45 to occur because they would be averaged down. He commented that snowmobiles and offroad vehicles were noisy, and we want to keep them as far away from critical wildlife protection as possible. If we raise the average allowable limit, we are not going to be able to do this. We should see this as a tool that can be used for maintaining the value of those areas. If we raise the average level, we allow individual events to be acceptable because they would be averaged down by the quieter times.

Mr. Ziegler stated that he had concerns about raising the CNEL levels as well. He commented that snowmaking is a major source of noise. Mr. Ziegler stated that before changing the noise threshold with respect to wildlife, it would be prudent to review the literature available on the affects of human
made noise on the displacement of wildlife and their habitat.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

A discussion ensued on the noise and SEZ restoration thresholds.

(Break taken at 10:45 a.m.)

(Reconvened at 10:55 a.m.)

A discussion ensued on the SEZ restoration threshold.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

A discussion ensued on the wildlife and the fisheries thresholds.

A discussion ensued on the recreational thresholds.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

A discussion ensued on the shorezone and Design Review Guidelines.

Chairperson Jepsen opened the meeting up for a public hearing.

Ms. Jan Brisco, representing the Tahoe Lakefront Owner’s Association, stated that it was difficult to separate the shoreline structure of the pier from the upland. She stated that we have tried to look at the big picture instead of just what happens along the shoreline. Ms. Brisco stated that lakefront projects were being discriminated against. She believed it was not fair to single out lakefront properties. In addition, she was of the opinion that it would be more advantageous to develop mitigate measures then to single out lakefront properties as presented in the proposed amendment.

Associate Planner Bridget Cornell presented the environmental threshold compliance forms for air quality.

A discussion ensued on the air quality environmental threshold compliance forms.

(Break taken for lunch at 12:15.)

(Messrs. Joiner and Rust left at 12:15.)

(Reconvened at 1:35 p.m.)

MOTION by Mr. Doughty, with a second by Mr. Morgan, to recommend to the Governing Board approval of the environmental threshold compliance forms for air quality, including the A, B and C items. The motion carried unanimously.
Mr. Popoff commented that he believed that the APC’s comments should be forwarded to the Governing Board. There should be a caution to the Governing Board that the atmospheric deposition threshold is an illusion and should be looked at a little bit harder. He could not endorse the air quality threshold exactly the way it was written.

Mr. Jepsen questioned if Mr. Popoff would accept the motion with the discussion comments included. Mr. Popoff stated that he would accept the motion with the discussion comments.

Mr. McDowell questioned whether staff had a clear understanding of what those comments are that Mr. Popoff was referring to. Mr. Barrett replied that they were dust control and attainment of the atmospheric deposition threshold.

A discussion ensued on the water quality/soil conservation environmental threshold compliance forms and Appendix A, B & C.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION by Mr. Thompson, with a second by Mr. Popoff, to recommend approval to the Governing Board adoption of the water quality/soil conservation environmental threshold compliance forms and the A, B, & C lists, with modifications to change the wording on page 51 of the staff summary regarding acquisition, and to move #2 to the "B" list. The motion carried unanimously.**

A discussion ensued on the vegetation protection environmental threshold compliance form.

**MOTION by Mr. McDowell, with a second by Mr. Dodds, to recommend approval to the Governing Board adoption of the environmental threshold compliance form and the A, B & C items for vegetation protection. The motion carried unanimously.**

A discussion ensued on the fisheries environmental threshold compliance forms.

Chairperson Jepsen opened the meeting up for a public comment. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION by Mr. McDowell, with a second by Mr. Dodds, to recommend approval to the Governing Board adoption of the environmental threshold compliance form for fisheries protection and the A, B & C items, with the amendment to change the wording on page 171, H, of the staff summary to read "the transfer to Lake Tahoe of water intakes". The motion carried unanimously.**

A discussion ensued on the wildlife environmental threshold compliance forms.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION by Mr. McDowell, with a second by Mr. Thompson, to recommend approval to the Governing Board to adopt the wildlife environmental threshold compliance forms.**
compliance forms and the A, B & C items, and change the wording on page 171, item 3, from "jet personal watercraft" to "motorized watercraft", and add to the "B" list to conduct the snowmaking noise study at Heavenly to evaluate the affects of snowmaking on Pine Martin populations. The motion carried with Ms. Kvas opposing because of the implementation of the beaver management program.

A discussion ensued on the scenic resources environmental threshold compliance forms.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Jeff Cutler, with the League to Save Lake Tahoe, stated that all scenic guidelines should apply to structures all over the Basin; not just on the shorezone. He believed that guidelines should be established.

Ms. Jan Brisco, with the Tahoe Lakefront Owners' Association, suggested that Item No. 3 be pulled for additional work and coordination with staff in trying to come up with something that would be palatable to all of the parties concerned. Ms. Brisco further stated that it should be reworded so that it is not too offensive.

A discussion ensued.

**MOTION** by Mr. Doughty, with a second by Mr. Combs, to recommend approval to the Governing Board of the scenic recommendations on pages 66, 67 and 68, with the revision to Item #3 with regards to eliminating the idea of just a setback and looking at other alternatives and looking at land other than just the shoreline of Lake Tahoe; not just those with a viewshed of the Lake. The motion carried unanimously.

A discussion ensued on the scenic resource threshold compliance form and the ABC list.

Chairperson Jepsen opened the meeting up for a public hearing.

Ms. Brisco commented that on page 165, D.2.(c), regarding setback provisions for structures adjacent to travel routes including Lake Tahoe, given the last motion, this sentence should be reviewed.

Ms. Kvas requested the word "revise" be changed to "review or reconsider". Mr. Wells agreed.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION** by Mr. Thompson, with a second by Mr. Dodds, to recommend approval to the Governing Board to adopt the compliance forms and the A, B, and C items as revised. The motion carried unanimously.

A discussion ensued on the noise threshold compliance forms and B & C list.

Mr. Doughty suggested changing the word "personal watercraft" to "motorized
Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION** by Mr. Doughty, with a second by Ms. Jamin, to recommend approval to the Governing Board to approve the noise standard, including the revision of the CNL range and the other revision to change the word "personal watercraft" to "motorized watercraft". The motion carried unanimously.

Mr. Combs commented that the report to the Governing Board stresses the point that based on the best scientific data, it is our determination that naturally occurring ambient noise levels are better reflected with the 45 CNL level. He requested that this be included in Mr. Doughty's motion. It was unanimously agreed upon.

A discussion ensued on the recreation environmental threshold compliance forms and A, B, and C list.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION** by Ms. Kvas, with a second by Mr. Morgan, to recommend approval to the Governing Board to adopt the recreation threshold with the note that we are discussing the issue that utility service providers provide assistance in assuring sufficient water rights for those projects within the BIP, and that they adopt list "B" with the addition of Item #3 which will establish the capacity determination for all the BIP recreation projects within each utility service district, and the elimination of the word "more" on page 166, R.1. The motion carried unanimously.

Mr. Combs suggested an easier way be revised to review the above items before being presented to the Governing Board. He believed it was very awkward jumping back and forth between items.

D. Proposed Environmental Threshold Amendments Resulting from the 1996 Threshold Evaluation

1. Amendment of Resolution 82-11 to Amend the Noise Threshold as Follows:

i. Amendment of Community Noise Equivalent Level (CNEL) (N-3) to Change Wilderness and Roadless Areas and Critical Wildlife Habitat to 45 CNEL

ii. Amendment of the Tourist CNEL Category from 55 to 60 CNEL

iii. Amendment of the Commercial CNEL Category from 65 to 60

iv. Amendment to Add an Industrial Area CNEL of 65
v. Amendment of Community Noise Equivalent Level (CNEL) to Delete the Use of Existing Noise Levels as a CNEL standard.

2. Amendment of Resolution 82-11 and Related Goals and Policies Plan and Code to Amend the Fishery Threshold as Follows:
   i. Amendment of Instream Fish Habitat Ratings and Map to Update for Rerating Amendment
   ii. Amendment of Chapter 12 Maps, Prime Fish Habitat Overlay, to Amend In-Lake Fish Habitat Map to Reflect New Mapping and Restoration
   iii. Amendment of Chapter 12 Maps, Stream Habitat Quality Overlay, to Reflect Rerating

3. Amendment of Resolution 82-11 to Adopt a Late Successional Old Growth (LSOG) Threshold

Principal Planner Gordon Barrett presented the staff summary amending Resolution 82-11 and the Goals and Policies Plan to amend the Noise, Fisheries, and Vegetation Threshold and proposed Code of Ordinances and Goals and Policies plan amendments recommended by the 1996 Evaluation Report.

A discussion ensued on the proposed amendments.

Chairperson Jepsen opened the meeting up for a public hearing.

Ms. Brisco stated that with regards to adoption of the inlake habitat maps, there are some significant changes and some areas that have applied for new piers have opened up and other areas that are currently open for new pier construction have been closed down and there hasn’t been enough time to realize the affects of that and to notify other pier owners as to what those changes would be. She stated that most people are under the assumption that no changes would be made until the shorezone amendments come forward next year, and to do this now might send the wrong message to some people who would otherwise be allowed to apply for a new pier in these areas.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION** by Mr. Doughty, with a second by Mr. McDowell, to recommend approval to the Governing Board to adopt Items V.D.1 (i) through (v), V.D.2 (i) through (iii) and V.D.3. The motion carried unanimously.

E. Proposed Code of Ordinances and Goals and Policies Amendments Resulting From the 1996 Threshold Evaluation

2. Amendment of Chapter 74 (Remedial Vegetation Management);
   Amendment of Chapter 55 (Development Standards in the
Backshore); Amendment of Chapter 20 (Land Coverage Standards) to Include Standards for Management of Stream Environment Zone and Backshore Vegetation to Achieve and Maintain Thresholds for Vegetation, Wildlife, and Fisheries; Amendment of Chapter 4 (Project Review and Exempt Activities); Amendment of Chapter 2 (Definitions); Amendment of Chapter 77 (Revegetation)

Senior Planner Carl Hasty presented the staff summary amending Chapter 74.

A discussion ensued.

(Mr. Biaggi left at 3:00 p.m.)

Chairperson Jepsen opened the meeting up for a public comment.

Ms. Brisco thanked Mr. Hasty for meeting with her and stated that on page 63, paragraph 3, she had concerns about additional land coverage for recreation projects that if we are going to apply the standard, then it should be applied across the board. Mr. McDowell stated that the Code was very specific on what the exceptions are for recreation.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Thompson, with a second by Ms. Kvas, to recommend approval to the Governing Board to adopt Chapter 74, with the exception to remand back to staff to look at the two items regarding the availability of alternative vegetation other than the naturally occurring native species appropriate for the backshore type definition in 55.6, and the wording in 74.2.A(2) regarding fertilizer for further clarification. The motion carried unanimously.

4. Amendments for Future Residential, Tourist, Recreation, and Commercial Development

(i) Amendment of Chapters II and VII of the Goals and Policies and Chapter 33 (Allocation of Development) to Adopt a Five-Year System of Allocations of Additional Residential Development and a Ten-Year System of Allocations of Additional Commercial and Tourist Development

Principal Planner Gordon Barrett presented the staff summary amending Chapters II and VI of the Goals and Policies and Chapter 33 (Allocation of Development)

A discussion ensued.

Chairperson Jepsen opened the meeting up to a public hearing.

Mr. Dave McClure, a property owner on National Avenue, stated that the benefits of this amendment were not that great and immediate. He stated that he has been waiting 12 years to receive an allocation to build a self-storage building. Mr. McClure stated that the change of making a 2-to-1 ratio in
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Industrial areas enables him to build a very small storage facility; 15,000 square feet; about one third the size of the average storage facility that is built anywhere in the country. But at least it is something and for that he is in favor of the amendment. Mr. McClure stated that it is very important that this amendment is adopted so he would be able to build this year.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

A discussion ensued regarding the allocations

(Ms. Baldrica left the meeting at 4:36 p.m.)

MOTION by Mr. Combs, with a second by Ms. Jamin, to recommend approval to the Governing Board to adopt amendment of Chapters II and VII of the Goals and Policies and Chapter 33 (Allocation of Development) to Adopt a Five-Year System of Allocations of Additional Residential Development and a Ten-Year System of Allocations of Additional Commercial and Tourist Development. The motion carried with Messrs. Dodds and McDowell abstaining.

Mr. Dodds stated that he is not convinced that just getting on the RIP and with what he sees as being very minor incentives of 10% hold back on allocations that there is any likelihood of anything getting done.

Deputy Director Jerry Wells stated that the meeting would be continued until Wednesday, May 21, 1997, at 9:00 a.m., at the TRPA offices.

VII. ADJOURNMENT - Meeting adjourned at 4:45 p.m. This meeting was continued until May 21, 1997, at 9:00 a.m. at the TRPA offices, 308 Dorla Court, Elks Point, Nevada.

WEDNESDAY, MAY 21, 1997, 9:32 a.m.
CONTINUATION OF APC MEETING
TRPA OFFICES

Co-chairperson Bob Dodds called the continuation of the May 14, 1997, meeting of the Advisory Planning Commission (APC) to order at 9:32 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Hust, Mr. Doughty, Ms. Baldrica, Mr. Barham (arrived at 9:36 a.m.), Mr. McDowell, Mr. Dodds, Mr. Biaggi, Mr. Lawrence, Mr. Morgan, Mr. Haen, Ms. Kvas, Mr. Combs (arrived at 10:17 a.m.), Ms. Jamin

Members Absent: Mr. Thompson, Mr. Hansen, Mr. Poppoff, Mr. Joiner, Mr. Jepsen
II. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD (Continued)

E. Proposed Code of Ordinances and Goals and Policies Amendments Resulting From the 1996 Threshold Evaluation

2. Amendment of Chapter 74 (Remedial Vegetation Management); Amendment of Chapter 55 (Development Standards in the Backshore); Amendment of Chapter 20 (Land Coverage Standards) to Include Standards for Management of Stream Environment Zone and Backshore Vegetation to Achieve and Maintain Thresholds for Vegetation, Wildlife, and Fisheries; Amendment of Chapter 4 (Project Review and Exempt Activities); Amendment of Chapter 2 (Definitions); Amendment of Chapter 77 (Revegetation)

Senior Planner Carl Hasty presented the staff summary amending Chapter 74, Chapter 55, Chapter 20, Chapter 4, Chapter 2, and Chapter 77.

Senior Planner Carl Hasty presented the staff summary.

A discussion ensued.

Co-chairperson Dodds opened up the meeting for a public hearing. Since no one wished to comment, Co-chairperson Dodds closed the public hearing.

MOTION by Mr. Doughty, with a second by Mr. Morgan, to recommend approval to the Governing Board to revise the language in E.2., Attachment A, to read "existing landscaping created prior to formation of TRPA created pursuant to TRPA permit or under exemption prior to July 28, 1997, provided fertilizer use is restricted in accordance with the BMP Handbook", and the alternative is through the remedial action plan, and this becomes 3 and 3 becomes 4 as an alternative. The motion carried unanimously.

5. Amendments to Adopt the Environmental Improvement Program

i. Adoption of Chapter 31 (Environmental Improvement Program), Including Linked Project Concept

Senior Planner Carl Hasty presented the staff summary adopting Chapter 31 (Environmental Improvement Program), including Linked Project Concept.

A discussion ensued.

Co-chairperson Dodds opened up the meeting for a public hearing. Since no one wished to comment, Co-chairperson Dodds closed the public hearing.

MOTION by Mr. Doughty, with a second by Ms. Jamin, to recommend approval to the Governing Board of Chapter 31.5.A EIP with revisions to the criteria section under 31.5.A(1) to include "ands" rather than "ors" and identify all those found to be within, and clarification be put on 31.5.B regarding whether it is a mandatory or voluntary action, and that revision be given to the use of the word "substantial", high level issues and those issues regarding findings under 31.5.C. In addition, these findings be clarified that all
those have to be made for any project status. In 31.5.E, those projects, studies, and programs listed in the EIP regarding water quality and air quality shall be considered as part of the technical improvement programs for the 208 Water Quality Plan and the Regional Transportation Air Quality Plan. In 31.4, clarification is needed as to the issue of whether mitigation cited in 31.4 is a doubling of each one of those in 31.5(a). The motion carried unanimously.

4. Amendments for Future Residential, Tourist, Recreation, and Commercial Development

i. Amendment of Chapters II and VII of the Goals and Policies and Chapter 33 (Allocation of Development) to Adopt a Five-Year System of Allocations of Additional Residential Development and a Ten-Year System of Allocations of Additional Commercial and Tourist Development


A discussion ensued.

Co-chairperson Dodds opened the meeting up for a public hearing.

Mr. Dave McClure, a commercial developer, questioned if there was a legal requirement for having a public hearing process that could go for two or three years if staff gets tied up with other issues with regards to industrial storage provisions requiring half of the allocations, and then the local governments would consider the designation of industrial incentive areas.

Mr. Barrett stated that a public notice is a legal requirement, and we would have to notify affected property owners. The earliest it would be heard was the Fall of this year.

Special Projects Attorney Susan Scholley stated that the allocation distribution areas had not yet been identified.

A discussion ensued.

Mr. Combs questioned if a motion could be made requesting that the staff put this item on the agenda for July and notify the local property owners. Mr. Wells stated that there was still the issue of BMPs.

**MOTION** by Mr. Combs, with a second by Mr. Morgan, requesting TRPA staff to include on the July APC agenda the proposal to have special industrial designated areas with the Code languages proposed by staff that the National Avenue portion of Tahoe Vista be included on the agenda, and limit it to the National Avenue portion of Tahoe Vista, and other industrial zones would be dealt with in the future. The motion carried unanimously.
Mr. Baetge questioned whether the County’s could perform the function and notify local property owners in areas that we need to have it expedited and holding the public hearing if that were written in the Code. Mr. Barrett stated no.

**MOTION** by Mr. Doughty, with a second by Ms. Kvas, to recommend adoption to the Governing Board of Attachment C, including revisions which would include the APC as the review authority and recommend authority to the Governing Board for special projects, commercial floor allocations, and also included within that concept is that the Performance Review Committee would work with the TRPA to develop the criteria and as part of that, the Performance Review Committee may wish to consider their role in at least evaluating their local jurisdiction’s performance in terms of CIP, BMP and those other elements to that. Also, including all the recommendations on the staff’s handout regarding text amendments. The motion carried unanimously.

Co-chairperson Dodds opened the meeting up for a public hearing. Since no one wished to comment, Co-chairperson Dodds closed the public hearing.

6. Amendment of Chapter 25 (Best Management Practice Requirements) Related to Extending Program to Accomplish Retrofit of Best Management Practices

Associate Planner Kevin Hill presented the staff summary amending Chapter 25 (Best Management Practice Requirements) related to extending program to accomplish retrofit of Best Management Practices.

A discussion ensued.

Co-Chairperson Dodds opened the meeting up for a public hearing.

Mr. Jeff Cutler, from the League to Save Lake Tahoe, stated that there was a concern that the performance was tied to the allocations, and if we are not getting the benefits, then we should reevaluate whether we should continue to allocate. He stated that the feeling now is that there is a willingness to move forward with the new plan and proposal and keeping a close eye to see how it is working.

**MOTION** by Ms. Baldrica, with a second by Ms. Jamin, recommending approval to the Governing Board of the BMP retrofit program the amendments to the dates, in addition to Attachment B. The motion carried unanimously.

8. Amendment of Chapter 82 (Water Quality Mitigation) to Make Adjustments to the Water Quality Mitigation Fees

Associate Planner Kevin Hill presented the staff summary amending Chapter 82 (Water Quality Mitigation) to make adjustments to the water quality mitigation fees.

A discussion ensued.
MOTION by Ms. Kvas, with a second by Ms. Baldrica, to recommend approval to the Governing Board amending Chapter 82 (Water Quality Mitigation) to make adjustments to the water quality mitigation fee, Attachment G. The motion carried unanimously.

7. Amendment of Chapter 26 (Sign Standards) to Require Conformance With Certain Permit Actions to Adjust the Amortization Schedule and to Limit Exemption Policies.

Senior Planner Andrew Strain presented the staff summary amending Chapter 26 (Sign Standards) to require conformance with certain permit actions to adjust the amortization schedule and to limit exemption policies.

A discussion ensued.

MOTION by Mr. Doughty, with a second by Mr. Combs, to recommend approval to the Governing Board amending Chapter 26 (Sign Standards) to require conformance with certain permit actions to adjust the amortization schedule and to limit exemption policies, Attachment E. The motion carried unanimously.

E. Proposed Code of Ordinances and Goals and Policies Amendments Resulting From the 1996 Threshold Evaluation

3. Amendment of Chapter 6 (Findings Required) to Ensure Additional Resource Capabilities Remain Available to Meet the Recreation Goals and Policies of the Regional Plan When Approving Significant Non-Recreation Projects.

Senior Planner Andrew Strain presented the staff summary amending Chapter 6 (Findings Required) to ensure additional resource capabilities remain available to meet the recreation goals and policies of the Regional Plan when approving significant non-recreation projects.

A discussion ensued.

Co-chairperson Dodds opened the meeting up for a public hearing. Since no one wished to comment, Co-chairperson Dodds closed the public hearing.

MOTION by Mr. Haen, with a second by Mr. McDowell, to recommend approval to the Governing Board amending Chapter 6 (Findings Required) to ensure additional resource capabilities remain available to meet the recreation goals and policies of the Regional Plan when approving significant non-recreation projects, Attachment I, in addition to adding the wording "resources and/or system capacity". The motion carried unanimously.

1. Amendment of Chapter 93 (Traffic and Air Quality Mitigation Program) to Make Adjustments to the Air Quality and Transportation Mitigation Requirements

Associate Planner Bridget Cornell presented the staff summary amending Chapter 93 (Traffic and Air Quality Mitigation Program) to make adjustments to the air...
quality and transportation mitigation requirements.

A discussion ensued.

Co-chairperson Dodds opened the meeting up to a public hearing. Since no one wished to comment, Co-chairperson Dodds closed the public hearing.

MOTION by Mr. Doughty, with a second by Ms. Baldrica, to recommend approval to the Governing Board amending Chapter 93 (Traffic and Air Quality Mitigation Program) to make adjustments to the air quality and transportation mitigation requirements, Attachment I. The motion carried with Mr. Haen voting no.

Mr. Haen stated his reason for voting no on Chapter 93 was because he objected to the mitigation fee increase.

Principal Planner Gordon presented the Environmental Assessment.

A discussion ensued.

III. REPORTS

A. Executive Director

Deputy Director Jerry Wells stated that TRPA has been very busy with the upcoming Presidential visit in July.

B. Legal Counsel

Special Projects Attorney Susan Scholley stated that Cook v. TRPA case was dismissed by the Court after R. J. Nicolle filed a Motion to Dismiss. Ms. Scholley stated as of today’s date, there has been no decision made in the Sultum v. TRPA case. She believed that it would be handed down in the next couple of weeks. She was of the opinion that TRPA would lose the case on the ripeness issue, which is a rather narrow, procedural issue, which would mean that TRPA would have to go back to Federal District Court, and the case would be tried based on expert witness testimony. In the TSFC v. TRPA case, we are in the discovery process, which ends June 2nd, and the Judge has set a July 31st date for pretrial motions to be filed, and only after those pretrial motions are disposed of, will he set the case for trial. Trial would probably be held in early 1998.

C. APC Members

Mr. McDowell stated that the Forest Service was busy with the Presidential summit. He hears that the Administration says there is no more money so don’t think that this is going to be an outcome, and then on the other hand, a lot of the players in the Basin have strong expectations that there will be some money. Mr. McDowell stated that the Forest Service took on a savage logging project in the North Shore and the first sale was advertised and there were no bidders. They are going to reevaluate the package and offered to make some changes.
Mr. Wells introduced Allan Biaggi to the APC members who is taking Wendell McCurry's place while is on leave.

Mr. Dodds stated that Lahontan staff had an excellent presentation by TRPA on shorezone erosion issues and dealing with the types of projects that are either working or not working in terms of stopping the erosion of the Tahoe land into the Lake. He encouraged the TRPA staff to talk to the engineering community and take a look at these issues.

Mr. Wells stated that the Governing Board Shorezone Policy Committee would be meeting on May 29th following the TRPA Governing Board meeting, along with a presentation.

IV. ADJOURNMENT - Meeting adjourned at 11:59 a.m.

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Elks Point, Nevada.
TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  

North Tahoe Conference Center  
8318 North Lake Boulevard  
Kings Beach, California  

June 11, 1997  

REGULAR MEETING MINUTES  

Chairperson Bob Jepsen called the regular June 11, 1997, meeting of  
the Advisory Planning Commission (APC) to order at 9:35 a.m. and asked for a  
roll call.  

I. CALL TO ORDER AND DETERMINATION OF QUORUM  

Members Present: Mr. Hust, Mr. Doughty, Mr. Barham, Mr. Dodds (arrived  
at 9:54 a.m.), Mr. Biaggi, Mr. Poppoff, Mr. Lawrence,  
Mr. Morgan, Mr. Haen, Ms. Kvas (arrived at 1:00 p.m.),  
Ms. Jamin, Mr. Jepsen  
Members Absent: Mr. Thompson, Mr. Hansen, Ms. Baldrica, Mr. McDowell,  
Mr. Joiner, Mr. Combs  

II. APPROVAL OF AGENDA  

MOTION by Ms. Jamin, with a second by Mr. Hust, to approve the agenda as  
presented. The motion carried unanimously.  

III. PUBLIC INTEREST COMMENTS - There were none.  

IV. DISPOSITION OF MINUTES  

There were no minutes presented at the meeting.  

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD  

A. Amendment of Plan Area Statement Boundary Between PAS 110,  
South Y (Commercial/Public Service), and PAS 114, Bonanza  
(Residential), to Relocate El Dorado County APN 32-115-01  
from PAS 114 to PAS 110  

Associate Planner John Hitchcock presented the staff summary amending Plan  
Area Statement boundary between PAS 110, South Y (Commercial/Public Service),  
and PAS 114, Bonanza (Residential), to relocate El Dorado County APN 32-115-01  
from PAS 114 to PAS 110.  

A discussion ensued.  
Chairperson Jepsen opened the meeting up for a public hearing.  

Mr. Dale Sare, representing the property owner, requested that the APC follow  
the staff recommendation. He believed that the property should have been  
included originally when the property was walked. Mr. Sare stated that  
obviously an error had been made at the time the properties were walked.
Rather than fight that battle, the applicant has agreed to accept the fact that they will be included and changed from PAS 114 to PAS 110. Furthermore, when the process for a community plan starts, the applicant plans to petition to be included in that area also.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Ms. Jamin, with a second by Mr. Doughty, to recommend approval to the Governing Board to amend Plan Area Boundary between PAS 110, South Y (Commercial/Public Service), and PAS 114, Bonanza (Residential), to relocate El Dorado County APN 32-115-01 from PAS 114 to PAS 110. The motion carried unanimously.

B. Amendment of Plan Area 041, Incline Village #3 (Residential) to Reduce the Minimum Residential Density Requirement in Special Area #1

Senior Planner Andrew Strain presented the staff summary amending Plan Area 041, Incline Village #3 (Residential) to reduce the minimum residential Density requirement in Special Area #1.

A discussion ensued.

(Mr. Dodds arrived at 9:54 a.m.)

Chairperson Dodds opened the meeting up for a public hearing.

Mr. Jim Borelli, with Borelli Smith Architects and Lake Country Development representing the applicant, explained in detail the project proposal.

Mr. Byrne Falke, a concerned neighbor, stated that he is opposed to construction of a 15-unit attached condominium building at the corner of Village Boulevard and Peep Sight Court. He supports the plan area amendment which has been proposed to the TRPA to remove the 8-unit per acre minimum density requirement. He is opposed to the construction of 2 duplexes.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

A discussion ensued.

Mr. Borelli believed that the 2 duplexes was a compromise solution. He believed that was a good compromise between the developer, TRPA and the neighbors.

MOTION by Mr. Haen, with a second by Mr. Doughty, to recommend to the Governing Board denial of the amendment of plan area statement boundary between PAS 110, South Y (Commercial/Public Service), and PAS 114, Bonanza (Residential), to relocate El Dorado County APN 32-115-01 from PAS 114 to PAS 110. The motion carried unanimously.
APC REGULAR MEETING MINUTES JUNE 11, 1997

Mr. Doughty stated the reason he denied the project was because he could not make justification for the TOD findings and didn't believe that the project was a transit-oriented development, and he believes that the design of the project could be such to mitigate the issues of the neighbors in terms of density, and this has been a design which encourages the incompatibility issue and focus from those neighbors.

Mr. Doughty further commented that he was frustrated because he saw the project at the Horizon as a project review and there was no noticing of that, so the APC passed it along thinking that this was the project, and the APC did not have the opportunity to hear the neighbor's concerns and issues that were raised at the Governing Board meeting. The noticing issue needs to be addressed.

Mr. Haen stated that he doesn't have a problem with the development. He made the motion based on the philosophical argument that this is not a gimmick that we should support. In reference to the applicant, the first time the APC recommended approval, the Governing Board recommended denial; if we recommend denial, it is probably going to go the other way.

Mr. Borelli stated that at this point he is at a loss as to what the APC would like.

Ms. Jamin believed that the Governing Board tried to please the neighbors and the neighbors are still not pleased.

Mr. Falke, a residence of the area, stated that he never received a notice from TRPA that he didn't request. He didn't receive a notice of today's meeting.

C. Amendments to Chapters 81 and 54 to Regulate Motorized Watercraft in Regards to Discharge from Carburetted Two-Stroke Engines, Establishment of a No-Wake Zone for All Watercraft, and Prohibition of Operation of Motorized Watercraft on Tributaries

Principal Planner Gordon Barrett presented the staff summary amending Chapters 81 and 54 to regulate motorized watercraft in regards to discharge from carburetted two-stroke engines, establishment of a no-wake zone for all watercraft, and prohibition of operation of motorized watercraft on tributaries.

(Break taken at 10:25 a.m.)

(Reconvened at 10:30 a.m.)

Mr. Barrett reviewed the following outline of today's presentation.

I. Introduction
   - Governing Board Direction
   - Alternatives
   - Projections of Watercraft Use

II. Environmental Assessment Issue Overview - Optional
AFC REGULAR MEETING MINUTES JUNE 11, 1997

- Water Quality
- Air Quality
- Noise, Recreation, Fisheries & Wildlife
- Safety
- Economics

III. Proposed Amendments
- Carburetted 2-stroke phase out
- No-wake zone for lakes
- Watercraft ban on tributaries

IV. Public Hearing

V. APC Action

A discussion ensued.

Associate Planner Kevin Hill presented the environmental assessment on water quality issues.

A discussion ensued.

Associate Planner Bridget Cornell presented the environmental assessment on impacts to air quality from the increase in watercraft as part of the shorezone documentation.

A discussion ensued.

Associate Planner Coleen Shade presented the environmental assessment on noise, recreation, fisheries and wildlife.

A discussion ensued.

Associate Environmental Specialist Jon Paul Kiel presented the environmental assessment on safety issues.

A discussion ensued.

Mr. Barrett addressed the economic impacts associated with motorized and personal watercraft on Lake Tahoe.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Larry Tribbet, owner of North Tahoe Motor Sports in Incline Village, stated that motorized watercraft is a major part of his business which the economic impact was already hitting his business; business is off at least 50% if not 75% from the summers in the past. He encouraged the APC to look at this issue from a point of view of water quality. Pollutants were undetected in the lake. If TRPA agrees to exempt two-stroke engines, then it would be clear that this effort is targeting personal watercraft and it is not really an environmental issue. Mr. Tribbet suggested that two-stroke engines be
exempt from the proposed ban. He questioned why four-stroke engines were exempt from the proposed ban.

Mr. Dodds disagreed with Mr. Tribbet that there was not a water quality issue and the impacts are noticeable in the area of noise and safety.

Dr. Tom Passionale, owner and operator of the resort Echo Chalet at Echo Lake, stated that he had a problem with the no-wake zone ban. If the 600-foot, 5-mile an hour no-wake zone is passed, recreation and boating at Echo Lake would be totally eliminated, which there has been no problem since the 1930’s. He stated that noise pollution has not been a problem. We can’t get 600 feet from the shore. In addition, there is no comment from the analysts on noise versus time on the lake. If there is 5-mile an hour speed limit on Echo Lake, that quadruples the transit time on the lake and boats would be on the lake essentially all the time. There are safety issues on Echo Lake. This is one of the major problems he has with the environmental document. He believed that things that apply to Lake Tahoe don’t necessarily apply to Echo Lake. Dr. Passionale stated that he would be writing a letter to TRPA with his concerns. In addition, Echo Lake has very few personal watercraft; mostly fishing boats. There are no roads around Echo Lake so if they have a 5-mile an hour speed limit, they would be on the lake a lot transporting people and he doesn’t have enough boats to do this.

Ms. Jane Mitchell, on the CSD Board at Fallen Leaf Lake and Mr. Dave Berrett, Director at Stanford Sierra Camp at Fallen Leaf Lake, both stated that they have problems with the no-wake zone. Ms. Mitchell stated that they have one public launch ramp on the lake and the no-wake zone would destroy it.

Mr. Russell Anders, a citizen who has attended all the meetings of the two-stroke engines, stated that there are discrepancies in the environmental assessment that he explained and reviewed. Mr. Anders urged the APC to look with a jaundice eye on the environmental assessment.

(Ms. Kvas arrived at 1:00 p.m.)

Mr. Bob Haskett, from Action Water Sports and operates Timber Cove Marina, believed that the studies do not show a water quality impact of two-stroke engines. He was of the opinion that there was no basis for the ban because sufficient studies have not been done. Mr. Haskett did not feel that mitigation fees for NOx was justified.

Ms. Jennifer Preskey, representing the National Marina Manufacturers, advocates education on two-stroke engines; a ban is not the way to go. She was of the opinion that a ban in 1999 was feasible. We are basing the ban on what we don’t know; not what we know. She urged the APC not to recommend approval of this item to the Governing Board.

Mr. Roy Clauson, with the Zephyr Cove Marina, stated they operate between 38-45 rental boats. He stated that in a rental fleet, the boats don’t depreciate over the normal private ownership curve. They have to operate their boats five years in order to be economical and TRPA is saying they have two years to phase in a new fleet. Mr. Clauson stated they are dedicated to buying the most emission, efficient engines that we can possibly get. His
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concern is having to replace 20 boats at an average cost of $17,000 next year and the other 20 the following year. They employ 12 people; the alternative is to shut it down. Mr. Clauson suggested that TRPA extend the phase in for four or five years so these 12 jobs could be saved.

Dr. Passionale reiterated the situation of no trade in value on carburetted two-cycle engines if this ban is passed.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Barrett discussed the proposed watercraft ordinance amendments. Mr. Barrett stated that on page 35 in 81.2.D, a period should be after the word "prohibited", and the words "except for" should be deleted, and the word "the" should be capitalised. In addition, the word "which" should removed in the second to the last line of that paragraph.

A discussion ensued on the proposed amendments.

Chairperson Jepsen opened the meeting up for a public hearing.

Ms. Jane Mitchell, of Fallen Leaf Lake, stated that previously, she went on record as being against having Fallen Leaf Lake excluded from what was going on because of the concern that if you ban personal watercraft on Lake Tahoe, it would all come to Fallen Leaf Lake and then they would have a serious noise problem. Ms. Mitchell stated that the 600-foot wake zone would have a dramatically different impact on Fallen Leaf then it would have on Lake Tahoe.

Mr. Russell stated that TRPA was going beyond their charge from EPA for an outstanding natural resource water.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

(Mr. Doughty left the meeting at 1:29 p.m.)

A discussion ensued on carburetted two-stroke engines.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Charles Emmitt, who works for the Air Resource Board, stated that they had done a lot of advance work on small engines and that most of the technology that had been discussed today already exists. He saw a major manufacturer’s watercraft that was fuel, direct injection, full computer control and the estimated cost at retail was $300 - $400 more. Mr. Emmitt commented that the technology is available today.

Mr. Wells questioned if he Mr. Emmitt had looked at any retrofitting of existing equipment or just on new engines, and he replied that it is usually very difficult to retrofit things.

Dr. Passionale, a dealer for Johnson-Evrnruide, stated that there is no new technology for these particular horsepower ranges.

-6-
Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION** by Mr. Poppoff, with a second by Mr. Dodds, to recommend to the Governing Board to enact the no-wake zone in Lake Tahoe only, pending further study of problems at other lakes, to prohibit motorized watercraft on tributaries, and to postpone action on the prohibition of any motorized watercraft until we receive recommendations from the group appointed to give those recommendations.

Mr. Biaggi stated that on page 36, the Governing Board recognized that there are a lot of questions that need to be answered and they stated that the ban can be modified with an ordinance amendment if further scientific data indicates a more or less restrictive measure is appropriate. He suggested modifying the ordinance to reflect the unknowns and to allow those studies to further drive the date as the information becomes available prior to June 1, 1999. He suggested taking the Governing Board language and tack it onto the back of the proposed language in 81.2.D, and supports Mr. Poppoff's idea on 54.16.A. that the wake zone apply only to Lake Tahoe at this time.

Mr. Morgan supports what Mr. Biaggi suggested that stated that you can't wait forever and that we need to go forward and agrees with the no-wake zone in the tributaries. Mr. Morgan believed that we need an amendment that says that we have to go forward with a potential ban and use the time wisely to do the research here at Lake Tahoe and to make sure that the research is properly funded so that we can get to the answers that we need to make a final decision.

Mr. Haen suggested an amendment to the motion to define the boundary between tributaries and Lake Tahoe. He stated that he has waited for two years to vote against PWC's. He is insulted that the Governing Board and the staff put the APC in a position of giving them an EA on Monday and then asking them to make a decision like this. Mr. Haen commented that after reading the EA, he is not convinced that PWC's are any more significant contributors than fertilizers or offroad vehicles or domestic pets. He supports Mr. Poppoff's motion and believes that it is ill conceived to recommend a ban on carburetted two-stroke engines.

Mr. Hust stated that if we are going to go forward on a no-wake zone and not be mindful of what is happening at Fallen Leaf Lake or Echo Lake at the same time, it might be unwise and we need to have some provision for ongoing monitoring of noise at those lakes if we are going to change operational characteristics here; it will be changing operational characteristics there which will affect the noise environmental at Fallen Leaf and Echo. This recommendation that goes forward should include some provision for ongoing monitoring and periodic reporting of what is happening at Echo and Fallen Leaf Lake should a 600-foot, no-wake zone go into place here.

**MOTION** by Mr. Poppoff to postpone any decision on prohibiting motorized watercraft on Lake Tahoe until we get the recommendations of the group that was formed to look at these issues and make their suggestions. He moved that the no-wake zone only be applied to Lake Tahoe and that studies be continued.
on the other lakes to make sure what is going on there and what affect motorized watercraft are having on those lakes. In addition, prohibition of motorized watercraft on the tributaries of the region; we want to define what a tributary is and where it stops and ends. The motion carried with Mr. Biaggi and Ms. Jamin voting no and Ms. Kvas abstaining.

Mr. Biaggi believed that you can never get enough information and the Governing Board was correct in that there isn't enough information, but they left an out for the APC on the ban and that was the language he would have preferred to have seen in the motion.

Ms. Jamin voted no based on the no-wake zone. She believed that further studies needed to be done on the other lakes before we create a possible impact on them from the implementation of this language adopted.

VI. PLANNING MATTERS

A. Draft Environmental Improvement Program for the Lake Tahoe Region (January 15, 1997).

Principal Planner Gordon Barrett presented the draft environmental improvement program for the Lake Tahoe Region (January 15, 1997).

A discussion ensued.

VII. REPORTS

A. Executive Director

Deputy Director Jerry Wells stated that Executive Director Jim Baetge was in Sacramento working on TRPA's budget. The Governing Board adopted the 1996 Threshold Evaluation package last month. Mr. Wells stated that there are three congressional workshops next month; one on water quality that will be held on June 18th at Tallac with limited attendance, and the second will be a transportation workshop encompassing air quality and would be held in Reno on July 2nd, and the third one on forest ecosystem which takes in recreation and wildlife to be held at the Hyatt on June 30. The Clinton-Gore visit will be held on July 26th & 27th.

B. Legal Counsel

Agency Counsel R. J. Nicolle stated that the U.S. Supreme Court issued a ruling in the Suitum v. TRPA case. TRPA declares it a victory because Mrs. Suitum asked the Supreme Court to declare TRPA's stream environment zone regulations and transferable development right regulations unconstitutional and the Supreme Court refused to do so. Mrs. Suitum also asked them to hold that people had a right to develop their land no matter what the environmental consequences were, and the Supreme Court also refused to do that. They issued a narrow ruling which says that we have to go to court sooner with Suitum rather than later. In the Barbieri v. TRPA case, has been held in abeyance waiting to see what would happen in the Suitum case and now this case would go to trial in the next fiscal year. In the Cook v. TRPA case, the court
granted us our motion to dismiss. In the TSPC v. TRPA, discovery has been completed and a dispositive motion is anticipated in July, and thereafter the judge will set the trial on the liability phase.

C. APC Members

Mr. Haen asked Mr. Wells for clarification of how the conflict of interest applies to public agencies and private consultants.

Mr. Biaggi stated that the proper name for DEP is Division of Environmental Protection; not Department. He said the same goes for the Division of Wildlife in Nevada; they are part of the Department of Conservation and Natural Resources.

Mr. Poppoff stated that as a document, the environmental assessment is totally lacking and TRPA is exposing itself to a lot of trouble if they are using it as a backup. He commented that editorially, it needed a lot of work. He commented that rushing too much would get TRPA in trouble.

Mr. Wells stated that staff did not have much of a choice.

Mr. Jepsen stated that he did not believe the Governing Board gave staff a realistic timeframe in terms of the environmental assessment document.

VIII. ADJOURNMENT - Meeting adjourned at 2:17 p.m.

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Elks Point, Nevada.
MEMORANDUM

July 2, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Draft Environmental Improvement Program for the Lake Tahoe Region (January 15, 1997)

A public hearing and formal adoption of the Environmental Improvement Program document are scheduled for the August APC and Board meetings. This agenda item is to discuss any concerns and modifications prior to that action.

If you have any questions on this agenda item, please contact Carl Hasty at (702) 588-4547.

CH:jf
7/2/97

AGENDA ITEM V.A.

Planning for the Protection of our Lake and Land
MEMORANDUM

July 2, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to Chapter 41 to Add Streamlined Subdivision Provisions for Acquisition Agencies

Proposed Action: Adopt amendments to Chapter 41 to add streamlined subdivision procedures for acquisition program conveyances to the U.S. Forest Service, the California Tahoe Conservancy and the Nevada Division of State Lands. This will allow these acquisition agencies to acquire large parcels, piece by piece, using a streamlined subdivision process. The rules of these acquisition programs already ensure that the newly subdivided land will not create "development or development potential," as the Code requires. The streamlined process recognizes that the deed restriction requirement is an unnecessary safeguard for these programs. All other subdivisions for public entities will continue to utilize the Code pre-existing deed restriction procedures, to ensure that the newly subdivided land does not create development or development potential.

Staff Recommendation: Staff recommends approval of the proposed amendments.

Background: The Forest Service and the Trust for Public Lands requested that TRPA prepare amendments to the TRPA Code of Ordinances to streamline the subdivision approval process for acquisition agencies. The current TRPA Code provisions require each subdivided parcel acquired by a public agency to be encumbered with a deed restriction which limits its use to public service and other similar purposes.

These deed restriction requirements cause extreme complications for the land exchange process, since the deed restriction immediately devalues the land. This causes critics of the Forest

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Proposed Code Amendments to Chapter 41
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Service acquisition and the BLM land exchange programs to claim
that the land exchanges are unequal in value. For this reason,
the Forest Service is reluctant to use TRPA's existing
subdivision procedures in TRPA's Code of Ordinances. The
inability to utilize TRPA's subdivision process causes the Forest
Service great difficulty when they are attempting to acquire
large parcels. Such acquisitions are generally done piece by
piece, and this is very difficult to accomplish without a
workable subdivision process.

Dave Marlow, of the Forest Service, informed TRPA staff that
in other areas, the Forest Service routinely uses subdivisions to
acquire large tracts of privately held land, in a piece by piece
fashion. The inability to use TRPA's subdivision ordinances
makes acquisition of large parcels very difficult in the Basin.
Therefore, they have requested a streamlined subdivision process.
This streamlined process recognizes that the deed restriction
required by the current Code, to ensure that the newly subdivided
lot does not create "development or development potential," is
unnecessary in dealing with subdivisions by the acquiring
agencies (who are acquiring lands pursuant to programs
established by statute for the purposes of acquiring lands for
open space water quality or recreational uses. The current Code
requires unnecessary "belt and suspenders" safeguards.

Required Findings: The following findings must be made prior to
adopting the proposed amendments:

A: Chapter 6 Findings for the Approval of Code Amendments.

1. Findings: The project is consistent with, and will not
adversely affect implementation of the
Regional Plan, including all applicable Goals
and Policies, Plan Area Statements and maps,
the Code, and other TRPA plans and programs.

Rationale: The amendment is to establish a streamlined
subdivision process for acquisition agencies
established by statute for the purposes of
acquiring lands for open space, water quality
or recreational uses. The Regional Plan
contains an outdoor recreation Threshold that
will be enhanced by this process. Since the
parameters of the statutory programs prohibit
use of the land that would create additional
development or development potential, the

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AGENDA ITEM V.B
Code's current deed restriction requirements are unnecessary. These requirements frustrate the goal to facilitate outdoor recreation, because they make acquisitions of large parcels extremely difficult. In addition, none of the impacts identified in Section 6.3.B of the TRPA Code are involved.

2. Finding: That the project will not cause the environmental Thresholds to be exceeded.

Rationale: The Regional Plan will be facilitated by a streamlined process that makes acquisitions for open space, water quality or recreational uses less bureaucratic and cumbersome.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever or strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: The proposed amendments will not change federal state and local air and water quality standards, and could help water quality by allowing water quality projects to be built sooner.

Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds:

Rationale: The Code amendments are being adopted to streamline the subdivision process to facilitate Threshold improvements. The Current Code's cumbersome deed restriction requirements are not necessary in the acquisition programs covered by the amendment.
2. The amendments has been shown through experience to be counter-productive of ineffective and the amendment is better designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact:

Rationale: The Code currently requires double safeguards for subdivisions for acquisition purposes, pursuant to established statutory programs. The current statutory safeguards are sufficient. The second safeguard of the deed restriction causes unnecessary roadblocks to acquisitions pursuant to these programs.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE).

Proposed Action: Staff recommends the APC conduct the public hearing as noticed and, based on its outcome recommend adoption of the ordinance attached in Exhibit "A".

If you have any questions concerning this item, please contact Rachelle Nicolle, Agency Counsel at (702) 589-4547.
EXHIBIT "A"

41.3 Limitations on New Subdivisions: New subdivisions shall not create new development in the Region. New subdivisions shall be reviewed in accordance with the applicable provision of this Code. Only the following types of subdivisions may be approved provided TRPA finds they do not increase new development potential:

41.3.A Conveyance to Public Entity: Subdivision of land for the purpose of conveying the newly created parcel to a government agency, or public entity as defined above, provided the subdivision is in compliance with the following standards:

(1) Acquisition Program Conveyances: The standards for conveyances to the United States, the California Tahoe Conservancy or the Nevada Division of State Lands, pursuant to a program established by statute for the purposes of acquiring lands for open space, water quality or recreational uses are:

(a) If the original parcel had an existing residential development right, the conveyance shall specify which parcel is assigned the residential development right. Likewise, the approval shall specify the coverage assigned to all parcels, and shall specify that the maximum coverage on the existing and the newly created parcels shall not exceed the amount which would have been permitted prior to the subdivision.

(b) The TRPA subdivision approval shall only take effect upon the transfer of the subdivided parcel to either the United States or the California Tahoe Conservancy or the Nevada Division of State Lands.

(2) General Conveyances: The standards for other conveyances are:

(a) If the original parcel had an existing residential development right, a deed restriction or other covenant running with the land shall be recorded

RJN/rjn

AGENDA ITEM V.B
establishing which parcel shall be assigned the residential development right.

(b) The parcel conveyed to the government agency or public entity shall be permanently restricted, by deed restriction or other covenant running with the land, to public service, public recreation, public resource management use, or open space.

(c) If the original parcel contains existing land coverage, deed restrictions or other covenants running with the land, a deed restriction or other covenant running with the land, shall be recorded against the original and the newly created parcels ensuring that the allowable and maximum coverage on the parcels shall not exceed the amount which would have been permitted prior to the subdivision. In the case where existing land coverage exceeds the Bailey coefficients, the restriction shall ensure that the future land coverage calculations shall be made as if the parcels had not been subdivided.
MEMORANDUM

July 2, 1997

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: The Gateway Project (Redevelopment Project No. 3), City of South Lake Tahoe

TRPA staff, the Redevelopment Agency, and the project proponent will be making a brief presentation on this item at the July APC meeting. No action is being requested at this time.

If you have any questions on this agenda item, call Rick Angelocci at (702) 588-4547.
MEMORANDUM

July 2, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Discussion on Conflict of Interest Rules

Attached is Article VIII (Conflict of Interest and Disclosure Rules) of the Agency’s Rules of Procedure. Section 8.3 relates specifically to the disclosure requirements for the APC members. Agency counsel will be prepared to discuss this further with the APC and to answer any questions on July 9.
ARTICLE VIII - Conflict of Interest and Disclosure Rules

3.1 Conflict and Disclosure Rules for Governing Board Members: All members of the Governing Body, whether elected public officials or appointed members, shall abide by the conflict of interest and disclosure provisions set forth in Article III(a)(5) of the Compact. The Agency shall provide a form for said disclosure. New Governing Board members shall complete and file an economic disclosure form with the Agency within ten (10) days after taking his or her seat on the Governing Board. Thereafter, each member of the Governing Board shall annually file a new economic disclosure form with the Agency. The economic disclosure forms shall be due on the first business day in January of each year and shall be overdue after the first business day of April of each year. Acquisition of any new economic interest or modification of prior reported interest shall be reported within 30 days after the acquisition or modification of the same.

3.2 Conflict and Disclosure Rules for Designated Employees: All designated employees shall abide by the conflict of interest and disclosure provisions set forth in Article III(a)(5) of the Compact. The Agency shall provide a form for said disclosure. New designated employees shall complete and file an economic disclosure form with the Agency within ten (10) days after being employed by the Agency. Thereafter, each designated employee shall annually file a new economic disclosure form with the Agency. The economic disclosure forms shall be due on the first business day in January of each year and shall be overdue after the first business day of April of each year. Acquisition of any new economic interest or modification of a prior-reported interest shall be reported within 30 days after the acquisition or modification of same.

3.3 Conflict and Disclosure Rules for Advisory Planning Commission Members: Members of the Advisory Planning Commission shall abide by the conflict of interest and disclosure provisions set forth in Article III(a)(5) of the Compact. The Agency shall provide a form for said disclosure. New members of the Advisory Planning Commission shall complete and file an economic disclosure form with the Agency within ten (10) days after taking his or her seat on the Advisory Planning Commission. Thereafter, each member of the Advisory Planning Commission shall annually file a new economic disclosure form with the Agency. The economic disclosure forms shall be due on the first business day in January of each year and shall be overdue after the first business day of April of each year. Acquisition of any new economic interest or modification of a prior-reported interest shall be reported within 30 days after the acquisition or modification of same.

3.4 Employee Conflicts: Employees shall not accept secondary employment, nor accept present compensation or arrange for future compensation for services already performed or to be performed, that give rise to an actual conflict of interest or that create an appearance of a conflict of interest.

3.5 Post-Employment Conflicts: When an employee terminates employment with TAPR and obtains outside employment that will require interaction with
THFA, the employee shall not appear before the Advisory Planning Commission or the Governing Board on any matter relating to his or her new employment for a period of three months from date of termination. This provision does not apply to matters in which the employee is representing himself or herself on a project. An Agency employee shall give neither preference nor favor to a former employee.