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 December 8, 1999, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

November 29, 1999

[Signature]
Jerry Wells
Deputy Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Stateline and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

December 8, 1999
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 (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any 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 HEARINGS

A. Adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements

B. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A, Installation of Water Quality Improvements in Vicinity of Parcels, El Dorado and Placer Counties

VI. PLANNING MATTERS

A. Movement of the Individual Parcel Evaluation System (IPES) Line

B. Finding That the City of South Lake Tahoe, El Dorado County, Placer County, Carson City, Washoe County, and Douglas County Have Demonstrated a Commitment to Assume Their Fair Share Responsibility to Provide Low and Very Low Income Housing

VII. ADMINISTRATIVE MATTERS

A. The Role of the Advisory Planning Commission
B. Election of Chairman and Vice Chairman for 2000 and 2001
C. Report on Process for Selection of New Executive Director
D. Streamlining Update – 11:30 a.m.

VIII. REPORTS
A. Executive Director
B. Legal Counsel
C. APC Members

IX. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau
955 Fairway Boulevard
Incline Village, Nevada

July 14, 1999

REGULAR MEETING MINUTES

Chairperson Bob Jepsen called the regular July 14, 1999, meeting of the Advisory Planning Commission ("APC") to order at 9:40 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Kehne (arrived at 9:44 a.m.), Mr. Lohman, Mr. Doughty (arrived at 9:55 a.m.), Ms. Baldrica, Mr. Westerdahl, Mr. McDowell, Mr. Porta, Mr. Lane, Mr. Poppoff, Mr. Lawrence, Mr. Morgan, Mr. Harper, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Cole, Ms. Kemper, Mr. Joiner, Mr. Haen, Mr. Combs

II. APPROVAL OF THE AGENDA

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

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

MOTION by Mr. Morgan, with a second by Ms. Baldrica, to approve the June 9, 1999, APC minutes as presented. The motion carried with Mr. Harper abstaining.

V. PUBLIC HEARINGS

A. Amendment of Chapter 91, Air Quality Control, by Deleting Subsection 91.8 and Removing the Winter Time Motor Vehicle Fuel Oxygenate Requirement

Associate Planner Jim Allison presented the staff summary amending Chapter 91, Air Quality Control, by deleting Subsection 91.8 and Removing the Winter Time Motor Oxygenated Fuel Requirement.

A discussion ensued.

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. Poppoff, with a second by Ms. Baldrica, to recommend approval to the Governing Board to amend Chapter 91, Air Quality Control, by deleting Subsection 91.8 and
removing the Wintertime Motor Oxygenated Fuel Requirement. The motion carried unanimously.

B. Amendment of Chapter 4, Project Review and Exempt Activities to Amend An MOU between TRPA and the California Tahoe Conservancy

Chief of Project Review Rick Angelocci presented the staff summary amending Chapter 4, Project Review and Exempt Activities to Amend an MOU between TRPA and the California Tahoe Conservancy.

Mr. Morgan voiced his concern that 24 hours was not enough notice for the closing or obliteration and restoration of roads or trails and conversion of roads.

Ms. Baldrica commented that there are some historical roads and trails that she would not want to see obliterated without some sort of provisions to identify and treat them in some fashion. She believed that 24 hours was a short period of time in which to notify TRPA.

Mr. Bruce Eisner, with the California Tahoe Conservancy, stated that the item that has been added to the MOU is an item that the California Tahoe Conservancy has been undertaking for the last dozen years, consistent with an exempt activity. For the most part, what they have been doing is closing a 100 foot section of road through an urban lot that goes to the back of somebody’s backyard to the back of their property. This is typically the kind of thing they are closing. In areas where there are larger ownerships, they have been cooperating with those owners in terms of a road network so any restoration work that they are doing is part of a consultation period. Normally, we will post a sign if it is a public trail that people are using all the time.

Ms. Baldrica questioned how the Conservancy identifies whether or not they are historic trails or parts of historical railroad grades. Mr. Eisner replied that they work with the California Department of Forestry and Fire Protection who are trained in archeological procedures, and we will use them to help evaluate them. We have access to records that might show these sorts of things. When we are dealing with subdivisions that are 30 years old and clearly the use is not going out into the general forest and is not part of some broader network, the Conservancy’s assumption has been that we are dealing with something that is not historical.

Ms. Baldrica stated that Forest Service has undertaken a study of the road system of Lake Tahoe, and she hoped that the Conservancy was looking at that particular work and talking to the Forest Service Archeologist here as well, just to see if there is the potential for the impact of any historical resources.

A discussion ensued.

Mr. Harper stated that he would be more comfortable with adding 24 hours prior notice before closing or obliteration and restoration of roads or trails and conversion of roads to trails, except for weekends or either weekend work is prohibited or there is a 72-hour notification that will occur over a weekend. He understands the trust level, but the problem is that it could vary amongst different types of people. Someone will look at this language and say “you made this decision because of a trust level you have with certain people at a certain time. Don’t I have this trust level with you because I am with such-and-such county or such-and-such city.” He believed that this was a little risky.
Mr. Doughty questioned what constitutes notification, and Deputy Director Jerry Wells replied that something in writing sent to TRPA by fax would constitute notification.

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

MOTION by Mr. Harper, with a second by Mr. Morgan, to recommend approval to the Governing Board with the change to C.2. that includes language requiring a 72-hour notice for any work that is contemplated over the weekend.

Mr. Angelocci questioned Mr. Harper if he agreed with adding in parentheses the words “72 hours for weekend work”, and Mr. Harper agreed.

The motion carried unanimously.

C. Amendment of the Boundary Between the Incline Commercial Community Plan And Plan Area Statement 047, Incline Village Residential, in the Area of Cottonwood Court

Associate Planner John Hitchcock presented the staff summary amending the boundary between the Incline Commercial Community Plan and PAS 045, Incline Village Residential in the area of Cottonwood Court.

Mr. Harper stated that the current boundary would have to be amended at the County level and that requires a Comprehensive Plan Amendment, which is between a three and sixth month process. He commented that whatever action the APC takes would not necessarily drive the position of the County. There is recognition for the need of affordable housing also. The planning action we are contemplating here ought to be based on a good planning principle and a need not based on a property owner’s desire. His understanding of the reason this is being proposed is because the applicant does not want to be in a position of having to provide affordable housing if they decide at some future time to convert.

Mr. Hitchcock stated that he did inform the applicant that he would also have to go through the County for approval.

A discussion ensued.

Mr. Morgan suggested that TRPA and Washoe County have a meeting to resolve these issues.

Mr. Harper stated that decision on this project would not be at staff level. This requires an amendment to their Comprehensive Plan, which defines certain uses within a specific zoning category that the County has. He recommended that the applicant be required to file the appropriate Comprehensive Plan Amendment with Washoe County, direct the County and TRPA to work together to schedule the appropriate hearings so that they fall within the same timeframe, and we come forward with a joint recommendation. He stated that nothing changes; the only thing that occurs that concerns the applicant is the fact that if they want to convert this to a condominium, they would have to indicate that one of them would be at an affordable market rate. He didn’t know if the County would agree that that is the appropriate place or not. They are not prepared to make a decision without doing a more comprehensive evaluation at this point in time.
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Mr. Lane stated that there should be a dialogue between the County and TRPA. He has experienced that sometimes if you go to the County first, their requirements for an application are so cumbersome in terms of what you have to provide, and turns out to be very costly. Then in turn, you still don’t know what TRPA is going to require. He didn’t believe that we should approve something without the two jurisdictions talking to the Agency to see if it can be approved.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Hal Sorenson believed that TRPA should make their decision, subject to approval by the County. His experience has been that you have to go to the TRPA, the Fire Department, the architect; all before you go to the County.

Mr. Harper responded that this is not an application for a project; it is a policy issue to deal with what type of land uses is appropriate on the property. This application would be sufficient as documentation, plus a response to the County’s application, for the Comprehensive Plan Amendment. He stated that the real issue here is TRPA’s Plan Area Requirement that a percentage of the units would have to be devoted to affordable housing, which the County has adopted.

Mr. Sorenson questioned if the APC could make a decision, subject to the County’s action on it. Chairperson Jepsen stated that is a possibility.

Mr. Peter Damco, owner of Cottonwood Court Properties and the primary applicant of the project, apologized for Mr. Gilanfarr’s inability to attend the meeting. He had a conflicting appointment today. Mr. Damco spoke with Mr. Gilanfarr about this issue, and Mr. Gilanfarr has been in touch with the County. After speaking with Ms. Sharon Kvas of the County, it was his understanding that the process needed to be approved by TRPA first before being presented to the County. That is the reason this item was brought before the APC meeting today. Mr. Damco commented that if there were a problem with the procedural aspect of this, then he would go back and start over again.

Mr. Harper responded that he is Ms. Kvas’ supervisor, and Ms. Kvas did visit with him last week, which was the first notification that this was moving forward. Mr. Harper commented that Mr. Gilanfarr was advised at that point in time that the County’s preference was that he would make an application to the County first before proceeding with this. The letter of notification that Mr. Gilanfarr gave to Mr. Damco indicating that the County was suggesting that this item go through the TRPA process was incorrect.

Mr. Damco stated that there is a small circular driveway on Cottonwood Court, and in that vicinity all of the other units have been converted from multi-family rentals into condominiums at this point; his is the only unit that hasn’t. For the benefit of that portion of the community -- and I have lived as a tenant in that unit for many years – my mother still lives there, and I know that the units that were converted were fixed up and made to be a higher standard of quality units in that area for purposes of sale. It has also made those people who own their units now in that area more concerned about his unit, and most of those owners were in favor because they like the things that have happened in the area. Those units are not inexpensive and there are a lot of working class people that live in that area. On the other hand, when I went to purchase my first home, it seems to be that the glut in Incline Village is really for the first-time home buyer finding an affordable place to live. The only real market is condominiums because no one is building affordable units for first-time homebuyers.
Mr. Harper explained to Mr. Damco that he could file a condominium map tomorrow. He stated that there was nothing in the current TRPA or County Code preventing him from turning these from rentals into individual sale units. Mr. Damco replied that he understood he could but believed that there would be some type of restrictions. Mr. Harper said that one of them would have to be offered at an affordable market rate. Mr. Harper did not know if the offer at an affordable market rate occurred after a unit becomes vacant, even if you first convert the project into a condominium, or would you have to go in and offer an affordable market to one of the current tenants now. He suggested that Mr. Damco explore this issue and make an appointment with the County to sit down and discuss the options available to him.

Mr. Damco stated that he believed that maybe we are going beyond the application and the purpose because the other aspect of this is that area he is in and the other homeowners that own their separate condominiums are in a commercial area that appears to make very little sense in that area. It is intensely residential and there isn't any potential at all that anybody would accept in that area for some time of commercial activity going on amongst their kids, their dog, and their yards, and everything else.

Mr. Doughty questioned that in terms of the affordability and the first-time home buyer, had Mr. Damco's agent looked into what exactly the affordability issue would do in terms of the requirements and what that would result in, particularly given what the values of property in Incline, what the medium income in the area is, and all those aspects of. Mr. Doughty commented that the frustration he was having sitting here is that this is the second time we have backed ourselves out of a project in which we could have gotten affordable housing. He voted not and the APC voted no on a Borelli project, and he believed that was a good decision. It was overridden ultimately by the Governing Board. We are now being asked again to override the requirements for affordable housing to look at this issue. He commented that we are either going to get out of affordable housing and not state anything about it and take it out of our Code of Ordinances or we are going to do something about it. He believed he was stuck in the middle of this issue. He suggested that the Agency either be in the affordable housing or they should get out of it entirely, and we need to have a discussion about this issue. He asked if Mr. Damco had looked at the issue of what affordable means and what that would mean in terms of the actual price of the unit and what he could sell the unit as. Mr. Doughty was of the opinion that before the APC takes any action, they should address this and start looking at this issue.

Mr. Damco replied that he had not specifically looked at this issue, and his understanding was that affordable housing would limit significantly his ability to sell it in the future.

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

Mr. Harper commented that the County has a big problem in providing affordable housing and identifying where that ought to be located, which also has financial impacts to the applicant. He stated that any decisions made on this item that has an affect on any other property owner in a similar situation, saying “Wait a minute, if you are going to do it for this person, why don’t you do it for us also.” We need to look at this issue regarding affordable housing. The timing is fortuitous for the fact that the County is completing their housing element, which is required under State law, and therefore making a decision on this issue prior to that does seem to be wrong. He recommended that the item be continued until such time that the property owners involved and any other property owners that may need to be contacted and made an application for a Comprehensive Plan Amendment, that staff be directed to put together a joint response so that both decision making bodies have an opportunity to see a joint review.
MOTION by Mr. Harper, with a second by Mr. Morgan, that the item be tabled until such time as this can be scheduled at the same time that a Comprehensive Plan Amendment is being processed by Washoe County.

Mr. Doughty questioned Mr. Wells if we had the authority to continue the item or is there a mandate that the item be forwarded if it is an application. Mr. Wells commented that if the Agency is not comfortable moving an item forward, we have the authority to continue the item. Mr. Wells agreed with the APC on their decision, and believed that the Agency would need 30 days to resolve the issues.

Mr. Harper suggested a meeting be set up between Mr. Gilanfarr and the County to discuss solutions to the unresolved issues.

The motion carried unanimously.

(Break taken at 11:00 a.m.)

(Reconvened at 11:12 a.m.)

D. Public Scoping for 64-Acre Tract Intermodal Transit Center EIR/EIS

Associate Planner Jim Allison presented the scope of impacts for an Environmental Impact Statement (EIS) for proposed 64-Acre Tract Intermodal Transit Center, APN 94-180-65.

Mr. Jim Jordan, consultant for the project from the firm of Balloffet & Associates, presented an overall view of the 64-Acre Tract Intermodal Center EIR/EIS.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Will Gardner, the Transit Manager with Placer County Public Works, explained the County's role in the project and the traffic control problem. He stated that the proposal that is moving forward now that is most prevalent is a man traffic control operation instead of a signal. The County has talked to CalTrans and so far they have not supported putting a signal at the intersection.

Ms. Jennifer Merchant, with the Truckee-North Tahoe Transportation Management Association, wanted to point out the parking on behalf of the business owners in the area. She stated that the key point here is remembering that this is an intermodal transit facility; we are not just talking about people arriving to Tahoe City on a bus and walking or leaving Tahoe City on a bus. This is a recreation and tourism area where people might be arriving in Tahoe City in a car and getting out at this point and getting on rollerblades because we are at the intersection of a 400,000 person-user per year bike trail, and maybe they are getting on rollerblades or getting on their bike or walking into town, or possibly rafting. Ms. Merchant stated there are certainly opportunities beyond just TART buses and safety issues, and we are looking at expanding a ski shuttle system, and putting all of the local ski areas in one ski shuttle system, which would be a key point for people driving to this location. They can get on a shuttle that goes to Squaw Valley or North Star. In addition, we are looking at an airport shuttle service. Ms. Merchant commented that the 130 spaces stated in the EA include replacement of about 50 or so spaces.
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that would be taken away because of TRPA guidelines. This would be a loss of parking in an area where we need more parking in an effort to get people out of their cars.

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

VI. REPORTS

A. Legal Counsel

Agency Counsel John Marshall commented that TRPA would be filing in the Ninth Circuit their opening briefs in the TSPC appeal this week. Earlier this month, TRPA made the final payments in the Sultum case. Mr. Marshall stated that the results of that case are yet to be determined at this point. The Legal Division is in the process of hiring a second attorney. He stated that he may have one hired by the next APC meeting or thereafter.

B. Executive Director

Deputy Director Jerry Wells stated that Shorezone EIS has been in circulation and the comment period has ended. On the 22nd of July at 2:00 p.m., at the Kings Beach facility, a workshop will be held on the EIS and encouraged many of the APC members to attend. Then from 7:00 – 9:00, Dr. Oris, who has been working on the PAH issue relative to motorized watercraft emissions, will be speaking. In addition, Executive Director Jim Baetge has been on vacation and is due back on Monday, July 19, 1999.

A. APC Members

Mr. Lane stated that it is difficult for anybody to understand the rules and mission of the TRPA. He believed that there should be some sort of summary when an EIR or EIS is presented to the APC that is easier and shorter to understand; such as a 15 or 20 page summary with categories along the lines of TRPA's environmental checklist would be valuable to the APC and the general public.

Mr. McDowell stated that on Monday afternoon, Mr. Juan Palma, the Forest Supervisor in Lake Tahoe, announced that he had taken another job. He has been in the Basin for about 27 months and has been a real mover and shaker and leader in the Lake Tahoe community. The Forest Service will miss him a lot. He stated that he was happy for him but sad for the Forest Service. Mr. Palma would be in for another five or six weeks before he goes to Eastern Oregon with the Bureau of Land Management as a lateral position as far as pay scale goes.

Mr. Porta stated that long-time APC member, Wendell McCurry's cancer has returned and he is going through treatment. His goal is to try to return to work.

Mr. Doughty has a concern over the role of the APC and he believes that it has become a little unclear. He stated that something that concerned him occurred a couple of months at the Governing Board meeting in which the Governing Board members had a discussion on the urban boundary and an amendment. The APC was not brought into that discussion and had not been party to that, and that is a basic element of the Advisory Planning Commission. In general, Mr. Doughty has questioned over the last couple of years the role of the APC and why they are even here. It seems to him that the Governing Board does generally what they wish to do, regardless of what the APC recommends. The APC is simply a dress rehearsal for staff for the Governing Board meeting. He questions why the APC is even here and whether they are
really being given any credence to what they do. He would like agendized for the September APC meeting a general discussion as to what the APC' role is, what the APC needs to redefine what their role is, and whether the APC needs to take that forward to the Governing Board and ask for their assistance. He was of the opinion that what the APC does doesn't make much difference because the Governing Board is going to do what they want to do anyway.

Chairperson Jepsen, along with Mr. Marchio concurred with this issue. Another item Mr. Marchio would like to discuss is the difference between what is a local issue and what is a regional issue.

Mr. Morgan brought up the 4th of July fireworks issue; he would like to know how many pounds and/or tons of nitrogen and phosphorous and other metals are being dumped into the Lake from those fireworks. He believed that TRPA should address this question.

Mr. Lohman stated that the County is trying to figure how to pay for the person that would need to be hired to do those duties with regards to the MOU expansion. At this point, the County has not forwarded the MOU to the County Board of Supervisors.

Mr. Poppoff supports Mr. Doughty's suggestions. The APC has had this quandary for years, and it has never been satisfactorily resolved, and he would like to see it resolved. In addition, he supported Mr. Morgan's suggestion about looking into the amount of nitrogen and phosphorus polluting the Lake.

Mr. Harper commented that when he was the APC Chairperson from '81-'84, the same issue was raised about the APC roles. At the time, he stated that the APC was very successful in formulating an understanding of what their role was and then having the Chairperson go and talk to the Chairperson of the Governing Board with the staff and lay out what was desired. For a time, the APC had a good sense and things were being referred to the APC normally had not been, although there were some Compact issues that one had to be aware of that prevented the APC from operating along the lines of what traditional planning commissions do. Mr. Harper stated that what was being conveyed to the Governing Board was not done very well or was not accepted by the Governing Board as important. He encouraged the APC to discuss this issue and use their Chair as the focal point and work with Agency staff. He also encouraged the APC to discuss the issue of local vs. regional issues.

Mr. Jim Jordan, taking off his consultant hat and putting on another, commented that when he was on the APC years ago, they were very vital to the staff. It was a dress rehearsal for everything that staff brought forward to the Governing Board. Mr. Jordan stated that many times things did not go to the Governing Board because they were sent back for further work by the APC. And because the TRPA staff had two hats, they were able to convey exactly what the APC had done. He believes that the APC is a very valuable organization and they should not get down on themselves but they should exert themselves because their role to staff can be very valuable, as well as their role to the Agency.
VIII. ADJOURNMENT - The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

October 13, 1999

MEETING MINUTES

Vice-Chairperson Gary Marchio called the regular October 13, 1999, 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: Ms. Moss (arrived at 9:42 a.m.), Mr. Cole (arrived at 9:43 a.m.), Ms. Baldrica, Mr. McDowell, Mr. Porta, Mr. Lane, Mr. Poppoff, Mr. McIntyre, Mr. Morgan, Mr. Tolhurst (arrived at 9:37 a.m.), Ms. Kvas, Mr. Marchio

Members Absent: Mr. Kehne, Mr. Westerdahl, Ms. Kemper, Mr. Joiner, Mr. Combs, Mr. Jepsen

II. APPROVAL OF THE AGENDA

Deputy Director Jerry Wells stated that there were no changes to the agenda.

III. PUBLIC INTEREST COMMENTS – None

IV. DISPOSITION OF MINUTES

MOTION by Mr. Poppoff, with a second by Ms. Baldrica, to approve the September 8, 1999, APC minutes as presented. The motion carried with Mr. Morgan abstaining.

V. PUBLIC HEARINGS

A. Amendment of Plan Area Statement 171, Tavern Heights, to allow Government Offices (Restricted to Regional Post Office Only) as a Special Use in Special Area #1

Associate Transportation Planner Jim Allison presented the staff summary proposing to amend Plan Area Statement 171, Tavern Heights, to designate Special Area #1 as an area eligible for Government Offices (restricted to regional post office only) use.

A discussion ensued.

Mr. McIntyre questioned that when and if a project comes forward, they would be required to do a traffic analysis, and Mr. Allison replied yes.

In addition, Mr. McIntyre asked if this proposal would advance home delivery, and Mr. Allison stated yes, and to his knowledge this project would not move forward if there were not carrier service with this facility. Also, Mr. McIntyre inquired if the Postal Service has committed to home delivery in this area, and Mr. Allison replied that they would commit to home delivery in
this area because of what is required if they were to build a project. He stated that the Postal Service is interested in implementing that service.

Mr. Allison commented that in Special Policy No. 3, this project is tied to the Postal Service Master Plan, and we did put some language there at the end of Special Policy No. 3 stating that if the Plan isn't adopted, that whatever we do decide upon based on the data, that it would be binding to the Master Plan.

Mr. Poppoff did not understand the urgency of doing this amendment now before the Master Plan is complete. Mr. Allison believed that the urgency is that the Postal Service understands that they need to implement carrier service and without having this zoning change, it doesn't present to them an opportunity to do that, and they have been searching for about a year or two for appropriate sites to implement this postal office plan. Mr. Allison stated that TRPA felt that it was a consistent project with the advancement of the Postal Service plan.

Mr. Poppoff stated that we have not seen the plan, and felt it was putting the cart before the horse. Mr. Allison replied that in TRPA's review of what information has come forward, staff does not feel that it is inconsistent to move forward with this plan area statement amendment. We may, based on the information that we have already pulled off on approving the project, if we learn information from the data that has been gathered that we should discuss or delay some implementation of the project because of disputes over the number of postal boxes or something of that nature. The idea of providing carrier service is one that is already consistent with what the Postal Service and we want to do in the Tahoe City area. It is at a site that is close to the service area the Postal Service wishes to serve, and Mr. Allison did not believe that it jeopardizes any commitments that TRPA would be making.

Mr. Poppoff commented that in another part of the agenda, we will be discussing the problem of not being enough multi-residential areas available in the basin, and yet we are proposing to use most of an area that is already zoned for multi-residential to use for the Postal Service. He questioned how that priority play out. Mr. Allison replied that he had not heard of the different needs that are in Placer County vs. where we are going to be talking about later today. He discussed this plan area amendment with Mr. Bill Combs of Placer County and there was no indication from them that this would be inconsistent with any affordable housing or multi-family plans that they have for the area. Mr. Allison had not heard that moving forward with this action would be inconsistent with that. He believed that the discussion was more along the lines of the Kings Beach area and not so much the Tahoe City area.

Ms. Kvas stated that it had been her experience that it is difficult to keep one's mail delivery box in working order; it is easier to go to the post office. She stated that every year she has to replace her mailbox and get out in the middle of a storm and dig it out. She asked if this proposal would make it easier for people to have boxes rather than push them into the direction of putting in the effort for home delivery. Mr. Allison stated that this has been a concern of the Postal Service because snow removal or snow falling on them damages the mailboxes. The group is working on that and is aware of that problem. The issue of delivering to businesses is a very high priority and has been identified by business owners in the Tahoe City area, so that presents less of a problem than implementing home mail delivery with that concern of the mail boxes getting destroyed. At this point, it is on a voluntary basis for homeowners to have home mail delivery.

Mr. Marchio questioned the hours of operation, and Mr. Allison stated that it was not project specific to that. He believed that it would be consistent with other postal service operations.
where the post office boxes would be available on a 24-hour basis, but the post office itself would run from 8:30 – 4:00.

Vice-Chairperson Marchio opened the meeting up for a public hearing.

Ms. Sue Rae Ireland, Project Consultant for the United States Postal Service and also for the Master Plan, gave a brief history of how the project proponents had gotten to the point they are at today in the last 15 years in Tahoe City. In addition, Ms. Ireland commented that since she is having a baby in November, Mr. Gordan Shaw of Leigh, Scott & Cleary, would be taking over her duties.

A discussion ensued.

Since no one else wished to comment, Vice-Chairperson Marchio closed the public hearing.

MOTION by Mr. Cole, with a second by Mr. Porta, to recommend approval to the Governing Board to amend Plan Area Statement 171, Tavern Heights, to designate Special Area #1 as an area eligible for Government Offices (restricted to regional post office only) use. The motion carried unanimously.


Associate Planner/Water Quality Program Manager Jon Paul Kiel presented the adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements. In addition, Mr. Kiel presented a slide show.

Mr. Tolhurst stated that one of his concerns over this project was in order to get a permit, one would have to go to at least six different agencies who seem to have jurisdiction over groundwater protection already. Mr. Tolhurst questioned if we were adding another permitting process or are we eliminating a few by TRPA taking the lead on this issue. Mr. Kiel replied that this Ordinance would notify property owners that a project is proposed near a well that is operated by the South Tahoe Public Utility District ("STPUD") and so STPUD would be notified that this project would be proposed and this would give them an opportunity to review the project and if they have any concerns, they would come to the table and speak with the Agencies and project planners to make sure their concerns are addressed.

Mr. Popoff stated that with regards to lake intakes, he did not think Mr. Kiel specified how that source would be protected. Mr. Kiel stated that in Table A there were a number of uses related to the shorezone. In addition, the initial map in laying out protection zones is primarily looking at land uses and a handful of uses that occur in the shorezone. In putting together the assessment information, Mr. Kiel stated that one of the exercises that TRPA went through was to identify the multitude of types of locational data that we received. In some cases TRPA received a dot on a Triple A map and in other cases TRPA received just a parcel number, and with respect to lake intakes, TRPA received intake length and bearing. But not in all cases. So at this point in time it is difficult to be very detailed with respect to how one would delineate a protection zone; particularly out in the lake and shorezone.
Mr. Kiel continued that since the Agency has recently adopted ordinances, which have gone a long way towards protecting drinking water sources; i.e., the motorized watercraft ordinances; TRPA is not necessarily proposing to delineate a buffer zone out in the water.

(Mr. Morgan left at 11:00 a.m.)

A discussion ensued.

Vice-Chairperson Marchio opened the meeting up for a public hearing.

Mr. Brian Marsh, a business owner, questioned if this amendment would be a duplication of what is already being required of us by Lahontan Regional Water Quality Board and the State Water Resources Control Board. He questioned if it was going to create another set of competing rules that we have between all these different agencies that one agency wants you to do one thing one way and another agency wants you to accomplish the same thing but under a different set of rules and then you are stuck between competing agencies. He questioned if TRPA's BMP program was going to be substantially different than what the State Water Resources Control Board and Lahontan Water Quality requires. In terms of spill plans, Mr. Marsh stated those people who have industrial activities in the area are already required by the different departments and environmental health to have hazardous material plans and other plans in place. So is this going to be a creating of another plan, which has a slightly different twist to it?

Mr. Marsh stated that the big issue comes to reporting all this information. At this point in time, he has to report similar information to Lahontan Water Quality Board, as well as the State Water Resources Control Board. They all want their information on different timelines. He was of the opinion that it was a duplication and waste of business owner's time and money. He questioned why TRPA would want to step into this arena when there is someone else doing the work. If this is the ultimate goal to bring a single water quality agency for a given area into the process that will make the process better, then Mr. Marsh felt it was a good idea. But to create another set of rules that has the potential to grow and become competing in interest with what currently exists from the state and the local level, then it should be a big concern of the Committee.

Mr. Kiel stated that the BMP program exists, and this ordinance really does not substantially alter or change how the BMP retrofit plan of the program would be implemented at all. With respect to the submittal of a duplicate spill control plan, the Source Water Group discussed that at great length and the way the elements of the spill control plan were laid out, we are purposely duplicating what the environmental health departments require so that that property owner can simply take a copy of the document that they have prepared for the health department and give it to TRPA. TRPA does not think this is too much of a problem with respect to duplication of effort.

Mr. Kiel commented that in terms of Lahontan's requirements, he did not see any reporting requirements with respect to this ordinance or the BMP retrofit program, which requires additional work. TRPA purposely crafted this ordinance so that if there was duplication, it would be to the point that it would be a matter of simply providing the same information rather than having to produce a second set of information.

Mr. John Hassenplug, General Manager of the North Tahoe Public Utility District, commented that as a member of the committee and as a water purveyor here, he would make one comment for all the water purveyors here at Lake Tahoe; one of the key elements in meeting the safe
drinking water act or any of the requirements we have, there are constant references to how will the water quality be, be it groundwater or be it surface water, in the future because this is what both the federal and state people look at. Anything that will continue to protect these sources will enable us to more efficiently and effectively meet those safe drinking water requirements. As we proposed different treatment processes, we are asked to say if this process works today, will it work tomorrow? If we know if the sources are protected, we can unequivocally say yes, this will work today, and it will work tomorrow. This becomes important to the purveyors in their planning and their implementation of the safe drinking water act.

Mr. Poppoff asked Mr. Hassenplug how the ordinance would protect source water better than is already being done by Lahontan and Nevada. Mr. Hassenplug replied that he could not tell him that. He stated that he believed that Mr. Kiel could answer that question. He believed that the best answer to the question is we will, in making our application to the Department of Health Services, be required to provide them with what are the protective measures being taken. He could not say that the ordinance would provide more protection than the current Department of Health Services and Lahontan regulations. He agreed with Mr. Marsh that if it becomes a burden for the provider to provide an inordinate amount of additional information, that probably is not cost effective, but that doesn’t sound like that would be the case.

Mr. Tolhurst questioned if there was a way to deal with the MTBE problem. Mr. Hassenplug stated that he believed the steps that had been taken in California to say we are not going to use this as an oxygenation agent in our fuels is probably the best approach.

Since no one else wished to comment, Co-chairperson Marchio closed the public hearing.

Mr. McDowell questioned if this Code was redundant. Mr. Kiel responded that he did not believe that it was redundant because the requirements of the Safe Drinking Water Act with respect to protection measures are totally voluntary. The purpose of the new Safe Drinking Water Acts, which requires the states to prepare these assessments and put together protection plans, are to inform the public. That is the purpose of the assessments. Beyond that, EPA does not require the states to do anything else other than to suggest that protection programs be developed at a grass roots level from the community on up. This is all voluntary.

Mr. Poppoff questioned how this Code would add or enhance the protection of drinking water. Mr. Kiel stated that this proposed ordinance comes at the protection of source water from the project end rather than from the well end or intake end. It comes at it from a different approach that otherwise wouldn’t take place. Mr. Kiel stated that there are many projects that come across TRPA’s desk that are not seen at all by Lahontan or the California Department of Health Services. This ordinance would at least get the local Health Department involved minimally in terms of being notified that a specific project type is being proposed.

Mr. Lohman stated that he got the impression that this ordinance was redundant and the ordinance was just stating that it would make things better but we don’t know how. Mr. Kiel stated that TRPA has struggled in terms of finding a specific BMP that would be applicable to a particular problem area. However, he still believed that there are simple measures that can be taken within a project proposal which will make the project have less impact or less potential for impact on source water. But if there is never an opportunity for the purveyors to become involved or the Health Department to even suggest some of those simple measures such as how a project might actually be located within a parcel; how it might be located with respect to the topography of the parcel; without that opportunity, those simple questions won’t even be asked. One might find themselves in a situation where a well could become contaminated. Mr.
Kiel continued that these larger wells that are contaminated could cost the public dearly in terms of trying to find an alternative source of drinking water if that existing well groundwater cannot be remedied.

Agency Counsel John Marshall stated that an example would be a project such as an automobile repair, and the question is “what permitting scheme applies to that new business located within 600 feet of a well”. It is not necessarily looking at the well itself, but the new land use activity that is taking place. If it is under an acre, it doesn’t require a Lahontan permit. It might require a DHS permit. This ordinance looks at how the project is actually designed and whether it would be a source water. If the designers look at the project and determine it is better to do this or that, then there may be some improvements made to avoid contamination in the future. Also, if there is a project that doesn’t require other permitting from those other agencies, this ordinance fills the gap that no other permitting agency looks at.

Mr. Marchio stated that in terms of streamlining, TRPA might look at making it simpler on the applicant to avoid duplication and make streamlining that process. Mr. Wells replied that TRPA has an MOU with Lahontan that gets at that point and maybe this is one area where when we adopt this ordinance, we try to separate out those duties so that we are not overlapping where we might be.

Mr. Popoff replied that if someone were putting up a new auto repair shop, TRPA’s requirements would be BMP’s as we now enforce them; nothing new or different. This ordinance would not require anything special or different than what is required now. Mr. Marshall stated that he saw two differences; one procedural and one substantive. Procedurally, they have to contact a purveyor to make sure that the purveyor is involved in the process so if there is any special input the purveyor would like to give TRPA, we will consider that. Second, substantively, there may be BMPs that are, in fact, different than our normal BMPs that are directed towards protecting source water. But we haven’t heard exactly what those are because there are no generic ones that are going to be spelled out in the ordinance. There may be design changes that are looking just at the source water issue that would not have been brought up but for protection of the source water.

In addition, Mr. Wells stated that right now, TRPA does not look at wells in terms of their location when we review projects. This ordinance would require TRPA to adopt another map that would identify where these wells are and if anything comes up within a 600-foot radius, it raises a red flag saying TRPA should look at this relative to source water.

Mr. Cole did not believe that the proposed ordinance was a duplication of effort. He stated that the duplication comes from the necessity of giving some of the same documentation to another agency. This is an effort to protect groundwater in a way that has never been addressed before.

MOTION by Mr. Porta, with a second by Ms. Kvas, to recommend adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 2, Definitions, and Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements, with the addition of ensuring that the link is there for existing facilities and spill plan requirements versus the proposed new projects.

Mr. Marshall stated that TRPA was not asking for recommendation on the ordinance itself; TRPA is asking if the APC believes that this is a valuable effort to continue will working on the ordinance and further refining it in light of their comments today.
MOTION by Mr. Porta, with a second by Ms. Baldrica, recommending that TRPA continue with this process and gather further comments. The motion carried with Mr. McIntyre opposing.

Mr. McIntyre commented that he voted no because he saw this as a problem that is covered in many different areas, and until he believes that we would streamline this to conform with other regulatory agencies that are already in place, it is too big of a redundancy. If we would condition this to absolutely streamlining this to meet all of the other agency's restrictions, he would not have a problem with the ordinance.

Mr. Lohman believed that this was a step backwards.

Ms. Moss commented that in terms of monitoring, once a business is established and it is approved subject to conditions, are we going to look at monitoring the business a year or two years down the road; checking with the state agencies to make sure they are in compliance and then updating the map if there are any problems with contamination. Mr. Kiel stated that the ordinance states that the maps would be updated.

Ms. Kvas stated that she is confused as to what agency is responsible for what in each state. Mr. Marshall stated that TPRA would present a chart demonstrating if there is redundancy, how the ordinance has been amended to change that, or whether there is no redundancy and who is responsible for what.

A discussion ensued.

Mr. Wells stated that the time certain item regarding the Status Report on Streamlining Activities would be continued until November.

(Break taken at 11:59 a.m.)

(Reconvened at 12:04 p.m.)

VI. PLANNING MATTERS

A. Determination of Lands and Parcels Suitable for Multi-Residential Development in Douglas County

Mr. Peter Eichar, Associate Planner with the Long Range Planning Division, presented the determination of lands and parcels suitable for multi-residential development in Douglas County, along with a slide show explaining the different parcels that either are or are not acceptable for multi-residential development.

(Mr. Lane stepped down from the dais due to a conflict of interest.)

Vice-Chairperson Marchio opened the meeting for a public hearing.

Mr. Patrick Conway, Housing & Economic Development Coordinator for the City of South Lake Tahoe, stated that the City of South Lake Tahoe had been mentioned as a possible alternative to providing fair share housing for Douglas County. This initially came up specifically as it related to the 180-unit apartment complex that was going to be removed. This is something that is not looked at, at this particular time, favorably by our City Council members as an approach.
The City of South Lake Tahoe has been very active, and they have their own affordable housing programs and our own fair needs that we are trying to accomplish with our programs. To say that our jurisdiction is a solution to Douglas County is not an acceptable alternative. The whole idea of fair share was that each jurisdiction would participate in the process. When you talk about another jurisdiction providing somebody else's fair share, that completely baffles me as to how that is consistent with the concept of fair share to begin with.

There also is a problem in terms of funding sources. The City of South Lake Tahoe has their own funding sources, and they will maximize those funding sources to provide affordable housing. Also, by saying that Douglas County would somehow participate in assisting the City in providing the affordable housing, there is no way to feasibly take grant funds that are dedicated to say South Lake Tahoe or El Dorado County and move those funds around. For example, if Nevada had an allocation of HUD funds that could be used to develop affordable housing on the Douglas County side, those funds could not be moved over to California to develop the housing in that particular side.

Again, Mr. Conway emphasized that the City is going through and developing as much affordable housing as they can, in conjunction with their own programs. The City has legal requirements both with the Redevelopment Agency, as well as California State Laws that relate to housing element. So to consider this as a viable alternative, Mr. Conway didn't believe that they would get the support from the City of South Lake Tahoe in proceeding with it. He stated that he had read some of the letters that were attached to the staff report, such as the scenic quality and traffic concerns that would be raised. The most recent project that the City has done is the Tahoe Senior Plaza Project, which very much fits in within the community that the City has developed as alpine, rustic, and attractive looking. The argument he hears is "this type of housing just isn't compatible with the mountain community", which just doesn't make sense. As long as these projects are well designed, they fit in. Traffic is identified as a problem by developing multi-family housing. He believed that the traffic issue seems to be greater if the housing is farther away. People would have to commute into the Basin to work at the jobs that are in the casino core. The jobs are not going to go away. If you have the housing located in closer proximity, you will reduce the amount of traffic as opposed to having the housing not even available in that particular location.

One of the things that was mentioned is the first-time home buyer program. That is definitely a possibility. There are single-family homes that are available, and those programs can be governmentally subsidized through various other types of programs. Mr. Conway believed that this would be a possible solution, which may also free up rental units as well within the existing Douglas County market. If someone would qualify as a first-time home buyer and is currently renting a house in one of the 500 or so multi-family housing units and is able to move out, there is an assumption that another person who is also equally in the same income quality would be able to backfill that unit.

In terms of rehabilitation, the one project that is in significant need of rehabilitation is the one that is going to be demolished. Of all the other housing projects put together, there is probably a vacancy rate of three percent in them, which means that all those units have a very high occupancy rate. Usually when one is talking about doing a housing rehabilitation project, one would look for projects that have a vacancy rate of 35 to 20 percent and you are fixing it back up and providing an affordable housing and you are providing that as a solution. But you don't have that sort of vacancy rate in the multi-family stock. Mr. Conway didn't think you could bank on many units being developed through housing rehabilitation.
The main point Mr. Conway wanted to get across was the idea of considering the City of South Lake Tahoe as a solution just does not seem like it is getting close to the fair share concept as it was originally proposed when these discussions started back in 1996.

Mr. Tolhurst questioned if government grants had been explored, and Mr. Conway did not know as to what extent the County had explored this. He stated that the U.S. Department of Urban Housing Development has programs in Nevada, which would be the source they could tap into to get a lot of the funds. The City of South Lake Tahoe has been successful in getting programs through HUD and getting funding through HUD to implement various programs.

Mr. Michael Rosher, a resident who has lived in Round Hill since 1982, stated that there is a lot of concern by Round Hill residents as far as construction in that area is concerned in terms of large apartment buildings to house numerous people. One of the inferences he wanted to address, which he believed had been quoted in the newspaper as recent as yesterday by the developer, is the sense that the people in Round Hill are concerned solely for the economic situation of affordable housing. In other words, we don’t want people in our backyard that cannot afford to live supposedly the same way we live. He believed that was throwing the emphasis of what was going on here away from what is really happening here and having the developer try to come forward and put themselves in a place which is really not what’s going on.

Mr. Rosher stated that when he first moved into Round Hill, the residents paid the highest property taxes in the state. The reason for the high property tax rate was some bonds that they were obligated to pay off, which were originally issued when the mall was sold by the Bournes. There was a proposal by the Chapman Hospital in Southern California to build condominiums on the 12-acre site which is next to the six acres that was mentioned earlier behind the Shell Station, and also over at the Gun Club. They were going to be very expensive units. They were not going to be affordable housing units; they were projected at that point in time to be up in the range of $300,000 per condominium. Eventually, as opposition in the community mounted, that proposal was changed to make 8 single-family residences and those houses would probably would have been priced between $500,000 and $600,000. The Board of Directors for the Round Hill Improvement District was unanimously in favor of this project and worked with the developer to try to get it through TRPA. The citizens of Round Hill did not know the extent of the proposed project and how it was going to impact the quality of life they had in Round Hill.

So a number of people, including myself and my wife and a number of people at today’s meeting, and unfortunately Hans and Pat Rolf who were killed on the way up to the last APC meeting, went through the neighborhood to have petitions signed to gauge from the people how they felt about this expensive project. The vast majority of individuals who saw the site maps and realized the extent of the project were opposed to it. They favored paying off the bonds; they favored keeping the high property taxes the Round Hill residents were paying rather than to allow this development to come through. He believed that was still the sentiment today in Round Hill with the citizens of Round Hill. He believed that was the sentiment he wanted the APC members to understand when they look at the statements as to why they are opposed to affordable housing. We are not opposing affordable housing; we are opposing development; we are opposing the change in the urban boundary, and the reason for that is that we have a quality of life that we chose. We did not end up in Round Hill by inadvertence or mistake. We have chosen to be in that place because we wanted to have the quality of life for our families and for ourselves, which would be the open spaces that they enjoyed.

There is a certain amount of feelings among the people who were involved in Round Hill in opposing these proposed projects. To back up, about two years ago, there was a meeting at
the Senior Citizen Center when the timeshare project was brought up. I unfortunately did not attend, but he did read the newspaper article and the discussion by the people who did attend. The proponents of the project, Falcon Corporation, basically said to the Round Hill residents "why are you overreacting; why are you getting all excited; we have not even gotten a project in line; we haven’t proposed anything; we don’t have any design right now, so why are you getting all excited about this"? And two years later, here’s what we look at. Not only has the timeshare project been approved, but now they want to change the urban boundary in order to build more units in open spaces, which I just mentioned we have purposely moved there to enjoy. You have to wonder when you look at these statements such as “we can get through the simple problem of people that complain about things in their backyard", which is a virtual quote out of the newspaper from yesterday, to what's really going on here. What’s really going on here is that Falcon Corporation did not move or come to Douglas County to build affordable housing; they came here to build timeshare units. In the approval of the timeshare project, they have mitigation costs, and those mitigation costs require the demolition of the Kahle Apartments. So they have to have more apartments filled because they want to have affordable housing; no, they want to have timeshares.

Let's talk about the economics of the timeshare situation. As Mr. Rosher understands it, approximately 138 timeshare units have been approved, and the cost is $40 to $50,000. If one assumes that those timeshare units sell for about $15,000 per week, that would be about a $700,000 profit over and above the development costs per timeshare share unit, multiply that out by 138; that’s a lot of money. That’s what this is coming down to. It is not a situation where Falcon Corporation—even though they say in the letter it is part of the packet—where they seriously take their obligation to find affordable housing and to build affordable housing; that is not what’s happening here. That is again a situation where they need to mitigate the development, or mitigate certain aspects of their development project, in order to build timeshares.

So do people in Round Hill oppose these proposed urban boundary changes? Absolutely. Are we going to fight as hard as we can in opposition? Absolutely. And it is not going to be a simple process. It was again quoted yesterday in the paper that dealing with us — the simple issue is that these people don’t want these things in their backyard — litigating against the State of California and litigating against the League to Save Lake Tahoe is something else. He believed that the APC needs to realize, and the TRPA as well, that there is going to be very strident opposition. It is not just going to be people who are going to fold up the tents and walk away easily. He would expect that we would join in any litigation that was inacted by the California Attorney General or the League to Save Lake Tahoe, and we are going to fight this thing all the way across the board.

That is the feeling I can express to you personally. It is the feeling that the vast majority of the Round Hill residents have, as well. If anyone has questions, I would be glad to answer them.

Mr. Cole stated that he understood Mr. Rosher’s comments about preserving the quality of life in Round Hill; do you understand and recognize that your quality of life is at the expense of the quality of life of other people; i.e., the citizens of the City of South Lake Tahoe; secondly, the people who work in your community in Douglas County at the casinos who are low wage earning employees; it is at their expense. Do you not recognize that you have a responsibility in your community to provide housing for the people who are helping you to provide for your quality of life? These people are providing service level jobs; services within your community that stimulate the economy. The biggest source of revenue in Douglas County comes from the
casinos. That's what helps to pay for your services. The casinos operate by employing huge number of low wage employees. Those low wage employees need a place to live.

Mr. Cole made the comment "you don't want them in your backyard; that is the bottom line here. You would rather see them housed somewhere else; like in South Lake Tahoe; so that South Lake Tahoe can provide for all the social services and everything else. I am sorry, but I find myself highly offended by your comments".

Mr. Rosher replied that "obviously, you are free to feel that way. I could possibly state the same thing, but I decline not to". He suggested that there is housing at the present time which does house the people who work in the casinos, on Kahle Drive, that is being demolished in order for a timeshare project to come in. And if, in fact, those apartments were rehabilitated, then that housing would still be there. It is closer to the casino; it is not out in Round Hill; would not require more transit or more traffic. Mr. Rosher commented that Mr. Cole missed the point he made earlier which was that the people in Round Hill are not saying we don't want affordable housing; we are saying we don't want large developments in our area. Otherwise, we would not have gone out and opposed the various kinds of condominiums that occurred back in the early 80's.

(Mr. Lane left at 11:55 a.m.)

Mr. Rosher continued "so your comments and paraphrasing what I said is incorrect. I did not say that we do not want people who cannot live the same life styles that we do; repeating myself, I said that we do not want large developments or the urban boundary changed. That is the point. I cannot believe that you, as experienced as you are, would not realize that there are also economic advantages to South Lake Tahoe; taxes, for example, for people who live in South Lake Tahoe and still work at the casinos. You also raised a much larger, philosophical issue as far as the casino and paying people the low wages that they do. Are we supposed to subsidize that situation"? Mr. Rosher believed that goes beyond interference by the government. He was of the opinion that Mr. Cole's paraphrasing of his comments were incorrect, and he believed that what he stated originally, which he attempted to restate, expresses the opinions of the people in Round Hill. The people in Round Hill don't want the development; they don't want the large buildings and apartment houses; we want the open spaces. That is why people originally two years ago went to the Senior Citizen Center. The people of Round Hill are concerned about the timeshare project in the first place because it is a development. That's not affordable housing; it is a development. That was originally opposed, and Mr. Rosher believed probably in retrospect more adamantly opposed if they knew it was going to leapfrog from timeshares to other large developments.

Mr. Cole responded that he could understand the people of Round Hill opposing the major developments, but he was asking if there was not a recognition of your responsibility to provide housing for people who work in your community and should be able to live there. Apparently, there doesn't appear to be that recognition or responsibility. As far as the taxes that the City of South Lake Tahoe derives from people who live in South Lake Tahoe, Mr. Cole stated that he was afraid they are grossly inadequate for the level of services that are required. That is not a reasonable argument.

Mr. Rosher remarked that we are obviously not going to agree on this. But in any case, these people need to live in good places; they need to have nice housing so they can live in as good a life style as they can. That does not mean that the urban boundaries have to be changed; the U.S. Forest Service land has to have apartments on it; that Nevada State has to trade land in
order for apartments to be built on. Mr. Rosher stated that Mr. Cole's comments would seem to infer that the only place that housing can be added is in the Round Hill area; he didn't think that was accurate. He didn't think that was part of the staff's presentation.

Mr. Tolhurst questioned if Mr. Rosher was speaking specifically about sites number 10 and 11 or about all the sites on the map. Mr. Rosher replied that he was speaking about the sentiments of the people in Round Hill as far as having development in that area. The sites he believed would be the ones that he is speaking about are 8; the 9 acres presently owned by Falcon Corporation; 9a, which is the U.S. Forest Service land across from the church at Elks Point; 10 is out of the question because that is Burton-Santini money property; and then the 6 acres which is behind the Shell Station, which is probably not possible because of the lack of desire to do the land exchange.

Ms. Kvas commented to Mr. Rosher that he immediately started talking about litigation; which level was he talking about litigation. Mr. Rosher replied that there had been comments made; as he understood it, the California Attorney General is very strongly opposed to any kind of urban boundary changes. So the urban boundary changes is what he was referring to in terms of litigation.

Ms. Joyce Nolan, a resident of Round Hill, stated that Round Hill residents paid off the bonds. She stated that she neither approved nor opposed the housing development. With affordable housing, there is a new set of developers to deal with.

Ms. Helen Wallace, a resident of Round Hill, believed that there are incentives to develop land that is not already developed. She was of the opinion that the development should be limited in lands that are already developed. Ms. Wallace stated that the rules should not be rewritten to change the urban boundaries. The Round Hill residents have been partners with the TRPA, and believed that they had the power to control this development. She urged the TRPA to leave the Forest Service land the way it is and encouraged development in areas that are already disturbed. She thanked the APC for the opportunity to speak.

Mr. Michael Donahoe, who lives at Lake Village in Zephyr Cove, stated that he has been a stream keeper in the area for the last four years, and they are not in the shape they should be. He is concerned about any development in the watershed that might impact the streams. The zoning and design criteria would fit well for places like Modesto, Bakersfield or Las Vegas; not for Tahoe. He believed that the criteria for this development needed to be reworked and reviewed.

Mr. Richard Kents, with the League to Save Lake Tahoe, stated that the League was opposed to changing the urban boundary. The League would like areas that are already developed to be used. He stated that the League would be giving official comments at the TRPA Governing Board meeting. Mr. Dave Roberts, who usually attends the meetings, is on vacation.

Ms. Diane Bush, who lives at Lake Village in Zephyr Cove, stated her concerns about the plan for a multi-family development and how this can happen. She believed it was Douglas County's responsibility to provide affordable housing but felt that all the options that should be considered have not been. She lives next door to 18 acres and 10 years ago this property was a conservation district that was bought by a speculator. Ms. Bush believed that the criteria for development needs to be reevaluated and reworked, and staff should come up with a more comprehensive plan.
Ms. Margo Osti, from the City of South Lake Tahoe, believed that the urban boundary should be changed because large tracks of land have been taken away. The boundary lines need to be amended so we can use the buildable land that is available. Ms Osti believed that another jurisdiction should not pick up Douglas County’s burden of providing affordable housing.

Mr. Lew Feldman, representing Falcon Capital, believed that option #1 was the most viable option, and believed that affordable housing is an unmet need in the Basin. The property values have started to appreciate and housing has been taken away by second homes, creating the need for affordable housing.

(Mr. McDowell left at 1:15 p.m.)

Ms. Baldrica commented that she could support option 9B if the environmental benefit was equal value for the exchange. She was opposed to the urban boundary change.

Mr. Feldman commented that the TRPA Governing Board created the issue of affordable housing, and Falcon Properties is doing just that by proposing the 145 affordable housing units. He was very concerned about the lack of affordable housing in the Basin.

Ms. Baldrica commented that her preference is to be looking at what has been developed previously for affordable housing.

Mr. Tolhurst stated that there were two issues here; affordable housing and urban boundaries, which has been determined by humans and is not part of affordable housing. It is important for the Agency to look at where development should occur. He was of the opinion that good land has been taken out of circulation.

Mr. Cole commented that he agreed with Mr. Tolhurst. We should not allow the urban boundary issue to restrict the affordable housing issue. We need to find all potential areas that are available and adjust the urban boundaries. Mr. Cole believed that someone needs to step up to the plate in terms of the affordable housing issue. The City of South Lake Tahoe did it; Douglas County can do some of the same things. The problem should not be shifted back to the City of South Lake Tahoe or other jurisdictions.

Ms. Kvas stated that TRPA should expand the urban boundaries until all options have been looked at. She would like to see other alternatives explored.

Mr. Wells asked Mr. Barrett what was included in determining the urban boundaries. Mr. Barrett stated that he worked on developing urban boundaries and large areas were considered for multi-residential. He commented that land use changes are going to have to take place. He further stated that consideration of changing the urban boundary was tried but TRPA was sued.

Mr. Feldman agreed that all the options should be explained before changing the urban boundaries.

A discussion ensued.

(Break taken at 1:50 p.m.)

B. United States Postal Service Master Plan Progress Report
APC REGULAR MEETING MINUTES OCTOBER 13, 1999

United States Postal Service planning consultant Sue Rae Irelan presented the progress of the United States Postal Service Master plan, including the survey results, the needs assessment preliminary scope and the focused environmental assessment scoping.

A discussion ensued.

VII. ADMINISTRATIVE MATTERS

C. Status Report on Local Revenue Generation

Ombudsman Pam Drum presented a status report on streamlining activities and local revenue generation.

Vice-Chairperson Marchio asked if the APC members objected to moving Agenda Item No. VII.A., The Role of the Advisory Planning Commission, to the next meeting. The APC members all agreed.

VIII. REPORTS

A. Executive Director

Deputy Director Jerry Wells stated that Jim Baetge was on vacation this week, and sent his apologies for not being at the meeting. Also, Mr. Wells introduced the three new APC Members; Mimi Moss, replacing John Doughty from Douglas County; Alan Tolhurst, replacing Jim Haen from the City of South Lake Tahoe; and Ron McIntyre, who is the TTD representative to the Planning Commission. He welcomed all three new members.

B. Legal Counsel

Mr. Wells stated that there was no legal counsel's report because John Marshall had to do some work on a current lawsuit.

C. APC Members

Mr. Poppoff commented on the affordable housing issue in Douglas County and South Lake Tahoe, the same thing happens on the North Shore in Kings Beach. He suggested that a workshop be held on the water quality assessment.

Mr. Porta stated that on the agenda notice, the action 5.B. which stated that the APC would be adopting the Code in Chapter 83, it did not match the review summary; it stated that the APC would just be making suggestions on the Code.

Mr. Marchio thanked the APC members for the discussion on the multi-housing issue. Also, he thanked the APC members for putting up with him as APC chairman since Mr. Jepsen was on vacation. He would return for the next APC meeting.

IV. ADJOURNMENT - The meeting was adjourned at 2:55 p.m.
Respectfully submitted,

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.
November 29, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements

Proposed Action: TRPA staff previously presented the background, purpose, and benefit of adopting proposed ordinances which would implement the Protection Plan Element of the Lake Tahoe Source Water Protection Program. TRPA staff solicited comments and direction from the Advisory Planning Commission (APC) and interested stakeholders with regards to implementation of this element. The APC concurred with staff’s recommendation to bring the proposed ordinance back to the APC for review after completion of the final ordinance language and the source water assessment maps.

Staff Recommendation: In October, 1999, staff presented a proposed Source Water Protection Ordinance to the APC. Staff recommends adoption of the attached ordinances (See motions on page 8.) This staff summary responds to comments made by APC members on October 13, 1999 in the following staff analysis that includes ordinance language revisions. The following five APC comments are underlined, and staff’s responses follow.

1. The proposed source water protection ordinance must be effective at protecting drinking water sources. TRPA staff have identified at least three aspects of the ordinance which will insure it's effectiveness:

A. The over-riding goal of a source water protection program is to prevent contamination of source waters. The public's health can and often is protected from contaminated drinking water by treatment methods, however, treatment of contaminated water is extremely expensive. Protection from contamination in the first place is the preferred option. If treatment of drinking source water is difficult or costly, a source of drinking water may be abandoned. The cost of replacing the contaminated source water may be equally expensive. TRPA staff, the US Environmental Protection Agency, the California Division of Health Services, and the Nevada Bureau of Health Protection Services advocate the proposed ordinance's preventive approach to insuring that the public's drinking water is safe to consume.

B. The proposed ordinance provides a framework through which new technology-based BMPs would be applied. New BMPs are being identified and developed at a rapid pace. As an example, the proper closure of abandoned wells has been recently identified as a practical BMP which will protect source water.
C. The proposed ordinance uses a land use planning approach towards the prevention of drinking source water contamination. TRPA’s Regional Plan Package currently does not take advantage of the land use and source water spatial information known today to protect source water, groundwater, and surface water resources. Discussed further below, most agencies (with jurisdiction over the land uses identified in Table A of the proposed ordinance) do not take this approach to protect source water. TRPA staff believe the ordinance’s preventive and focused approach will be very effective at protecting source water.

2. The requirement to prepare a spill control plan shall be linked to existing uses. See new subparagraph 83.2.E. This new ordinance language requires owners of existing uses to submit a spill control plan in accordance with the deadline dates specified under the BMP retrofit program.

3. Submittal of a spill control plan shall be streamlined for those instances when a similar plan has already been prepared for another agency. See revised subparagraph 83.2.D(4). This new ordinance language allows for the waiver of preparation of a spill control plan in the event the appropriate environmental health department verifies that an equivalent plan has already been prepared.

4. Where appropriate, project monitoring should be included as a protection measure. TRPA staff considered a new subparagraph to address this comment, but elected not to include new ordinance language that could possibly lead to the requirement of a property owner to monitor a use. The installation and operation of monitoring equipment, which may include monitoring wells, alarms, and require laboratory analysis, is a costly venture. The South Tahoe Public Utility District (STPUD) estimates that a typical monitoring installation for a gasoline service station that includes one-years operating expenses may cost $18,300. In addition, the staff of STPUD and California Regional Water Quality Control Board – Lahontan Region have documented cases where monitoring equipment alarms have been defeated, and where telemetry equipment has failed. Thus, monitoring has other drawbacks in addition to cost. It may be determined in the future that monitoring installations are a necessary protection measure, however, TRPA staff suggests that monitoring not be included in the proposed ordinance at this time.

5. In what instances do the proposed ordinances result in duplication of effort by agencies that might otherwise provide for the protection of source water? In addition to the above comments, the APC requested that staff review the extent to which the applicability of the proposed ordinance is already covered by other regulatory agencies in the Region.

Most agencies do not use a land use approach coupled with spatial information to protect source water. The application of most agency regulations is triggered by the type or intensity of an activity, the quantity of a regulated material handled, or an actual spill. By incorporating source water location information into the ordinance, its application is focused for the greatest benefit.

Once it is determined that the ordinance is applicable to a proposed or existing use, TRPA staff have determined that some regulatory overlap would occur with respect to the requirement of a spill control plan. Depending upon the land use, the type of

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AGENDA ITEM V.A.
regulated material handled, and the quantity of material handled, similar spill control/material handling plans may be required to be on file with the local environmental health department, the California Regional Water Quality Control Board, or the Nevada Division of Environmental Protection. The information provided by the local environmental health departments and other agencies indicates that the regulatory overlap is minimal. Related agency requirements with respect to source water protection are described below.

Other Agency Regulatory Review:

Lahontan: Projects and activities reviewed by Lahontan are described in the Memorandum of Understanding (MOU) between Lahontan and TRPA. The MOU recognizes that areas of overlapping authority exist in the operations of the two agencies, and that it is mutually beneficial to the agencies and the regulated community to avoid unnecessary duplicative regulation. As such, the MOU provides for the primary and secondary responsibility for certain projects and activities.

Pursuant to the MOU, Lahontan has primary responsibility for review, permitting, and enforcement in the following areas:

- Sewage spills from sewage collection, treatment, and export facilities.
- Leaking underground storage tanks.
- Maintenance dredging projects.
- Turf area fertilizer management plans.
- Marina related fueling and sewage disposal systems.
- Industrial Activities/Facilities as covered by the Clean Water Act, NPDES Regulations.

A review of the possible contaminating activities identified in Table A of the proposed ordinance shows that Lahontan would have the responsibility to review the following proposed uses with respect to source water protection:

- Batch Plants*
- Fuel and Ice Dealers*
- Industrial Services*
- Recycling and scrap*
- Transit Stations and terminals*
- Marinas
  *If under a Federal NPDES permit.

Thirty-one of the 37 uses listed in Table A may not be reviewed by Lahontan. Actual review of projects by Lahontan could be greater, depending upon whether or not an existing NPDES permit has been issued, or if a general permit is required for general construction. If reviewed by Lahontan, the elements of a spill control plan may be on file; the Regional Board would not require comments from the environmental health department and the purveyor prior to approval of an activity.

Nevada Division of Environmental Protection: TRPA staff reviewed the functions of the Nevada Division of Environmental Protection (NDEP) that are related to source water protection. Seven bureaus under the direction of NDEP administer programs which are

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AGENDA ITEM V.A.
directly or indirectly related to source water. The Bureau of Water Quality Planning (BWQP) administers Nevada’s Well Head Protection Program (WHPP). WHPPs are voluntary programs implemented by local jurisdictions. WHPPs may include a spill response plan, but not necessarily a spill control plan. NDEP endorses a local jurisdiction’s WHPP. NDEP staff have indicated that there are no WHPPs being implemented in the Lake Tahoe Region on the Nevada side.

The application of BWQP’s Nonpoint Source Pollution Management Program (SMP) does consider type and intensity of land use, however, proximity to source water is not always taken into consideration.

NDEP's Bureau of Waste Management does regulate the handling of reportable quantities of materials of regulated substances; however, these regulations primarily address actions required in the event of a spill.

The Bureau of Water Pollution Control issues National Pollution Discharge Elimination System (NPDES) permits pursuant to the Clean Water Act. NPDES permits specify water quality standards for discharges as a result of an activity or use. They do not necessarily mandate how the standards will be met. Except for construction stormwater permits which expire upon completion of project construction, there are no NDEP NPDES permits issued for any activities or uses in place in the Lake Tahoe Region on the Nevada side of Lake Tahoe. In general, NDEP’s programs are response oriented rather than prevention oriented. NDEP staff have indicated that the proposed ordinance does not substantially duplicate regulations imposed by the State of Nevada.

The Bureau of Health Protection Services administers the Source Water Assessment Program. Protection programs are encouraged, but not required. As with the California, assessment information is not expected to be obtained until 2002.

California Department of Health Services: TRPA staff reviewed the functions of the California Department of Health Services (CADHS). The proposed ordinance goes beyond the ability of the CADHS to protect source water. CADHS regulates water purveyors; CADHS has no authority to regulate land uses adjacent to drinking water sources. CADHS does regulate certain activities of the purveyor to insure source water protection. A spill control plan may actually be required of the purveyor. CADHS staff stated that there are no duplicating provisions of the proposed ordinance relative to their regulations, and that the subparagraph which allows environmental health departments and purveyors to comment prior to approval of a project is a powerful tool towards the protection of source water.

El Dorado County: El Dorado County Environmental Management Department staff have indicated that the information required of the spill control plan would be required to be on file with the department for 14 of the 37 (38%) possible contaminating activities identified by TRPA and the states of California and Nevada. Despite this overlap, El Dorado County staff have indicated that the proposed ordinance does not result in duplication of effort, that the proposed ordinance compliments the county’s drinking water protection programs.
Memorandum to Advisory Planning Commission
Adoption of Source Water Protection Ordinance
Page 5

Placer County: Placer County Department of Health and Human Services staff have indicated that the information required of the spill control plan would be on file with the department for less than 8 of the 37 (22%) possible contaminating activities identified by TRPA and the states of California and Nevada. Of this 22 percent, not all of the activities described by TRPA may be required to have a plan; this is because the County describes TRPA permissible uses in greater detail. Some activities require a plan, some do not.

Washoe County: Washoe County District Health Department may require a Hazardous Material Management Plan for uses that are located adjacent to drinking water sources (The Truckee River, for example). With respect to proposed uses, only Special Uses are required to have a Hazardous Material Management Plan on file.

With respect to the proposed ordinance element that requires solicitation of comments, many projects could be approved today without receipt of such comments. Not until a project is approved would the environmental health departments or an affected water purveyor have knowledge of the project. Unlike an affected property owner notification, the ordinance takes the next step of requiring solicitation of comments, and requiring consideration of those comments prior to taking action on the project. This proposed ordinance subparagraph (83.2.D.2) is the keystone of Chapter 83. It provides an opportunity for the affected parties to discuss the nature of the proposed project, and allows for changes in project design that would protect source water.

Conclusions: Staff's analysis shows that there are few agencies that use a land use, spatial, proactive approach to source water protection. Only with respect to the requirement to submit a spill control plan does limited duplication of effort occur (approximately 25 percent of the time), however, a waiver provision has been provided to reduce this effort. In most cases, solicitation of comments from the environmental health department and the purveyor is not required by other agencies.

Ordinance Application Scenarios: Staff has prepared a number of scenarios to demonstrate how the ordinance would be applied in practice. These scenarios will be presented in a PowerPoint program during the meeting.

Findings: Prior to amending the ordinances, TRPA must make the following findings:

Chapter 6 Findings:

1. Finding: 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 proposed amendments to the ordinances will not adversely affect implementation of the Regional Plan.

The Tahoe Regional Planning Compact finds that the maintenance of the social and economic health of the Region depends on maintaining public health values provided by the Lake Tahoe Basin (Article I. – Findings and Declarations of

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Policy.) This includes the value of drinking water. Article I is echoed in the TRPA Goals and Policies, Chapter 1. Article V(d) of the Compact states that the Regional Plan shall provide for attaining and maintaining Federal, State, or local air and water quality standards, whichever are strictest, in the respective portions of the of the region for which the standards are applicable. Article VI(A) of the Compact states that the governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale: Amending the ordinances will not cause the environmental thresholds to be exceeded. The amendments implement the Goals and Policies referred to above, and will provide for the protection of surface and groundwater resources, thereby maintaining water quality thresholds if not moving thresholds towards attainment.

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

Rationale: See findings 1 and 2 above. The proposed amendments reflect goals and policies to achieve and maintain water quality standards, including state drinking water standards.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended; achieves and maintains the thresholds.

Rationale: See above findings. The proposed ordinance amendments, by design, shall apply only to projects that threaten source water which are proposed to be located in an identified protection zone. Such projects proposed will be required to meet all other applicable standards of the Code and implement mitigation measures as necessary to achieve and maintain the thresholds.

Ordinance 87-8 Findings

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

Rationale: This amendment has limited application and where it can be applied, the affected projects must meet all environmental standards which includes mitigating any potential impacts to a less than significant level.
2. The amendment provides for equal or better means of attainment or maintenance of the thresholds.

Rationale: The amendment provides for additional protection of groundwater resources consistent with water quality threshold WQ-6 -- Surface Discharge to Groundwater.

3. Finding: One or more of the following.

a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or

b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or

d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or

e. The provision to be amended has been shown, through experience and time, to be counter-productive or ineffective in attainment or maintenance of the thresholds; or

f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

(1) The cost of implementation outweighs the environmental gain to be achieved;

(2) Implementation will result in unacceptable impacts on public health and safety; or

(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

Staff proposes to make Finding b.

Rationale: Currently, the Code of Ordinances could be improved with respect to the protection of groundwater resources and source water. The proposed amendments strengthen existing groundwater and surface water protection measures, and provide for the protection of public health and safety.
Environmental Documentation: Based on the above analysis and completion of an IEC, and because the proposed ordinance amendments implement the goals and policies, staff recommends a Finding of No Significant Effect (FONSE).

Requested Actions: Staff recommends the Advisory Planning Commission take the following actions:

1. Motion to make a recommendation to amend the ordinances to protect source water.
2. Motion to direct staff to present the proposed ordinances to the Governing Board for adoption subsequent to completion of the source water assessment maps.

Portions of this item will be presented in a PowerPoint format. If you have any questions or comments regarding the Lake Tahoe Source Water Protection Program or the proposed ordinances, please contact Jon Paul Kiel at 775-588-4547, extension 261.

Attachments:
Attachment A –Proposed ordinance amendments, with Exhibits.
Attachment B - Letters in support of the Source Water Protection Ordinance.
Attachment C - TRPA/Lahontan Memorandum of Understanding.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 99 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING
THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY;
AMENDING CHAPTERS 83, 12 AND 25 OF THE CODE OF ORDINANCES RELATING
TO SOURCE WATER PROTECTION; AND PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as
follows:

Section 1.00

Findings

1.10
It is necessary and desirable to amend TRPA Ordinance 87-9, as
amended, which ordinance relates to the Regional Plan of the
Tahoe Regional Planning Agency (TRPA) by amending Chapters
83, 12 and 25 of the Code of Ordinances relating to source water
protection, in order to further implement the Regional Plan
pursuant to Article VI(a) and other applicable provisions of the
Tahoe Regional Planning Compact.

1.20
These amendments have been determined not to have a
significant effect on the environment, and are therefore exempt
from the requirements of an environmental impact statement
pursuant to Article VII of the Compact.

1.30
The Advisory Planning Commission ("APC") has conducted a
noticed public hearing on the amendments and recommend
adoption. The Governing Board has also conducted a noticed
public hearing on the amendments. At those hearings, oral
testimony and documentary evidence were received and
considered.

1.40
The Governing Board finds that the amendments adopted here
will continue to implement the Regional Plan, as amended, in a
manner that achieves and maintains the adopted environmental
threshold carrying capacities as required by Article V(c) of the
Compact.

1.50
The Governing Board finds that, prior to the adoption of this
ordinance, the Board made the findings required by Chapter 6 of
the Code and Article V(g) of the Compact.

1.60
Each of the foregoing findings is supported by substantial
evidence in the record.
Section 2.00 Amendment of Chapter 83 of the Code of Ordinances

Chapter 83 is hereby amended as set forth below with added language in blue print and deleted language stricken as set forth on Exhibit A, dated November 29, 1999, which attachment is attached hereto and incorporated herein.

Section 3.00 Amendment of Chapter 12 of the Code of Ordinances

Chapter 12 is hereby amended as set forth below with added language in blue print and deleted language stricken as set forth on Exhibit B, dated November 29, 1999, which attachment is attached hereto and incorporated herein.

Section 4.00 Amendment of Chapter 25 of the Code of Ordinances

Chapter 25 is hereby amended as set forth below with added language in blue print and deleted language stricken as set forth on Exhibit C, dated November 29, 1999, which attachment is attached hereto and incorporated herein.

Section 5.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Regional Plan adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan are hereby declared respectively severable.

Section 6.00 Effective Date

This ordinance amending Chapters 83, 12 and 25 of the Code shall be effective 60 days after its adoption pursuant to Subsection 13.7.B.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held December 15, 1999, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Larry Sevison, Chairman
Tahoe Regional Planning Agency
Proposed ordinance amendments are as follows (blue print = new ordinance language, black print = existing ordinance language, red strike-out print = deleted ordinance language):

Proposed New Ordinance Chapter 83

CHAPTER 83

SOURCE WATER PROTECTION

Chapter Contents

83.0 Purpose
83.1 Applicability
83.2 Source Water Protection
83.3 Source Water Assessment

83.0 Purpose: This chapter sets forth regulations pertaining to recognition of source water, prevention of contamination to source water, and protection of public health relating to drinking water. It strengthens provisions of the Goals and Policies that address groundwater protection, and implements elements of the TRPA Source Water Protection Program.

83.1 Applicability: This chapter applies to projects that are identified as a possible contaminating activity located in identified source water protection zones as depicted on TRPA Source Water Assessment maps, and retrofit of existing development with Best Management Practices.

83.2 Source Water Protection: To protect public health and to insure the availability of safe drinking water, TRPA shall review proposed projects identified as possible contaminating activities to source water which are located within a source water protection zone depicted on TRPA Source Water Assessment maps according to the following standards and procedures:

83.2.A Source Water Defined: Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

83.2.B Possible Contaminating Activity Defined: Activities equivalent to TRPA primary uses identified by either the California Department of Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located, as having the potential to discharge contaminants to surface or groundwaters. Such uses are listed in Table A.

83.2.C Source Water Protection Zone Defined: A zone delineated around drinking water sources in the following manner as depicted on the TRPA Source Water Assessment maps.

(1) Protection Zone: A protection zone consisting of a fixed 600 foot radius circle shall be identified around wells, lake intakes, and
springs assessed by TRPA. Protection zones shall be delineated using the best available source water location data known to TRPA. Protection zones may be located using the centroid of the parcel in which the well, lake intake, or spring is found. Protection zone delineations may be modified by TRPA as follows: Upon receipt of source water assessment information collected by the California Department of Health Services, the Nevada Bureau of Health Protection Services, or other public agencies responsible for conducting drinking source water assessments in accordance with state Source Water Assessment and Protection Programs and if recommended by the California Department of Health Services or the Nevada Bureau of Health Protection Services; or upon receipt of source water assessment information provided by the property owner in which the well, spring, or lake intake is located and if the California Department of Health Services or the Nevada Bureau of Health Protection Services concurs with the new delineation.

83.2.D Review of Proposed Possible Contaminating Activities located in Source Water Protection Zones: Proposed uses determined by TRPA to be projects that are identified as a Possible Contaminating Activity, with a project area located in a source water protection zone, shall not be approved unless TRPA finds that:

1. The project complies with the requirements to install BMPs as set forth in Section 25.2.
2. TRPA has solicited comments from the operator/owner of the source water, and the department of environmental health with jurisdiction over the source water, and all such comments received were considered by TRPA prior to action being taken on the proposed project.
3. A spill control plan is submitted to TRPA for review and approval. The plan shall contain the following elements:

   a. Disclosure element describing the types, quantities, and storage locations of contaminants commonly handled as part of the proposed project.
   b. Contaminant handling and spill prevention element.
   c. Spill reporting element, including a list of affected agencies to be contacted in the event of a spill.
   d. Spill recovery element.
   e. Spill clean-up element.

4. Submittal of a spill control plan may be waived provided a state or local agency with jurisdiction over the subject source water provides a written statement to TRPA that a plan containing the above elements remains on file with that agency, or TRPA staff determines, at its discretion, that requiring a spill control plan would not result in significant additional protection of the source water.

83.2.E Requirements of Existing Uses located in Source Water Protection Zones: Existing uses that are identified as a Possible Contaminating Activity located in a source water protection zone shall comply with
Subparagraph 83.2.D(3). Compliance with Subparagraph 83.2.D(3) shall occur pursuant to the deadlines set forth in Subparagraph 25.3.A.

83.3 **Source Water Assessment**: An inventory of wells, springs, and lake intakes that serve five (5) or more user service connections shall be prepared for the Lake Tahoe Region. An inventory shall be prepared in consultation with local and state environmental health agencies. Sources omitted from the inventory due to a lack of information provided by local and state environmental health agencies shall be added as appropriate if additional source information is received by TRPA. Source water protection zones delineated on the source water assessment maps shall be modified pursuant to subparagraph 83.2.C(1).
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<th>POSSIBLE CONTAMINATING ACTIVITIES</th>
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<td>Laundries and dry cleaning plant</td>
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RECREATION:

Beach recreation
Boat launching facilities
Developed campgrounds
Golf courses
Marinas
Recreational vehicle parks
Rural sports

RESOURCE MANAGEMENT:

Timber Management:
  Timber stand improvement

Range:
  Grazing
  Range pasture management

Watershed Improvements
  Runoff control

SHOREZONE:

Construction Equipment Storage
Seaplane Operations
Tour Boat Operations
Water-Oriented Outdoor Recreation Concessions
Proposed Addition to Chapter 12 TRPA Regional Plan Maps

12.2.C(5). Source Water Assessment Maps: The Source Water Assessment Maps indicate the location of drinking water sources serving five (5) or more user service connections in the Region, protection zones around each source, and uses with a higher propensity to contaminate source water. Approximate scale 1” = 2,000'.
Proposed Amendment to Chapter 25 Best Management Practice Requirements

25.7 **Special Circumstances:** Where special circumstances occur, alternative BMPs may be approved to meet water quality standards. Special circumstances may include, but not be limited to, streets, highways, and bike trails, existence of high ground water table, unusual up-stream or downstream flow conditions, proximity to drinking water sources, and presence of unusual concentrations of pollutants.
Dear Commissioners:

I am writing to you to express our support for the Source Water Protection ordinance that is currently proposed by the Tahoe Regional Planning Agency (TRPA). As you know, the protection of drinking water through the Source Water Assessment and Protection Program is a high priority for the U.S. Environmental Protection Agency (EPA). The protection of Lake Tahoe for its varied uses including use as a drinking water source has our full support.

The Source Water Assessment and Protection Program protects both habitat and human health. With this in mind, we were very pleased to fund the development of a local Tahoe Basin Source Water Protection Program as one of the President’s commitments in 1997. Through this program, local stakeholders including water purveyors, health and water quality agencies, federal agencies, and affected industry have defined objectives and tasks that can make a real difference in the protection of Tahoe’s water resources. The development of the Source Water Protection ordinance is the culmination of over a year’s worth of effort by these stakeholders, and provides a mechanism for implementing some of the objectives they developed.

Safe and plentiful drinking water assures the long term success and viability of a community and its members. I hope that you will adopt the Source Water Protection ordinance, an additional tool that can be used to protect the quality of Lake Tahoe and the Basin’s water resources. Thank you for your consideration.

Yours,

Felicia Marcus
Regional Administrator
August 30, 1999

James Baetge, Director
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448

Dear Mr. Baetge:

SUPPORT FOR TRPA'S PROPOSED ORDINANCE TO PROVIDE ADDITIONAL PROTECTION TO WELLS, SPRINGS AND LAKE INTAKES IN THE LAKE TAHOE REGION

Thank you for the opportunity to participate in the Lake Tahoe Source Water Protection Group. The Lake Tahoe Source Water Protection Program was initiated after being identified as a Presidential Deliverable. The intent of this program is to ensure protection of drinking water sources and public health. The California Regional Water Quality Control Board-Lahontan Region (Regional Board) commends TRPA's active and successful role in this program. The Regional Board strongly supports the much needed ordinance TRPA is proposing for the long-term protection of source water in the Lake Tahoe Region.

Currently, ground and surface water supplies in the Lake Tahoe Basin adequately serve local and visitor populations. As the populations of both year-around residents and visitors to Lake Tahoe Basin continue to increase, so does the demand for drinking water. Unfortunately, as the population increases, so do the industries, commercial and residential properties, and recreational facilities needed to support these populations. Because current and proposed land uses have the potential to contaminate viable surface and ground water resources, strict management practices must be applied to assure existing and potential sources of drinking water are protected. Regulatory agencies and the community need to implement control measures to secure the availability of safe drinking water. Currently, water consumers in the Lake Tahoe Basin are exercising water conservation because leaking underground storage tanks impacted nearly a third of South Lake Tahoe's municipal drinking supply.

To avoid future water contamination and water shortage situations, it is necessary to critically review proposed projects that have been identified as possible contaminating activities. If current and proposed projects are associated with contaminating activities (auto-body shops, dry cleaners, horse stables, marinas etc.) then stringent best management practices shall be implemented on-site to prevent source water contamination. The proposed ordinance is designed to ensure a proposed project having
the potential to impact source water complies with certain protective standards including the preparation of a spill prevention and contamination discharge plan. The proposed ordinance will also allow nearby residents, the jurisdictional water purveyor, and the Department of Health Services to comment on the proposed project. All of the above-mentioned conditions of the ordinance will be necessary to ensure source water protection.

As part of the Lake Tahoe Source Water Assessment and Protection Program, source waters in the Lake Tahoe Basin have been identified, inventoried, and mapped. Possible contaminating activities have been defined and source water protection zones have been delineated. The Regional Board commends TRPA for its efforts in facilitating this vital program and supports TRPA's proposed ordinance designed to protect wells, springs, and lake intakes, in the Lake Tahoe Region.

We look forward to working together to protect source water quality. Should you wish to discuss this matter further, please contact me at (530) 542-5436 or Mary Fiore at (530) 542-5425.

Sincerely,

[Signature]
Lauri Kemper
Senior Water Resource Control Engineer
August 27, 1999

Jon Paul Kiel
Water Quality Program Manager
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448

Dear Mr. Kiel:

The Nevada State Health Division, Bureau of Health Protection Services wishes to express its support for the proposed ordinance that seeks to protect drinking water sources in the Lake Tahoe region.

Through its Source Water Assessment Program, Nevada is committed to the concept of prevention of contamination of drinking water sources. This is cost effective and prudent public health practice. The ordinance proposed by the Tahoe Regional Planning Agency promotes this concept.

The Bureau of Health Protection Services serves as a member of the Lake Tahoe Source Water Assessment and Protection Group along with TRPA, the California Department of Health Services, the United States Environmental Protection Agency, and other interested parties. We appreciate the opportunity to coordinate our source water efforts with this group.

If you have any questions, please contact me.

Sincerely,

[Signature]
Jonathan C. Palm, Ph.D., P.E.
Manager, Public Health Engineering
Bureau of Health Protection Services

cc: Leah Walker, CDH
    Judy Bloom, USEPA
Dear Mr. Kiel:

The California Department of Health Services, Division of Drinking Water and Environmental Management (DHS) wishes to express its support for the development of a source water protection ordinance for the Lake Tahoe region by the Tahoe Regional Planning Agency (TRPA).

Encouraging source water protection efforts is one of the primary elements of the California Drinking Water Source Assessment and Protection Program developed by DHS and recently endorsed by the US Environmental Protection Agency (USEPA). The Program describes how DHS will conduct assessments for drinking water sources and encourage protection efforts.

DHS has been pleased to be a member of the Lake Tahoe Source Water Group that has worked with TRPA, the Nevada State Health Division, and the USEPA on the source water protection project and appreciates the opportunity it provides for interstate coordination of source water protection activities.

If you have any questions, please contact Leah Walker of the Drinking Water Technical Programs Branch at (707) 576-2295.

Sincerely,

Alexis M. Milea, P.E., Chief
Division of Drinking Water and Environmental Management

cc: Leah Walker
Bob Hultquist
Jess Morchouse
Judy Bloom, USEPA
Jon Palm, Nevada State Health Division
October 4, 1999

Mr. Jon Paul Kiel
Associate Water Quality Planner
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448

Re: Support for Proposed Source Water Protection Ordinance - Chapter 83

Dear Jon Paul:

The South Tahoe Public Utility District supports the source water protection ordinance. The ordinance provides an opportunity for water agencies to review projects that may jeopardize the public water supply. The ordinance will also become an integral part of implementing our Groundwater Management Plan. This ordinance is one of the first to truly recognize the value of the Lake Tahoe Basin's groundwater resources, and we at the District appreciate you guiding its development to a meaningful conclusion.

Sincerely,

Rick Hydrick
Manager of Water Operations
October 28, 1999

Jon Paul Kiel
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448-1038

Dear Mr. Kiel:

Subject: Support For TRPA's Proposed Source Water Protection Ordinance

The El Dorado County Environmental Management Department would like to thank you for the opportunity to participate in the Tahoe Regional Planning Agency's Lake Tahoe Source Water Protection Group. The protection of drinking water sources is vital to the public health and safety of our communities around Lake Tahoe.

The proposed ordinance, as revised, does not result in duplication of effort by our agency. We do require spill prevention plans to be on file in our office for those businesses that handle hazardous materials and/or hazardous waste. I have identified those types of businesses on "Table 4, TRPA Potential Contaminating Activities" as enclosed. In addition, our department as the Local Primacy Agency (LPA) will be responsible for the State of California’s Drinking Water Source Assessment and Protection Program (DWSAP) as it relates to the small public water systems that we regulate. This program will inventory existing contaminates around drinking water sources and inform the public of water system vulnerability. We are required to complete these assessments by December 31, 2002.

Our programs do not have any provisions for commenting on a proposed project or use that has been identified as a possible contaminating activity. We typically find out about new businesses through the City and County Business License Program. In most cases, the businesses are already operating and we have not been involved in the approval process. The TRPA proposed ordinance will complement our department's programs and further protect our drinking water in the Lake Tahoe region.
The El Dorado County Environmental Management Department fully supports the TRPA Proposed Source Water Protection Ordinance. We look forward to working with you in the future. If you have any questions regarding this matter, please contact me at (530) 573-3450.

Sincerely,

EL DORADO COUNTY
ENVIRONMENTAL MANAGEMENT

Virginia Huber
Virginia Huber, REHS
Tahoe Division Manager
Table 4. TRPA Potential Contaminating Activities

POSSIBLE CONTAMINATING ACTIVITIES

RESIDENTIAL:

Domestic animal raising

COMMERCIAL:

Retail:

- Service Stations

Services:

- Auto repair and service
- Business support services
- Laundries and dry cleaning plant
- Repair services

Light Industrial:

- Batch plants
- Fuel and ice dealers
- Industrial Services
- Recycling and scrap (Haz Mat)

Wholesale/Storage:

- Storage yards
- Vehicle storage and parking
- Vehicle and freight terminals

PUBLIC SERVICE:

General:

- Airfields, landing strips and heliports
- Collection stations
- Hospitals
- Local public health and safety facilities
- Regional public health and safety facilities
- Power generating
- Public utility centers
- Schools (Chem lab plant)

Linear Public Facilities

- Transit stations and terminals

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RECREATION:

- Beach recreation
- Boat launching facilities
- Developed campgrounds
- Golf courses
- Marinas
- Recreational vehicle parks
- Rural sports

RESOURCE MANAGEMENT

Timber Management:

- Timber stand improvement

Range:

- Grazing
- Range pasture management

Watershed Improvements

- Runoff control

For Paul:

Any business with hazardous materials or generating hazardous waste should have a spill plan on file with us. Most are in the process of being updated.
APPENDIX BB

MEMORANDUM OF UNDERSTANDING BETWEEN THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
LAHONTAN REGION, AND THE TAHOE REGIONAL PLANNING AGENCY

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region
(Lahontan RWQCB), through direction to the RWQCB’s Executive Officer, and the
Tahoe Regional Planning Agency (TRPA) Governing Body, through direction to TRPA’s
Executive Director, have agreed to enter into this Memorandum of Understanding
(MOU), and

WHEREAS, Lake Tahoe is a designated Outstanding National Resource Water whose
quality and beneficial uses are threatened by sediment and nutrient loading from a
variety of sources, control of these sources is of major interest to the States of
California and Nevada and the federal government, and

WHEREAS, the Lahontan RWQCB is an agency of the State of California, empowered
by the federal Clean Water Act, the Porter-Cologne Water Quality Act, and other federal
and state laws to set water quality standards and to regulate activities in the California
portion of the Lake Tahoe Basin which may have an adverse effect on water quality, and

WHEREAS, California’s Water Quality Control Plan for the Lake Tahoe Basin provides
that State Water Quality regulatory programs

“may be carried out in the absence of, or in addition to, regulation by local and
regional agencies. Where review of individual projects is required, and adequate
programs are adopted by local or regional agencies, review by water quality
agencies can be waived to prevent duplication. State water quality programs
setting general standards will be used in combination with programs by local and
regional government, to provide backup enforcement.”

The Lahontan RWQCB has recognized TRPA’s authority and regulatory program as
adequate to meet the criteria above for several types of projects and activities, and

WHEREAS, TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551,
94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the
Lake Tahoe Basin, including water quality. The Compact also directs TRPA to ensure
attainment of state and federal environmental standards, and to define which activities
are exempt from TRPA review and approval. TRPA defines exempt activities in Chapter
4 of its Code of Ordinances, and

WHEREAS, all activities described in this MOU shall be in accordance with the Regional
Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to
time. All activities undertaken by the Lahontan RWQCB pursuant to this MOU shall
comply with applicable Best Management Practices (BMPs), and all provisions of the
TRPA Code of Ordinances, as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA, and

WHEREAS, the Lahontan RWQCB and TRPA are both responsible for implementing the bi-state Water Quality Management Plan for the Lake Tahoe Region ("208 Plan") and TRPA is recognized as one of the implementing agencies for certain California water quality control plan provisions applicable to the Lake Tahoe Basin. These plans require compliance with water quality standards and the installation of Best Management Practices (BMPs) for the control of erosion and stormwater on all improved properties in the California portion of the Lake Tahoe Basin, and prohibit disturbance of Stream Environment Zones, with limited exceptions, and

WHEREAS, the Lahontan RWQCB and TRPA are interested in developing a cooperative approach toward implementation of water quality plan provisions related to prevention of water pollution, control of erosion, sediment, and wastewater, and cleanup activities for leaking underground tanks, and

WHEREAS, the Lahontan RWQCB and TRPA recognize that areas of overlapping authority and regulatory effort exist in the operations of the two agencies, and that it will be mutually beneficial to the RWQCB, TRPA, and the regulated community to avoid unnecessary duplicative regulation.

NOW THEREFORE, the Lahontan RWQCB and TRPA agree as follows:


1. Each agency will assume either primary or secondary responsibility for the types of projects listed in Paragraphs 2 and 3 below. The agency with primary responsibility will review project proposals, issue permits, conduct inspections, and take enforcement action as necessary to ensure compliance with permits. The other agency will not normally issue a permit, but may consult with staff of the primary agency as provided in Paragraph 10 below, and may also use its full regulatory authority when necessary as described in Paragraph 9 below.

2. The Lahontan RWQCB will have primary responsibility for the following types of projects or activities in the California portion of the Lake Tahoe Basin:

a. Review, permitting, and enforcement to ensure retrofit of BMPs on properties which:

(1) have existing commercial and tourist accommodation improvements, and

(2) do not involve any expansion or remodeling of the facilities, and the owner(s) of the property are voluntarily proposing to install the BMPs required by Section 25.3, Chapter 25 of TRPA's Code of Ordinances and have applied to the Regional Board for waste discharge requirements to regulate the installation.
(RWQCB staff will coordinate with TRPA to determine the significance of any previous TRPA actions affecting the subject parcels in relation to pending applications for BMP retrofit).

Note: Upon the implementation of the Fiscal Year 1999/00 Section 319(h) $240,000 Grant of the Clean Water Act (July 1, 1999), the activities listed above will become the primary responsibility of the TRPA for Fiscal Years 99/00, 00/01 and 01/02. The project proponents for activities listed under 2.a.(3) above shall have the option of receiving a permit from either the TRPA or Lahontan.

b. Site assessment, investigation and enforcement related to sewage spills from sewage collection, treatment, and export facilities.

c. Specification of BMPs and ground water cleanup levels to be used at leaking underground storage tank sites (in cooperation with the appropriate County, which will specify soil cleanup levels). This includes the review, permitting and enforcement related to groundwater and soil remediation activities.

d. Review, permitting and enforcement for maintenance dredging projects, provided that the subject project has been presented to the Shorezone Review Committee.

e. Review, permitting and enforcement for turf area fertilizer management plans.

f. Review, permitting and enforcement for all marina-related fueling and sewage disposal systems.

g. Review, permitting and enforcement for Industrial Activities/Facilities as covered by the Clean Water Act, NPDES Regulations.

3. The Lahontan RWQCB will assist and support TRPA in implementing and securing funding sources for the BMP retrofit, erosion control, and Stream Environment Zone Restoration programs.

4. The Lahontan RWQCB will assist and support TRPA in securing funding sources for the enforcement of the 2-cycle restrictions within the Lake Tahoe Region.

5. TRPA will have primary responsibility for the following types of projects or activities in the California portion of the Lake Tahoe Basin:

a. Review, permitting, and enforcement of projects related to residential development, including new projects, expansion or remodeling of existing residential development, and residential BMP retrofit projects.

b. Review, permitting, and enforcement related to new commercial and tourist accommodation projects, remodeling and expansion of existing commercial and tourist accommodation facilities, and BMP retrofit in connection with such expansion or remodeling.
c. Review, permitting, and enforcement related to projects which are constructed for the primary purpose of erosion control or stormwater treatment, and which do not involve projects regulated by NPDES Construction Activity Regulations and does not involve a streambed alteration agreement or permit from the US Army Corp of Engineers. At LRWQCB's request, prior to final approval of such projects, TRPA shall provide the opportunity for review and comment.

d. Review, permitting, and enforcement to ensure retrofit of BMPs on properties with existing commercial and tourist accommodation improvements subject to requirements in Chapter 25 of the TRPA Code of Ordinances and not regulated by the Lahontan RWQCB pursuant to Paragraph No. 2 above.

e. Review, permitting and enforcement for all grazing projects with the exception of the Meiss Allotment, Baldwin (Tallac Creek) Allotment and other grazing areas as mutually agreed by both agencies.

f. Review, permitting and enforcement for all timber harvest projects.

(TRPA staff will coordinate with RWQCB staff to determine the extent of RWQCB involvement in the permitting and/or enforcement aspects of the timber harvest projects.)

II. General Provisions:

1. Both agencies will annually coordinate and prioritize appropriate permit and enforcement activities for all properties in the Tahoe Basin that are subject to the BMP retrofit deadlines specified in Section 25.3 of Chapter 25 of TRPA's Code of Ordinances. Each year the staff of both agencies will jointly prepare a work plan that will list and prioritize specific properties in each of the three Priority Group Watersheds. The work plan will also identify which agency will be responsible for ensuring that BMPs are installed at each specific property.

2. Both agencies will continue to review and consider permits for community stormwater treatment systems (e.g. areawide systems proposed by a local government in a Community Plan), and Environmental Improvement Projects identified in the Environmental Improvement Program for the Lake Tahoe Region.

3. Both agencies will review any project involving more than 2 acres of soil disturbance.

4. Only the agency issuing a permit will be responsible for approval of exemptions to prohibitions related to Stream Environment Zone disturbance. Any exemptions shall be in accordance with the TRPA Code.

5. Projects and activities not specified in Sections I. 1 through 5 and II. 1 and 2 above will continue to be reviewed and permitted by either or both agencies as was the case before approval of this MOU.
6. This MOU does not affect projects or activities within the mutual jurisdiction of the Lahontan RWQCB and TRPA in the Truckee River watershed downstream of Lake Tahoe.

7. Nothing in this MOU shall be construed to limit the authority of either the Lahontan RWQCB or TRPA to administer its own regulations or to impose reasonable conditions of approval on any application, or to take enforcement action as necessary to ensure compliance with its environmental standards and regulations. Any activity listed in Sections I. 2 through 5 and II. 1 above may be considered a project requiring review by either party to this MOU, if that agency determines that the other agency has failed to comply with this MOU, or that the activity may have a substantial effect on the natural resources within its statutory responsibility.

8. Staff of the Lahontan RWQCB and TRPA shall cooperatively provide training, technical review and comments to each other, upon request, for any applications reviewed under this MOU.

9. A staff person from each agency shall be designated as a liaison and responsible person for the implementation of this MOU.

10. Staff of the Lahontan RWQCB and TRPA shall review the implementation of this MOU and shall report to the agencies' respective governing boards following such reviews on an annual basis.

11. For all projects and activities listed above for which the Lahontan RWQCB has primary responsibility, RWQCB staff shall maintain "accounting and tracking" records for impervious surface coverage and other parameters as required by Chapter 38 of TRPA's Code of Ordinances. Chapter 38 requirements shall be recorded by RWQCB staff on forms provided by TRPA, and shall be transmitted on a quarterly basis to TRPA for inclusion in its permanent accounting and tracking records.

12. Staff of each agency shall meet and review on the implementation of the MOU as follows:
   
a. For BMP retrofit, **annually**, covering activities through the previous December 31.

   b. For exemptions to SEZ prohibitions, **annually**, covering activities through the previous December 31. (Review shall include the exemption findings made and a description of required mitigation measures.)

   c. Status of underground storage tank BMP (installation and remediation/cleanup progress), **annually**, covering activities through the previous December 31.

   d. Status of enforcement actions for sewage spills, **as they occur**.
e. For turf area fertilizer management plans, annually, covering activities through the previous December 31.

f. For maintenance dredging projects, annually, covering activities through the previous December 31.

g. For marina-related fueling facilities and sewage disposal system projects, annually, covering activities through the previous December 31.

h. For Industrial Activities/Facilities as covered by the Clean Water Act, NPDES Regulations, annually, covering activities through the previous December 31.

13. Staff of the Lahontan RWQCB and TRPA will continue discussions to identify additional areas of duplication of effort and will consider expanding the scope of this MOU accordingly.

14. This MOU will continue in effect until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth herein.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION

Dated: ________________________________

Harold Singer
Executive Officer

TAHOE REGIONAL PLANNING AGENCY

Dated: 5-10-99

James W. Baetge
Executive Director
MEMORANDUM

November 30, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Movement of the Individual Parcel Evaluation System (IPES) Line

Proposed Action: Subsection 37.8.C requires TRPA to consider lowering the IPES numerical level defining the top ranked parcels on an annual basis.

Staff Recommendation: Staff recommends that the findings required for lowering the IPES line be made only for Douglas County and action should be taken to lower the numerical level in that jurisdiction. Washoe County has already reached the bottom of the numerical level for that jurisdiction and no further IPES line criteria analysis will be done for that jurisdiction. All of the required findings cannot be made in the two California jurisdictions, so no action should be taken to lower the IPES line there.

Background: Chapter 37 of the Code sets forth the five findings which must be made for the IPES line to be lowered for a jurisdiction. Those findings are:

1. All parcels included in the top rank are otherwise eligible for development under the applicable state water quality management plan for the Lake Tahoe Basin (208 plans) and other legal limitations;

2. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages:

   (i) El Dorado County - 20 percent
   (ii) Placer County - 20 percent
   (iii) Douglas County - 33 percent
   (iv) Washoe County - 33 percent

3. The monitoring program for that jurisdiction is in place pursuant to Chapter 32 and the TRPA monitoring plan;

4. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction; and

5. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory.

The above findings are further defined in Volume I of the 1988 TRPA 208 Plan (see pages 118-120, attached as Exhibit A).

JP/dmc

AGENDA ITEM VI.A.
In 1994 meeting, the Governing Board began to lower the line in the Nevada jurisdictions. The line was lowered in Washoe County every year since and in Douglas County every year but one. In January 1999 the Governing Board lowered the IPES line to 639 in Douglas County and 325 in Washoe County.

Discussion: Since lowering the IPES line is an annual event, staff has compiled the necessary information from the preceding calendar year (1999) or fiscal year (98-99), as appropriate, for consideration of lowering the line in Douglas County, Nevada in 2000. As before, the California counties are ineligible because the vacant lot equation finding cannot be made. The current vacant lot equation is presented for both California counties later in this staff summary for informational purposes.

FINDING 1. ELIGIBILITY UNDER 208 PLAN
Staff recommends making the first finding regarding eligibility and legality of IPES parcels below the IPES line for development under the applicable 208 plans because the TRPA 208 Plan, which includes implementation of the IPES and the potential for lowering the line, was certified by both states and approved by US EPA. in 1989. The 1990 TRPA amendment to the 208 Plan redefining "in place" monitoring, was certified by Nevada in 1990, by California in 1992, and approved by US EPA. in August 1993.

FINDING 2. VACANT LOT EQUATION
The "vacant lot equation" is the requirement that the number of parcels with IPES scores below the line (725 or less), divided by the number of parcels deemed sensitive (i.e., land capability districts 1, 2 and 3) on January 1, 1986, cannot exceed 20 percent in the California counties and 33 percent in the Nevada counties.

Numerator = Number of vacant parcels with IPES scores of 725 or less.

Denominator = Number of vacant parcels deemed sensitive (Bailey 1, 2 or 3) on January 1, 1986.

The current calculations are based on the December 1999 IPES inventory, to which has been added unscored parcels which are mapped predominantly land capability 1-3 and parcels which purchased points within the last two years. The denominators are taken from a September 1986 memorandum to the Governing Board from William Morgan. The denominators are constant and do not change.

Douglas County: 111/1067 = 10 percent
Placer County: 815/1667 = 48.8 percent
Washoe County: 39/2350 = 1.6 percent
El Dorado County: 1172/4363 = 27 percent

(For informational purposes, the percentages for last year for the California counties were:
Placer County: 820/1667 = 49 percent
El Dorado County: 1234/4363 = 28 percent.)

Staff recommends making this finding for Douglas County. Since the finding cannot be made for the California counties, the remainder of this summary shall focus on Douglas County.

JP/dmc
FINDING 3. MONITORING FINDING

The monitoring finding requires a monitoring program pursuant to Chapter 32 and the TRPA monitoring plan to be in place in a given jurisdiction. "In place" is defined in the 208 Plan, Volume I, p.119, as amended, as:

... This monitoring program shall be in place in a local jurisdiction, and shall characterize water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered. (Goals and Policies, p.VII-25). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for the previous water year. The monitoring program, to be effective, should remain in place on a continuing and long term basis. It is the intent of TRPA to collect, on a long term basis pursuant to stringent QA/QC procedures, improved tributary water quality data which will be used to better assess average and existing conditions and to understand water quality trends and compliance with state and federal water quality standards.

Additional detail and description of the IPES-related monitoring program are found in Volume I, pp.118-119 of the 208 Plan (Exhibit A).

In summary, the program consists of permanent monitoring stations at the mouths of ten streams, stream flow gauges and monitoring at upstream locations on five of the ten streams (Incline, Trout, Ward and Edgewood Creeks and the Upper Truckee River), and eleven additional upstream sites in Nevada on both the monitored streams and in other watersheds (developed and undeveloped). The monitoring program meets the requirements of the 208 Plan and the Monitoring Sub-element in the Goals and Policies.

The expanded tributary monitoring program has been in place in Nevada since the spring of 1991 so samples have been collected for at least four previous water years (WY 91-92, WY 92-93, WY 93-94 and WY 94-95). The monitoring program is identical (in Nevada) to the program which was in place in 1993 and 1994 at the time the Governing Board lowered the IPES lines in Douglas and Washoe Counties.

Staff recommends making the finding that the monitoring program is in place in Douglas Counties.

FINDING 4. CIP PROGRESS

The CIP finding requires that a jurisdiction make demonstrable progress on capital improvement programs for water quality within that jurisdiction. The 208 Plan defines demonstrable progress as requiring one of the two following findings to be made:

1. Funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year. (High priority projects are projects with substantial water quality benefit.); OR

2. The performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the

JP/dmc

AGENDA ITEM VI.A.
Movement of IPES LINE
November 30, 1999
Page 4

benchmarks established in the 1996 Evaluation under the Environmental Compliance Form for Water Quality (WQ-2-A). Under WQ-2-A, an indicator for total expenditures on CIP projects is set for each local unit of government, for the period from January 1, 1997 to December 31, 2001. The target for Douglas Counties is $4.0 million for the 5 year period or $800,000 per year.

THREE-YEAR PERIOD ALTERNATE CIP FINDING (Finding #1): Following is the list of CIP projects for Douglas County for the applicable three year period of 1998-2000.

- 2000 (Upcoming) Kingsbury Village Erosion Control Project, $2,055,891 Cave Rock Estates, $870,000
- 1999 (Current) Kingsbury Estates/Tahoe Village, $1,519,000, Marla Bay, 406,100, Navajo Court Erosion Control Project, $52,000
- 1998 (Previous) Lower Kingsbury Water Quality Project, $314,000.

Note: Douglas County has addressed all its Priority 1 and 2 water quality CIP projects as listed in the 208 Plan although there remains substantial additional work to be done.

CIP/SEZ BENCHMARK ALTERNATE FINDING (Finding #2): The 1996 benchmarks for CIP expenditures (established in the 1996 Evaluation Water Quality Compliance Form WQ-2-A) were: $4.0 million in Douglas County. The SEZ restoration target for December 1996 is 700 acres.

Because the amount of restored SEZ acreage up to 1991 was approximately 80-100 acres, this finding cannot be made for Douglas County. The amount of SEZ restoration which has occurred since 1991 is not sufficient to change this situation.

TRPA staff recommends making Finding #1 and Finding #2 for Douglas County.

FINDING 5. COMPLIANCE WITH PROJECT CONDITIONS
A "satisfactory level of compliance" with conditions of project approvals, within the jurisdiction, is the last required finding for lowering the line. The four criteria listed in the 208 Plan are used as indicators of the level of compliance within a jurisdiction. The Governing Board has set numerical performance standards for the four criteria in Resolution 93-19 (see Exhibit B).

Staff recommends making the compliance finding for Douglas County.

MOVING THE LINE: Since Douglas is the only jurisdictions which has met all of the required findings, the staff recommends moving the line to 606 in Douglas County.

DISCUSSION ON THE STUDY OF THE EFFECTIVENESS OF THE IPES PROGRAM:

Background: The IPES program was implemented in 1989 to replace the Bailey Land Capability System, as the method for determining the suitability of a limited number of vacant residential parcels for development, with the goal of protecting water quality. As part of the IPES program the 208 Water Quality Management Plan required the evaluation of the "success" of the IPES program to determine if changes or adjustments were needed to better achieve the objectives of the 208 Plan and the TRPA Goals and

JP/dmc

AGENDA ITEM VI.A.
Policies and the Regional Plan. Possible criteria which can be used as a measure of success include, measures of Lake Tahoe's clarity, the primary productivity of the lake, the nutrient loads entering the lake from its tributaries or the suspended sediment load in Lake Tahoe's tributaries.

TRPA staff contracted with Dr. John Tracy a research professor in the Division of Hydrologic Sciences, at the Desert Research Institute in Reno to conduct a general evaluation based on available data, of the success of TRPA's land use program in contributing toward achieving the TRPA Water Quality Goals. Dr. Tracy utilized the suspended sediment data for his study because he feels it most directly links the effects of development to water quality conditions in Lake Tahoe and its tributaries. Development activities have the potential to cause land disturbance that can result in increased soil erosion, which can be detected via suspended sediment monitoring within streams in a watershed. If it enters Lake Tahoe, the suspended sediment can affect lake clarity directly, as well as by carrying attached nutrients into the lake, increasing the growth of the lake's algal communities. Evaluating how the land use program may have prevented an increase in suspended sediment loads entering the lake from its tributaries can help determine if TRPA's program has been a success.

The objective of Dr. Tracy's study is to give an indication as to whether the implementation of the IPES program resulted in an increase in the suspended sediment load entering Lake Tahoe using a comparative analysis approach. This approach involves evaluating the relationship between the suspended sediment load in four tributaries; the Upper Truckee Watershed; the Trout Creek watershed; the Ward Creek watershed; and the Third Creek Watershed. The periods evaluated are from 1981 through 1989, which represents the period before the implementation of the IPES program, and 1991 through 1997 after the IPES program went into effect. This study is currently proceeding and the results will be forthcoming in the next few months.

If there are any questions regarding this staff summary, please contact Joe Pepi at (775) 588-4547.
TRPA 208 Plan, Volume I

TRPA shall rate all vacant residential parcels numerically and rank them from most suitable to least suitable, by jurisdiction. TRPA shall also establish a level in the ranking immediately above the most sensitive parcels, based on recommendations from the IPES technical committee. Only parcels above this level, as it may be subsequently adjusted, comprise the "top rank" and may pursue a building permit (Goals and Policies, p. VII-6).

The numerical level defining the top rank for any jurisdiction shall be lowered annually by the number of allocations utilized in that jurisdiction during the previous year, provided that the following conditions are met: (Goals and Policies, pp. VII-6, -7)

- All parcels in the top rank are otherwise eligible for development under state water quality plans and other legal limitations,

- A monitoring program for that jurisdiction is in place as set forth in the Monitoring and Evaluation Subelement of the TRPA Goals and Policies,

- Demonstrable progress is being made on the Capital Improvements Program for water quality within that jurisdiction,

- There is a satisfactory rate of reduction in the inventory of vacant parcels; the IPES line shall not move down in any jurisdiction unless the number of parcels below the line in that jurisdiction, compared to the number deemed sensitive on January 1, 1986, does not exceed 20 percent in El Dorado and Placer Counties, or 33 percent in Washoe and Douglas Counties, and

- The level of compliance with conditions of project approvals within that jurisdiction is satisfactory.

With respect to the requirement that a monitoring program be in place in a given jurisdiction, the Goals and Policies require TRPA to monitor representative tributaries to provide a basis for evaluation the relative health of the watershed within which development is contemplated and progress toward meeting thresholds. The monitoring program will monitor stream flows and concentrations of sediments and dissolved
nutrients to determine annual pollutant loads. This monitoring program shall be in place in a local jurisdiction, and shall establish baseline water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered (Goals and Policies, p. VIII-25). The term “in place” means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for a least one representative water year.

The location of sampling sites, frequency of sampling, and financial responsibilities for monitoring will be set forth in TRPA’s Monitoring Program pursuant to the Goals and Policies (p. VIII-25) and the TRPA Code of Ordinances (section 32.10), based on the recommendations of the TRPA Monitoring Committee. The objectives of the monitoring program are to:

1. Characterize the water quality of streams drainage affected residential areas in relationship to the overall water quality observed in the watershed.

2. Identify short-term changes in water quality from affected residential areas, and

3. Ensure that TRPA and state water quality standards are being attained and maintained.

The monitoring program will include quality control and quality assurance (QA/QC) procedures to ensure that the data accurately represent the actual water quality conditions.

Monitoring will normally occur no only at the mouths of streams, but also at locations in closer proximity to residential subdivisions. While the stream mouth monitoring will generally cover the entire year, monitoring at other locations higher in the watershed will be geared toward the spring snowmelt period and the fall storm season to contain costs. In addition to the presently established monitoring stations, TRPA estimates that 30 to 40 additional stations will be required throughout the Region to support the IPES conditions.

With regard to the requirement that demonstrable progress is being made on the Capital Improvements Program within a given jurisdiction, TRPA’s evaluation will be based on the programs adopted in Volumes III and IV of the 208 plan, including lists of SEZ restoration and capital improvement projects for erosion and runoff control, with priority designations, for each jurisdiction. Pursuant to the Goals and Policies, TRPA has established benchmarks against which the progress can be evaluated (Goals and Policies, pp. VII-26). These benchmarks are found in Section 1, Chapter VII of this volume, Plan Evaluation and Revision.
To make a finding of demonstrable progress in a local jurisdiction, TRPA will review the progress of that jurisdiction over a three-year period covering the previous year, the current year, and the upcoming year. For the demonstrable progress criteria to be met, TRPA must make one of the following findings: (1) funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year, or (2) the performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established on pp. 183 and 184. In this context, the term "high priority project" means a project with a substantial water quality benefit.

To determine whether the level of compliance in a jurisdiction is satisfactory, TRPA will evaluate: (1) the percentage of projects which commenced construction three or more years earlier but which have not had their securities returned for water quality-related practices, (2) the number of projects which are behind approved schedules in project approvals for BMP retrofit, compared to those on schedule, (3) the number of projects which required TRPA's issuance of cease and desist orders for failure to observe conditions of approval within the previous fiscal year, as compared to the number of projects inspected, and (4) the number of projects on which violations remain unresolved, compared to the number resolved. TRPA will review compliance data at the end of the 1989 building season, and will then set specific numerical performance standards for the four criteria above. The specific numerical performance standard shall reflect TRPA's goal of achieving a very high level of compliance with conditions of project approval.

Since it is possible (though unlikely) that individual appeals of IPES scores may result in a significant shift in the number of single-family parcels eligible to pursue construction permits by virtue of being in the top rank, TRPA shall, in a given local jurisdiction, and provided that IPES appeals increase the size of the top rank in that jurisdiction by three percent or more, subtract the number of parcels added to the top rank by appeals during the first year from the number of parcels which would be added to the top rank any year that the IPES line is lower, until the number of parcels added to the top rank by appeals equals the number of parcels which would have been added to the top rank due to the lowering of the IPES line.

For TRPA to approve a project on a parcel rated and ranked by IPES, the parcel must be served by a paved road, water service, sewer service, and electric utility. However, Chapter 27 of the TRPA Code of Ordinances sets forth provisions for waiver of the paved road requirement, as provided for in the Goals and Policies (p. V11-8).
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 93-19

RESOLUTION SETTING NUMERICAL PERFORMANCE STANDARDS
FOR DETERMINING A SATISFACTORY LEVEL OF COMPLIANCE
WITH PROJECT CONDITIONS OF APPROVAL AS RELATED TO IPES

WHEREAS, the 1987 Regional Plan and Code of Ordinances adopted a new
system for evaluation and determining eligibility for development of vacant residential
parcels, which system is titled Individual Parcel Evaluation System ("IPES"); and

WHEREAS, a key component of IPES is the potential for annually lowering the
numerical level defining the top ranked parcels (IPES line) in a given jurisdiction; and

WHEREAS, the numerical level defining the top rank in a given jurisdiction
cannot be lowered unless TRPA makes five certain findings as set forth in Chapter 37 of
the TRPA Code of Ordinances; and

WHEREAS, one of the five required findings is a finding that the level of
compliance with conditions project approval is satisfactory; and

WHEREAS, the 1988 Water Quality Management Plan for Lake Tahoe Region
(1988 TRPA 208 Plan) adopted by TRPA, certified by California and Nevada and
approved by U.S. EPA, mandated the evaluation of four criteria and the setting of
numerical performance standards as a precursor to making the compliance finding; and

WHEREAS, the numerical standards are to reflect TRPA's goal of achieving a
high level of compliance and will be the standards used by each jurisdiction in the annual
consideration of lowering the IPES line; and

WHEREAS, instead of two years of compliance data for the four criteria, as
contemplated by the 1988 TRPA 208 Plan, TRPA has now collected four to five years of
compliance data; and

WHEREAS, TRPA has conducted several noticed public hearings in both 1990
and 1993 on the setting of the numerical performance standards; and

WHEREAS, the APC has recommended the setting of the numerical
performance standards as set forth in the minutes of their October 13, 1993 meeting;
and

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe
Regional Planning Agency hereby sets the numerical performance standards for the four
criteria in Volume I, of the 1988 TRPA 208 Plan, page 120, as follows:

(1) The percentage of project securities which were posted within a calendar
year at least three years earlier and which are currently not being
returned for water quality reasons shall not exceed 30 percent of the
number of project securities which were posted within that calendar year.

(2) The percentage of BMP retrofit plans behind approved schedules shall
not exceed 30 percent of the number of projects which have BMP retrofit
schedules as a condition of project approval and which have reached
either the five-year or ten-year deadlines set in Chapter 25.

(3) The percentage of projects which had Cease & Desist orders posted
during the previous fiscal year for failure to observe conditions of approval
(4) The percentage of projects which were issued notices of violation or were identified as alleged violations, and which are unresolved at the end of the fiscal year, shall not exceed 20 percent of the number of projects which were issued notices of violation or were identified as alleged violations within the fiscal year. Noticed or alleged violations which are resolved within 90 days of being noticed or identified shall not be counted as unresolved, even if the resolution occurs in the next fiscal year. Filing litigation shall be deemed a resolution of a violation for purposes of this finding.

BE IT FURTHER RESOLVED that the Governing Board shall reconsider the foregoing numerical standards at such time as reconsideration may be appropriate or required, including but not limited to, reconsideration based on the 1992 amendments to Chapter 25 requiring mandatory BMP retrofit by certain dates.

PASSED AND ADOPTED this 27th day of October, 1993 by the Governing Board of the Tahoe Regional Planning Agency by the following vote:

Ayes: Westergard, Upton, Kanoff, Klein, Lau, Sevison, Bradhurst, Neft, DeLanoy, Waldie, Bennett, Hagedorn, Cronk

Nays: None

Abstain: None

Absent: Chimarusti

________________________________________
John E. Upton, Vice Chairman
Tahoe Regional Planning Agency
MEMORANDUM

November 30, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Finding That the City of South Lake Tahoe, El Dorado County, Placer County, Carson City, Washoe County, and Douglas County Have Demonstrated a Commitment to Assume Their Fair Share Responsibility to Provide Low and Very Low Income Housing

Proposed Action: The Advisory Planning Commission is requested to recommend to the Governing Board that the City of South Lake Tahoe, Placer County and Carson City have demonstrated a commitment to assume their fair share responsibility to provide low and very low income housing. The Advisory Planning Commission is further requested to recommend to the Governing Board that El Dorado County, Douglas County and Washoe County have NOT demonstrated a commitment to assume their fair share responsibility to provide low and very low-income housing. This finding is necessary to permit approval of subdivisions under Subsection 43.4.F of the TRPA Code of Ordinances.

Staff Recommendation: Staff recommends the Commission make the following recommendations to the TRPA Governing Board:

City of South Lake Tahoe
Find that a commitment to assume its fair share of affordable housing has been demonstrated, with reconsideration scheduled for December 31, 2000.

El Dorado County
Do NOT find that a commitment to assume its fair share of affordable housing has been demonstrated, with reconsideration scheduled for December 31, 2000.

Placer County
Find that a commitment to assume its fair share of affordable housing has been demonstrated, with reconsideration scheduled for December 31, 2000.

Douglas County
Do NOT find that a commitment to assume its fair share of affordable housing has been demonstrated, with reconsideration scheduled for December 31, 2000

Washoe County
Do NOT find that a commitment to assume its fair share of affordable housing has been demonstrated, with reconsideration scheduled for December 31, 2000

Carson City
Finding is not applicable to Carson City.

AGENDA ITEM VI.B.
Background: The Housing Sub-element of TRPA’s Regional Plan Goals and Policies states:

"To the extent possible, affordable housing will be provided in suitable locations for the residents of the region."

"Local Governments will be encouraged to assume their fair share of the responsibility to provide lower and very low income housing."

Many sections of the Code address affordable housing development, however, the subject matter of this summary is specific to Subsection 43.4.F(2) Residential Subdivisions in Preferred Affordable Housing Areas, which states:

Approval of subdivisions after December 31, 1995 of post-1987 residential projects which do not qualify as affordable housing are prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its “fair share” responsibility to provide lower and very low income housing within existing urban areas pursuant to Goal #1 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.

Preferred Affordable Housing Areas are identified within the Plan Area Statements and Community Plans covering the Basin. Each major community within the Basin has areas containing this designation. Table 1.A below lists the Plan Area Statements and Community Plans that have the Special Designation of Preferred Affordable Housing area.

<table>
<thead>
<tr>
<th>Plan Area Statement</th>
<th>Number</th>
<th>Community Plan</th>
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<tbody>
<tr>
<td>Tahoe City Industrial</td>
<td>001B</td>
<td>Tahoe City Community Plan</td>
</tr>
<tr>
<td>Fairway Tract</td>
<td>002</td>
<td>Tahoe Vista Community Plan</td>
</tr>
<tr>
<td>Kings Beach Residential</td>
<td>028</td>
<td>North Stateline Community Plan</td>
</tr>
<tr>
<td>Pioneer/Ski Run</td>
<td>092</td>
<td>Incline Village Commercial Community Plan</td>
</tr>
<tr>
<td>Bijou</td>
<td>093</td>
<td>Incline Village Tourist Community Plan</td>
</tr>
<tr>
<td>Al Tahoe</td>
<td>099</td>
<td>Ponderosa Ranch Community Plan</td>
</tr>
<tr>
<td>Sierra Tract</td>
<td>105</td>
<td>Kingsbury Community Plan</td>
</tr>
<tr>
<td>South &quot;Y&quot;</td>
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<td>Tahoe Island</td>
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<td>Camp Richardson</td>
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</tr>
<tr>
<td>Fallen Leaf North (1)</td>
<td>129</td>
<td></td>
</tr>
</tbody>
</table>

Notes: (1) USFS Employee Only

In 1996 the Governing Board approved the TRPA Affordable Housing Needs Assessment (Fair Share Report). The report identified each jurisdiction’s responsibility for providing affordable housing by quantifying the number of units each jurisdiction should generate to meet their fair share. The Housing Advisory Group that assisted in the development of this report identified three steps a jurisdiction should take to develop a solid commitment to the development of their fair share of affordable housing. These steps include: 1) a published report disclosing the existing housing conditions; 2) established programs that pursue rehabilitation, new construction, weatherization, first-time homebuyers, and other programs; and 3) an established and active strategy/entity implementing affordable housing programs and projects.

PE/dmc

AGENDA ITEM VI.B.
The six jurisdictions dissecting the Basin have, to varying degrees, accomplished the three steps discussed above, and this was generally recognized during last year's evaluation of this issue. In fact, last years' staff summary on this issue stated "...it appears that all jurisdictions have affordable housing programs in place, next year TRPA staff anticipates evaluating the commitment by local jurisdictions to provide their fair share by assessing the success of these programs to actually provide affordable housing." In other words, have the various programs actually produced affordable housing units within the Basin, either through construction, rehabilitation or first-time homebuyer loans.

While there is no minimum standard on the number of units that each jurisdiction must provide to demonstrate their level of commitment, the number of units produced by the various jurisdictional programs relative to the Affordable Housing Needs Assessment was used as a comparative guideline. Staff recognizes the hard work each jurisdiction has shown on this matter, and the importance of the programs that have been established; however, an ample amount of time has transpired that a reasonable amount of actual project construction and/or rehabilitation should have occurred over this past year.

**Affordable Housing Program Implementation Progress During 1999:** An overview of the information provided by each jurisdiction, evaluated by actual unit construction or rehabilitation, and homebuyer loans, are presented below. The information given to staff by each jurisdiction is attached as Exhibit A, at the end of this staff summary.

**City of South Lake Tahoe**

- During 1999 the City completed the two-phased Tahoe Valley Townhomes project. The first phase included acquisition and rehabilitation of 70 affordable housing units. The second phase (anticipated to be complete by 12/31/99) includes the modification of four of the existing units to accommodate persons with disabilities. The second phase also includes a stand-alone community room.
- In March of 1999, the Tahoe Senior Plaza Project was completed, providing 45 units of affordable housing for very-low income seniors. This was a new construction project.
- The City continues to operate its Housing Rehabilitation Program for single-family and multi-residential dwellings. During 1999, the City funded four loans for home improvements of properties occupied by low-income households.
- The City continues to operate its Illegal Unit Conversion Program; during 1999 the City upgraded and converted two illegal units to affordable housing units.
- The City has submitted a State HOME grant application to reinstate its First-Time Homebuyer Program. If the City is awarded this grant, operation of this program will commence in the Spring of 2000.
- The City is pursuing a 15 to 25 unit project for low-income individuals with disabilities, in cooperation with the Tahoe Area Coordinating Council for the Disabled.

**El Dorado County**

- The County has been approved for a year (1999) of Mortgage Credit Certificate Program funds and will assist first time homebuyers to increase their buying power. The program specifies a Target Area in the South Lake Tahoe area (Meyers).
Placer County

- The Board of Supervisors approved a CDBG Program Income Re-use Plan, which allocated two-thirds of the revolving loan funds to affordable housing efforts, countywide ($400,000).
- The County signed a loan-processing contract with Wynwood, Inc., to increase the efficiency of program income collection to increase the pool of funds available for affordable housing related loans.
- A Kings Beach Housing Rehabilitation Program, funded by CDBG and Redevelopment Agency funds ($300,000) have approved several loans for low-income households.
- The combination of these CDBG Programs has produced 6 to 10 loans for low-income households in the Kings Beach/Tahoe City area, which have been finalized or are in process.
- The County completed an Affordable Housing Implementation Plan. The plan reviewed and identified potential multi-residential rehabilitation and new development sites in the North Tahoe area.
- The County established an affordable housing in-lieu fee. The money generated is to be used for affordable housing projects in the North Tahoe area.

Douglas County

- The County continues to participate in the Small Cities CDBG program, administered by the Nevada Commission on Economic Development. Over the past five years, the County has successfully obtained over $1,000,000 in funding for various projects for low and moderate income households and senior citizen households (countywide).
- As a condition of a private development project approval, required by the TRPA, a 70-unit affordable housing project within the Kingsbury Community is scheduled for construction in the spring of 2000.

Washoe County

- In November 1999, the County adopted a new Housing Element that is to be incorporated into the Washoe County Comprehensive Plan.

Carson City

Carson City was not evaluated in the Housing Needs Assessment due to the facts that Carson City doesn't have existing housing developments, nor any commercial operations generating employment needs. Therefore the finding for a commitment to affordable housing development in Carson City is not applicable.

If you have any questions regarding this agenda item, please contact Peter Eichar at (775) 588-4547.

Attachments
November 16, 1999

Mr. Peter Eichar, Associate Planner
Tahoe Regional Planning Agency
Post Office Box 1038
Zephyr Cove, NV 89448-1038

Dear Mr. Eichar:

Re: Affordable Housing Program Status

As per your request, listed below are the City of South Lake Tahoe's affordable housing activities over the last year:

Staffing

- The City of South Lake Tahoe (City) continued to commit staff for the development and implementation of affordable housing programs and projects.

- In July of 1998, a new position entitled Housing and Economic Development Assistant was added to the division to assist with the implementation of grant-funded projects and programs.

Projects

- In February of 1999, the first phase of the rehabilitation of the Tahoe Valley Townhomes was completed. This was a 70-unit acquisition and rehabilitation project, which received funding through a combination of Federal Tax Credits, State Bond financing and low-interest, deferred-payment loans from the City.

- In March of 1999, the Tahoe Senior Plaza Project was completed providing 45 units of affordable housing for very-low-income seniors. This was a new construction project funded under the HUD Section 202 program and it also received assistance from the City in the form of a low-interest, deferred-payment loan.

- In August of 1999, the second phase of the Tahoe Valley Townhomes Project commenced. The second phase will result in the modification of four of the existing units to accommodate persons with disabilities. Also, a stand-alone community room will be added to the project. This work is all expected to be completed by December 31, 1999.
Programs

- The City continued to operate its Housing Rehabilitation Program for single-family homes and multifamily dwelling units. Last year, the City funded four loans for home improvements of properties occupied by low-income households.

- The City continued to operate its Illegal Unit Conversion Program. Last year under this program, the City upgraded and converted two illegal units to affordable housing.

- The City submitted a State HOME grant application for $315,000 to reinstate its First-Time Homebuyer Program. The program is expected to commence operation in the Spring of 2000, provided the City is awarded this grant.

Planning

- The City, in partnership with the Tahoe Area Coordinating Council for the Disabled, continued to work on developing an affordable housing project for very-low income persons with disabilities. It is anticipated that a 15- to 25-unit apartment complex will be built. This project would have been considered for grant funding in 1999, but an appropriate site could not be secured to allow for the submittal of a grant application. The City will continue to work with the developer to find a site.

Units Created Towards Fair Share

As identified in the above mentioned programs and projects, a total of 121 affordable housing units were created last year by means of new construction or rehabilitation of market rate housing within the City of South Lake Tahoe.

If you have any questions regarding the above information, please feel free to contact me at (530) 542-6043.

Sincerely,

Patrick M. Conway
Housing and Economic Development Coordinator

Data/Tpa/Annual Fair Share Letter
El Dorado County

El Dorado County - Response to request for summary for demonstration of commitment to Tahoe Region's Fair Share Responsibility for affordable housing

All 6 bullets remain same as per page 147 Agenda Item VIII.A. (page 3 of summary from January 18, 1999.)

Pg. 148 (page 4 of summary)

First bullet beginning "Board of Supervisors adopted... remains same.

CHANGES-
To read:
- The County has been approved for a second year of Mortgage Credit Certificate Program funds and will assist first time home buyers by increasing their buying power. The program has a specified Target Area in the South Lake Tahoe region which requires that a portion of these credits be utilized in that Census Tract.

Include next bullet - No change-reads as:
- The County is in the process of submitting a request for an amendment to the Housing Element of the General Plan which will identify a home ownership need.

CHANGE-
To read:
The County Housing Authority continues to pursue funding opportunities for first time and low income home buyers.
November 18, 1999

Peter Eichar, Associate Planner
Paul Nielsen, Senior Planner
Tahoe Regional Planning Agency
P O Box 1038
Zephyr Cove, NV 89448-1038

Dear Mr. Eichar and Mr. Nielsen:

Thank you for the opportunity to share Placer County’s efforts in the demonstration of commitment for our Fair Share responsibility for affordable housing in the Tahoe area. The County has been actively pursuing a coordinated, well planned affordable housing strategy and has taken several steps in the last year toward that goal.

In addition to the items presented to your Agency last year, Placer County has undertaken the following activities relating to affordable housing in the Tahoe area:

♦ An Affordable Housing Strategy was developed by the Redevelopment Agency with support from Connerly and Associates and adopted by the Board of Supervisors in April 1999. The strategy identified the following three priorities for the County’s Affordable Housing Program:

- The preservation of existing housing stock through the rehabilitation of substandard housing.
- The delivery of first time home ownership programs which target low and moderate income families.
- Assisting in the production of new low-income employee and senior rental housing.

The Redevelopment Agency was tasked with the responsibility of coordinating Countywide affordable housing efforts and implementing the strategy.

- To assist in implementing the Affordable Housing Strategy, the County created and filled a Housing Coordinator position which will report to the
Redevelopment Agency Manager. The Agency also added an Administration Technician and two intern positions to assist in support of the strategy’s implementation.

- The County signed a contract with the Rural California Housing Corporation to provide staff and advisory support to the Redevelopment Agency on a wide range of affordable housing related activities.

- Responsibility for administration of the Community Development Block Grant Program (CDBG) including both grant and program income management, was transferred to the Redevelopment Agency.

- The Board of Supervisors approved a CDBG Program Income Re-use Plan which allocated 67% of the County’s revolving loan funds to affordable housing efforts. More than $400,000 is currently available from this revolving loan fund for housing related projects Countywide.

- The County signed a loan processing contract with Wynwood, Inc. to both streamline and increase the efficiency of program income collections in order to increase the overall pool of funds available for affordable housing related loans.

- The Redevelopment Agency completed an Affordable Housing Implementation Plan which included a detailed review of potential multi-unit rehabilitation and new construction sites within the North Tahoe area. The three most promising sites were identified and are currently being assessed further for project feasibility by County staff and non-profit housing developers. The study also identified potential non-profit housing developers whom might serve as likely partners in the County’s efforts. The study was funded by a CDBG planning and technical assistance grant.

- The County completed its research and established an affordable housing in-lieu fee for developers of certain projects within North Tahoe. The Board of Supervisors approved the fee and the County received $84,000 from the first project and a commitment of up to $2,000,000 for affordable housing from another project if it moves forward.

- A Kings Beach Housing Rehabilitation Program funded by a combination of approximately $300,000 in CDBG and Redevelopment Agency funds has been initiated and several loans have already been approved.

- The Redevelopment Agency has continued to work with a non-profit organization to support weatherization services for the low-income residents of North Tahoe.
- Redevelopment Agency staff has made presentations to several community meetings in North Tahoe over the past year to increase awareness, receive input from local residents and businesses, and work toward a consensus on the need for affordable housing options within the community.

- The County prepared and submitted a $500,000 HOME grant application to be matched with $119,000 in Redevelopment Agency housing set-aside funds to fund a First Time Home Owners Program.

- The County is currently in preliminary negotiations with two developers to afford new employee and senior housing in the North Tahoe area.

If I can provide further information for your report or if you wish to discuss Placer efforts with the TRPA Board of Directors, please call me at (530)889-4245.

Warmest regards,

Richard Colwell
Deputy CEO – Redevelopment

cc: Rex Bloomfield, Supervisor – District 5
Grayson Marshall, Executive Assistant – Tahoe
Mark Heckey, Redevelopment Program Manager
November 24, 1999

Mr. Peter Eichar, Associate Planner
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448-1038

Re: Demonstration of Commitment to the Tahoe Region's Fair Share Responsibility for Affordable Housing

Dear Mr. Eichar:

This letter is being provided in response to your request for information regarding Douglas County's commitment to the Tahoe Region's Fair Share for Affordable Housing. Over the last year, the County has continued to address the issue of affordable housing within the basin and the County as a whole. Examples of the activities of the County are as follows:

1) In 1996, Douglas County joined 9 other jurisdictions in the State of Nevada in forming Carson City Housing Consortium. The consortium is responsible for the preparation of a Consolidated Plan for the years 1997 through 2000, and to receive and administer funds from the HOME Investment in Affordable Housing Program. The Consolidated Plan has been prepared and includes a variety of programs to address new construction and rehabilitation of housing. Douglas County anticipates preparing proposals for consideration by the Consortium.

2) The County continues to participate in the Small Cities Community Development Block Grant program which is administered by the Nevada Commission on Economic Development. Over the last five years, the County has been successful in obtaining in excess of $1,000,000 in funding for various projects for low to moderate income households and senior citizen households. The County continues to encourage the proposal of projects throughout the County including the Tahoe Basin.

3) The County has continued to work with potential developers to identify sites and opportunities for development of affordable housing within the County, including the Tahoe Basin. In 1998, the Board of Commissioners approved an approximate 300 unit affordable rental and "for sale" housing project within the Carson Valley. In addition, a seventy unit affordable housing project was approved by TRPA in 1999 on Market Street within the Kingsbury Community Plan (Tahoe Basin). The County continues to work with KGISD to address out-of-basin water issues for the Tahoe Basin.
Village area. Resolution of the water issue will dictate the next steps. No anticipated time frame for resolution is available.

4) The County has taken a proactive role in the efforts of the TRPA in a variety of areas including the residential and commercial floor area allocations. The County has also initiated a basin-wide rezoning and consolidation of County zoning and TRPA provisions. These changes (expected completion in March 2000) will address a number of the regulatory issues in the basin which may hinder affordable housing. In addition, TRPA and County staff have studied potential new multi-family sites within the Basin. For the most part, the analysis found that potential development sites are significantly limited by either the existing urban boundary or other development/environmental constraints.

5) On October 2, 1997, the Board of Commissioners formed the Douglas County Redevelopment Agency. The Agency intends to form redevelopment project areas within various portions of the County, including the Tahoe Basin. It is the County's hope that affordable housing, or at a minimum, a funding source can be integrated into any redevelopment plan proposed for the Tahoe Basin. County staff continue to discuss this issue with various agencies and property owners within the Basin.

6) The County is encouraged by the activities of the Agency related to regulatory and develop review streamlining. Douglas County has committed one County staff member to working at the TRPA office assisting with the permitting process (from May 1999 to April 2000). The County remains committed to working with TRPA staff and the Local Government Committee to address regulatory reform, particularly those areas affecting housing and development related costs. Finally, given the nature of TRPA growth management programs and other TRPA regulatory factors, the proximity of the Carson Valley/Eagle Valley and the market factors influencing peoples housing location choices, the agency must seriously consider out-of-basin solutions (including mass transit improvements) to address affordable housing.

The preceding represents a sampling of the current/on-going efforts and commitment of Douglas County to address the issue of affordable housing. We believe that these efforts warrant an affirmative recommendation by staff and an affirmative finding by the Governing Board. Thank you for the opportunity to address this issue.

Sincerely,

Dan Holler
County Manager

C. Board of Commissioners
Planning Commission

P:John:Letters:TRPAFF20
November 23, 1999

Tahoe Regional Planning Agency
Attn: Peter Bicha and Paul Nielsen
P. O. Box 1038
Zephyr Cove, NV 89448-1038

Subject: Affordable Housing
Washoe County

Dear TRPA staff:

This letter is pursuant to a conversation with Peter earlier this afternoon. Unfortunately, your request for information, to Mike McMahon, regarding Washoe County's efforts in the affordable housing arena went unanswered. Mike is no longer with the county.

The exciting news is the adoption on November 23, 1999 of a Housing Element to be incorporated into the Washoe County Comprehensive Plan. The work on the Housing Element actually began with the establishment of a Washoe County HOME Consortium, a U.S. Department of Housing and Urban Development certified Housing Consortium. The county subsequently adopted AB506, Affordable Housing Study, prepared by the HOME Consortium in 1996 and incorporated the study by reference into this Housing Element. The Housing Element was brought for first consideration to the Washoe County Planning Commission on June 15, 1999 and again on August 17, 1999.

The goal of the Housing Element is to provide an inventory of housing conditions, the prospective need for affordable housing, and a plan for maintaining and developing affordable housing based on an estimate of the total population which the natural resources of the county will support on a continuing basis without unreasonable impairment.

Washoe County staff directs TRPA's staff to several policies and action programs that are of particular interest to the Tahoe Basin:

H.1.3 Ensure that applications to amend the Washoe County Comprehensive Plan - Land Use Plans include an analysis of the impact the proposed amendment will have on the affordable housing opportunities and any corresponding impact on existing communities and housing availability.

H.1.3.1 The Washoe County Department of Community Development will include analysis of the opportunities for affordable housing and/or the impacts on existing communities and housing availability in staff reports for Comprehensive Plan - Land Use Plan amendments.

H.1.4 Support the regional efforts of the Truckee Meadows Regional Planning Agency and the Tahoe Regional Planning Agency to maintain and expand affordable housing opportunities in Washoe County.
H.1.4.1 Washoe County will participate in the HOME Consortium to provide for regional coordination of public funding sources for affordable housing programs.

H.1.4.2 Washoe County will use its' County Volume Bond Capacity when appropriate for the creation of affordable housing opportunities in the region.

H.1.4.3 Washoe County will ensure that County policies and land use development codes are not an impediment to the attainment of regional affordable housing goals in both the Truckee Meadows and the Tahoe basin.

H.1.4.4 Washoe County will work cooperatively with public and private entities to identify and address issues which impact the provision of affordable housing in the region.

H.1.5 Encourage increased opportunities for home ownership.

H.1.5.1 The Washoe County Department of Community Development will advocate development of housing opportunities and diligently process applications for the subdivision of land consistent with the Comprehensive Plan - Land Use Plans to maximize the availability and opportunities for private ownership of single family dwellings and condominiums or cooperative housing units.

H.1.5.2 The Washoe County Department of Community Development will work with owners of land designated for multi-family unit construction to encourage condominium developments to maximize the availability and opportunities for private ownership.

H.1.6 Support provision of a range of housing options in all planning areas.

H.1.6.1 The Washoe County Department of Community Development will advocate development of varied housing types in a range of prices, and diligently process applications for underrepresented types of housing when consistent with the Comprehensive Plan - Land Use Plans.

H.1.7 Develop a housing strategy for Washoe County that addresses the unique housing needs in the Tahoe Basin, in cooperation with the Tahoe Regional Planning Agency.

H.2.13 Promote the retention of existing affordable housing stock when reviewing discretionary project approvals.

H.2.13.1 The Washoe County Department of Community Development will analysis in staff reports for discretionary project approvals any potential loss of existing affordable housing stock, and identify appropriate mitigation measures to ensure no net-loss in affordable housing units consistent with any applicable state or federal regulations.

H.2.13.2 Washoe County will to the extent practical consistent with State Law, supports a "no net-loss" approach for the retention and preservation of existing mobile home parks and multi-family units to maintain the number of affordable residential units.
Encourage opportunities for accessory dwelling units in single family residential regulatory zones as a means of promoting affordable housing opportunities.

Washoe County will include appropriate standards for permitting and construction of attached, or detached accessory dwelling units in the Washoe County Development Code.

Implement the requirements of the Federal Fair Housing Act to assure access to housing for all County residents with disabilities.

Washoe County will review residential development projects for compliance opportunities as required in the Fair Housing Act whenever a special use permit is required, and during the review of construction plans for the issuance of a building permit.

We will FAX the Board of County Commissioners final, signed, resolution when it becomes available from the Washoe County Clerk.

Beyond the adoption of this important element, Washoe County has already implemented certain of these goals and policies mentioned above this last year.

- In the review of the parking lot of Sierra Nevada College (SNC), conditions of approval required the relocation of six mobile home spaces to within the park, to assure no “net loss” of possible affordable housing mobile home spaces. H.2.13.2

- Washoe County staff spoke against a TRPA recommendation to move a lot from the Incline Village Commercial Community Plan to a residential plan area statement in order to have a greater opportunity to evaluate the potential loss of a required 25% affordable housing requirement in the Incline Village Commercial Community Plan. H.2.13

- Washoe County approved a final map to allow the conversion of a 63-unit apartment complex, Mt. Brook Station, to a condominium project. The conversion provides the ownership opportunity for affordable condominium units. H.1.5.1

Washoe County Development Code, additionally, allows attached and detached accessory dwelling units on all residential lots including all residential lots within the Tahoe Basin. TRPA code does not allow the construction of secondary units in most plan area statements without the recordation of a deed restriction disallowing rental. This issue should be addressed by the TRPA as it limits the possibility of smaller units throughout the basin that would be available for affordable housing.

Washoe County staff hopes this information will assist the TRPA in the affordable housing discussion. It is also interesting to note, that Northstar, Squaw Valley and Alpine Meadows are planning to run employee buses from Reno to the ski resorts in Placer County this winter season. Additionally, 400 of the 1200 minimum wage jobs projected in the Squaw Valley expansion in Placer County will be housed in Nevada County. My personal opinion is that we ought to look at a regional approach to the affordable housing issues and focus on providing healthy living conditions and public transportation opportunities throughout the region for lower income families and service personnel.
If I can be of any further help, please do not hesitate to call me at 328-3602.

Sincerely,

[Signature]

Sharon Kvas, AICP
Planner

Enclosure: Housing Element

CC: Bob Sellman, Director, Department of Community Development; Michael A. Harper, AICP, Planning Manager
MEMO TO: Peter Eichar, Associate Planner, Long Range Planning Division
        Paul Nielsen, Senior Planner, Project Review Division

FROM: Walter Sullivan, Community Development Director

DATE: November 22, 1999

SUBJECT: Carson City’s Demonstration of Commitment to the Tahoe Region’s Fair Share Responsibility for Affordable Housing

The Carson City Community Development Department is in receipt of your request for an updated staff summary regarding the Tahoe Regional Planning Agency’s Demonstration of Commitment to the Tahoe Region’s Fair Share Responsibility for Affordability Housing. Please update Carson City’s portion of the staff summary as follows:

Carson City does not have existing housing or any land available for future housing in the Lake Tahoe Basin. At the same time, it is recognized that Carson City supplies a substantial housing stock for employees of the Lake Tahoe Basin.

- Carson City has completed and revised their Housing Element pursuant to NRS 278.160, including all references to affordable housing.
- Carson City has dedicated staff to various housing issues.
- Programs in Carson City include single family rehabilitation, sewer hook-ups, new multi-family and single family construction, and first-time homebuyers programs.
- Carson City is part of the Western Nevada HOME Consortium that is responsible to the preparation of a Consolidated Plan for 2000-2003.
- Carson City completed the Consolidated Plan for the Western Nevada HOME Consortium for 1997 and 2000 and has participated in its updates.
The Nevada Rural Housing Authority was awarded funding to provide rental assistance to clients in the Western Nevada HOME Consortium region, which includes Carson City. The Authority also anticipates applying to the U.S. Department of Housing and Urban Development for funding to provide rental assistance to disabled persons in rural Nevada.

- Carson City Housing Contact: Patricia Hughey, (775) 887-2180.

If you have any questions, please call me at (775) 887-2180.

WAS/ph
MEMORANDUM

November 29, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: The Role of the Advisory Planning Commission

Staff will be prepared to discuss this with the APC at the meeting on December 8. Attached for your review is a copy of the pertinent section of the bi-state Compact and minutes from previous APC discussions on this subject.

AGENDA ITEM VII.A.
Whenever under the provisions of this compact or any ordinance, rule, regulation, or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such duties, unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (b) of article VI The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(b) An advisory planning commission shall be appointed by the agency. The commission shall include: The chief planning officer of Placer County, El Dorado County, and the city of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the State department of conservation and natural resources of the State of Nevada, the chairman of the division of environmental protection of the State department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each State, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed. The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointments, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(c) The agency shall establish and maintain an office within the region, for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the laws of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(d) Each authority charged under this compact or by the law of either State with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own State of the action taken.

PUBLIC LAW 96-551—DEC. 19, 1980

ARTICLE IV.—PERSONNEL

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may enter into or enter into or maintain for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be and may be subject to the provisions of the Uniform Civil Service Act of 1933 or its successor, as may be applicable, and shall be subject to any amendments thereto.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be considered advisable by the agency's terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V.—PLANNING

(1) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 30 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the States of California and Nevada, environmental quality carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the U.S. Forest Service and other appropriate agencies to assist in developing such environmentalthreshold carrying capacities.
carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the lands, parks and forested lands, including but not limited to, soils, shoreline and submersed lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

Regional plans.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieve and maintain the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:
(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and
(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region. The plan shall give consideration to:
(A) Completion of the Loop Road in the States of Nevada and California;
(B) Utilization of a light rail mass transit system in the South Shore area; and
(C) Utilization of a transit terminal in the Kingsbury Grade area.

Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submersed lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

Land-use.

Transportation.

Conservation.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, lakes, ponds and streams, including boating and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the State, Federal and other public agencies and non-governmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for acquiring and maintaining Federal, State, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable State implementation plan or the applicable Federal, State, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedules by which air and quality standards and facilities are to be maintained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency’s plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall ensure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the

Recreation.

Public services and facilities.
Before adoption by the agency of the ordinances required in subdivision (c) of article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of Federal and State agencies relating to the protection, maintenance and enhancement of the region's environment.

The legislatures of the States of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to hold temporarily development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no building permit may be issued unless the required permits for such buildings have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential units within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) ........................................... 252
2. Placer County ........................................... 278
3. Carson City ........................................... 339
4. Douglas County ........................................... 739
5. Washoe County ........................................... 739
Article VII
ADVISORY PLANNING COMMISSION

7.1 General: The Compact provides for the appointment of an Advisory Planning Commission (APC) by the Agency and establishes and sets forth certain functions and duties of the APC relating to the Regional Plan and amendments thereto. In addition, it is contemplated that the APC make recommendations to the Agency respecting matters over which the Agency has jurisdiction and exercises powers.

7.2 APC Review: Matters regarding Agency plans and ordinances and other matters the Governing Board determines appropriate for APC consideration shall first be submitted to the APC for review and recommendation. The Governing Body may determine that a particular matter is of such urgency that the public interest requires it to act without delay and without review and recommendation of the APC.

7.3 Recommendations: The APC shall consider each matter submitted concerning conformity with the Tahoe Regional Planning Compact, as amended, the Regional Plan and the ordinances, rules, regulations and policies of the Agency. Based upon such consideration, the APC shall submit a report and recommendation of the pertinent matters to the Governing Board. The report shall show the vote of the members of the APC and may include the position of the minority, if any.

7.4 Procedures: The APC shall be governed by these Rules and Regulations of Practice and Procedure. To the extent practicable, the rules provided herein for the Governing Board shall also govern the APC, but the APC may provide a different time and place of meeting from that set forth herein for the Governing Board and may also adopt different rules in those cases where these rules and regulations are not applicable or would be impracticable for the APC to follow. The APC shall notify the Governing Board in writing of any such rule or regulation which the APC has determined to be inapplicable or impracticable when applied to it and the change or substitute for such rule or regulation adopted by the APC.

7.5 Transmittal of Reports: Copies of reports and recommendations made by the APC shall be mailed or delivered to the Governing Board and to every interested party, including the local government affected by the matter reported upon.

7.6 Consideration by Governing Body: At the next regular meeting of the Governing Board, or at any special meeting that may be scheduled, the Governing Board shall consider the report and recommendations of the APC. The Governing Body may hear additional testimony and argument concerning any matter or proposal submitted before acting thereon.

7.7 Participation by Governing Body Members: Members of the Governing Board may attend and participate in APC meetings, but their presence shall not be counted in determining whether a quorum is present nor shall Governing Board members be entitled to vote.
7.8 **Continuances:** The APC may continue to a specific date any matter which it determines lacks sufficient information for proper consideration.

7.9 **Meeting Date:** Regular meetings of the APC shall be held on the second Wednesday of the month. Should any meeting day fall on a holiday, the meeting shall be held on the next business day thereafter which is not a holiday.

7.10 **Quorum and Vote Required:** A majority of members (not counting vacant positions) of the Advisory Planning Commission constitutes a quorum for the transaction of the business of the Commission. The quorum shall be calculated on a strictly numerical basis, without regard to the state or entity each Commission member represents. A majority vote of the quorum present is required to take action, without regard to the state of representation.
APC REGULAR MEETING MINUTES May 11, 1994

illegal tree cutting and construction. The Douglas County Community Plan litigation filed by the League to Save Lake Tahoe and the Committee for Lake Planning were originally scheduled for May 13 but had been reset for July 29. An appeal had been filed in the Suitum v. TRPA case. Ms. Nicolle also commented that she would be taking the Nevada State Bar Examination in July and probably would not be attending the July APC meeting and most likely working part-time in June.

C. APC Members

Chairperson Joe Thompson commented on the letter APC members received from the Governing Board Chairman Wayne Chimarusti regarding recent attendance at the APC meetings. He proposed an informal meeting between he and any interested Commission members with Mr. Baetge, Mr. Wells and the Governing Board Chairman to discuss APC attendance and the relationship between the Governing Board and the Advisory Planning Commission and how they function together, what each of their roles are, and how the Governing Board viewed the APC’s function. He welcomed comments from APC members.

Mr. Joiner commented that having alternates attend APC meetings would not be a solution in his case because of the difficulty of keeping abreast of current issues. The comments of an outside entity criticizing the APC for their lack of knowledge of an issue or are not being motivated and then mentioning they stopped attending APC meetings, should be taken with a grain of salt.

Mr. Joiner also mentioned that his Board of Directors would not entertain comments from an outside entity that were not addressed to the Advisory Board before going to the Governing Board. He said that it should be noted when an outside entity that represents a council or league goes before the Governing Board and voices comments and/or opinions that were not presented at the APC meeting. Mr. Joiner made the statement that it was not fair for outside people to criticize the APC for not responding to particular items when the APC members were not privileged to the information.

Ms. Baldrica agreed with Mr. Joiner’s comments and believed people felt that the APC was not very important and what they do didn’t matter in the scheme of things. Ms. Baldrica commented that it would be beneficial to know whether the Governing Board took the APC’s comments serious. She also would like to receive some positive feedback from the Governing Board members. Ms. Baldrica believed that APC members would be more willing to attend meetings if they knew that their role as APC members was taken seriously by the Governing Board members.

(Mr. Ruben arrived at 10:15 a.m.)

Mr. Dodds commented that the day of the week in which APC meetings were held was inconvenient for him because it conflicted with his Regional Board’s meetings. He would like the role of the APC defined and the expectations of the Governing Board clearly spelled out. When a particular item was voted on, Mr. Dodds requested that the votes be reiterated and explained so APC members know exactly what they voted for. He commented that he had a personal problem with the irrelevance of some of the items that were presented on the agenda.
APC REGULAR MEETING MINUTES May 11, 1994

Mr. Combs felt there was a sense of frustration on the part of APC members because they are excluded from voting on some important issues which is reflected in the occasional lack of full attendance. He commented that the role of the APC seemed to be diminishing and their votes didn't seem to matter. Mr. Combs suggested reexamining the APC voting structure.

Ms. Jamin agreed with Mr. Combs and also suggested that the APC could be valuable in looking at the streaming issues that have been presented to the Governing Board and excluded from the APC. She also believed that some items could be delegated from the Governing Board to the APC that would give the APC a more valuable role. This would also streamline the process for applicants and staff members as well. Ms. Jamin also requested that the role of the APC be defined.

Executive Director Jim Baetge questioned if anything had been written as to the issues raised, and Mr. Wells replied that the APC's role was defined in the Rules of Procedures. Mr. Wells believed that a workshop would be a good way to develop a plan that would be beneficial to both the APC and Governing Board members.

Mr. Hansen commented that laypersons can't have someone substitute for them when they are not able to attend APC meetings which made it difficult in terms of achieving full attendance. He was of the opinion that a workshop with the Governing Board members would be very beneficial.

Mr. Jepsen suggested the APC agenda be sent out two months before the Governing Board meeting. He commented that sometimes items are heard by the Governing Board and not the APC.

Mr. Haen believed there was a closer peer contact between the APC and staff than the Governing Board. He wanted to make things easier for staff members so things go smoother at the Governing Board meetings.

Ms. Jamin was of the opinion that it would be beneficial for a Governing Board member to attend the APC meetings on a short-term basis.

Mr. Joiner was of the opinion that attendance at meetings was considerably less when they were held at the South Shore as opposed to the North Shore.

Mr. Dodds suggested that items of insignificant importance be omitted from the agenda.

Mr. Thompson commented that he planned to set up a meeting between the Governing Board and the APC members and hopefully, as a result, changes would be made. He thanked the APC members for their comments and suggestions.

Mr. Dodds commented that the Lahontan Regional Board approved an MOU with TRPA which would be presented to the APC in June for approval.

Mr. Hansen commented that a public hearing would be held on May 18th & 19th, 1994, regarding the Heavenly EIS on its master plan at the California Main Lodge.
B. Legal Counsel

Agency Special Projects Attorney Susan Scholley updated the APC on the Chase enforcement matter, Agency Counsel R.J. Nicolle's plan to take the Nevada Bar in July, the status of the TSPC case, and the status of the settlement proposal in the Douglas County Community Plan litigation.

C. APC Members

Mr. Dodds advised that the State Water Resources Control Board had mailers out notifying people of the availability of federal grant funds for water quality planning and clean lakes projects. The deadline for submittals was September.

Mr. McCurry advised that the State of Nevada would be making similar information available. Nevada's submittal requirements were similar.

Mr. Mudgett asked staff to research a file of information which he had compiled on an exempt remodeling project in Incline. He asked that the matter be scheduled for the next APC agenda for discussion, because the work that was done was clearly more than a remodel. The applicant had greatly modified a trout stream.

Chairman Thompson noted that this was a matter more appropriately handled by the staff.

Mr. Wells suggested that the Compliance staff look at the file and research the matter. The APC did not normally deal with these issues.

Chairman Thompson noted he had met with the TRPA Board Chairman Wayne Chinarusti, Executive Director Jim Baetge, Deputy Director Jerry Wells, and APC members Stan Hansen and Bob Jepsen to discuss the role of the APC. It was a good open and productive meeting, and Mr. Chinarusti had reinforced the Board's reliance on the APC's recommendations. He was more than willing to meet with the APC as a body and with the Board or individually. Mr. Thompson asked that this matter be placed on the next agenda for discussion so that there would be some focus on specific items of concern and ways to address them.

VII. ADJOURNMENT - The meeting adjourned at 5:15 p.m.

Respectfully submitted,

Julie D. Frame
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 written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as amended on July 13, 1994. (see pg. 12)
was closed.

MOTION by Mr. Popoff to recommend to the Governing Board approval of amendment to Chapters 2, 3, 4, 8, 18, 20, 22, 24, 30, 38, 52, 54, 73, 78, and 91 pertaining to Clarification and Simplification of the Code. Seconded by Mr. Hansen. The motion carried unanimously.

VI ADMINISTRATIVE MATTERS

A. The Role of the Advisory Planning Commission

Mr. Hansen commented that he is concerned with role of the APC members and how they are being treated by certain individuals at TRPA by not addressing the issues when they are agendized for the APC. Mr. Hansen believed that concerns about particular projects being presented were not being voiced to the APC members for their expertise. He questioned whether there was a process whereby testimony had to be heard at the APC meeting before being presented to the Governing Board members, and no new testimony on a particular item could be presented at the Board meeting. Mr. Hansen suggested that the responsibility of the APC members be increased.

Executive Director Jim Baetge agreed with Mr. Hansen and mentioned that this was something that needed to be brought before the Governing Board, with no formal action necessary.

Mr. Mudgett experienced a similar situation as Mr. Hansen and was of the opinion that base subjects should be addressed at the APC meeting before the Governing Board.

Mr. Popoff commented that some of the presentations by applicants are very expensive and time consuming so why should they have to be presented both at the APC meeting and the Governing Board meeting. He believed that they should go directly to the Governing Board and bypass the APC.

Mr. McDowell stated that there wasn’t very much public testimony at the APC meetings so how could the work that occurred at the meetings be valued.

Mr. Thompson believed that issues could be resolved and discussed at the APC meetings before they are presented to the Governing Board and thus the best advice given to the Board Members for their review.

Mr. Hansen commented that applicants sometimes use strategy to bypass the APC and go directly to the Governing Board. He also complimented Mr. Baetge on the strategic plan.

(Mr. Hansen left the meeting at 4:05 p.m.)

Mr. Mudgett was of the opinion that the planning commission played a very important part and did not review items that were covered in the ordinances. He felt that items such as variances should be brought before the APC for review.
APC REGULAR MEETING MINUTES JULY 13, 1994

Executive Director Jim Baetge suggested that using the local governmental agencies as a sounding board was very valuable.

Mr. Popoff inquired as to how comments made by the APC members are forwarded to the Board, and Mr. Baetge replied there were several ways in which the way information was passed on to the Board that can be improved.

Mr. Joiner believed that the Governing Board gave the APC Commission a lot of credence. Although the TRPA Compact did not allow the APC to make binding decisions except on appeals, the Carson City Planning Commission members are allowed to do this. He suggested stipulating that projects that are not brought before the APC cannot be presented to the Governing Board. If a project was on the consent calendar, it could not be pulled off by someone who did not agree with the action taken by the Commission unless they have participated at the APC meeting. In addition, an opponent would not be able to do that either. The Governing Board relied on the APC’s expertise.

Mr. Mudgett questioned why an applicant would go before the APC Commission, subject themselves to Lahonton and the Forest Service scrutiny, when they can go directly to the Governing Board.

Ms. Woodbeck commented that the Washoe County Planning Commission had the same policy as the Carson City Planning Commission. A project couldn’t be brought before the Board unless it was heard at the Commission level. This prohibited people from bringing the same items forward time and time again.

Mr. Mudgett suggested that the Governing Board delegate items that need only be heard by the APC; not the Governing Board. Special Projects Attorney Susan Scholley agreed with him. She said that although the Governing Board had been somewhat territorial in the past, from a legal standpoint, the Governing Board could delegate that authority.

Mr. Mudgett suggested that the Governing Board set up and codify a procedure so that applicants would have to appear before the APC before going to the Governing Board. Ms. Scholley replied that she would not be comfortable doing it by policy. She believed that if it wasn’t codified and not clear what the rules were, it would be very hard for the Governing Board to say no to someone who showed up at the meeting and didn’t know the policy. If the Governing Board and APC were heading in that direction, it would be appropriate to have a written rule.

Mr. Thompson questioned whether the timing between the APC meeting and the Governing Board meeting could be extended to 30 days to alleviate the problem. Ms. Scholley said the meetings could be changed, but there would have to be a schedule. Because of the turnaround time between the APC meeting and the Governing Board meeting and getting the information to the two groups in advance, the schedule usually ends up back-to-back.

Mr. Mudgett commented that the minutes from the APC meetings were not available to the Governing Board members and thus they cannot benefit from what occurred at the APC meeting. He suggested using a court reporter to transcribe the minutes.
Ms. Woodbeck said that the Washoe County Commission included a detailed summary or a portion of the minutes into the report that went to the County Commission about a project. She suggested that one or two paragraphs be included in the Governing Board staff summary reviewing what the APC Commission had discussed.

Ms. Jamin commented that the City of South Lake Tahoe was considering using laptop computers for the recording secretary at their meetings. This would cut down on staff time because of the time it took to transcribe the minutes, which was lengthy. Ms. Woodbeck commented that Washoe County had tried using laptop computers, also.

Mr. Popoff inquired as to how discussions at the APC meeting were translated to the Governing Board, and Mr. Baetge replied that the staff person presenting the item would summarize what the APC did. He suggested that an APC member could come to the Governing Board meeting and relate the ideas presented at the APC meeting.

Mr. Thompson requested better representation of proponents of a project or concerned publics or agencies on an issue so the APC would have the opportunity to hear the full discussion rather than partial when asked to give direction to the Governing Board. He asked what would be the appropriate way to present this issue to the Governing Board.

Special Projects Attorney Susan Scholley responded that initially, the item should be brought before the Rules Committee rather than the Board. She suggested the APC form a subcommittee and have them meet with the Rules Committee to try and formulate a joint league.

Mr. Thompson requested some type of feedback and representation from the Governing Board. He felt that a joint meeting between the Governing Board, the Rules Committee and a subcommittee from the APC would be beneficial.

Executive Director Jim Baetge wanted to know how we would approach the Rules Committee, and Ms. Scholley said that meetings are noticed and they meet once a month, usually at a local restaurant close to where the Governing Board was being held.

Deputy Director Jerry Wells suggested the Commission go to the Governing Board in July as a whole and present the ideas discussed today to get a sense of whether they would be supportive of that type of approach and concept. If they are receptive, he suggested then going to the Rules Committee to detail it out and bring something back to the Governing Board. This would be an indication of whether the Board would endorse the idea or not.

Special Projects Attorney Susan Scholley said that this could be agendized for the Governing Board meeting in July, but there was a conflict with the Rules Committee meeting. She encouraged everyone to consider that the Rules Committee typically had been the channel for proposed rule amendments before being considered by the Governing Board.
Ms. Baldrica agreed with Ms. Scholley's idea and believed it would be easier for a small delegation from the APC to approach the Rules Committee and then present the ideas to other Board members to see what direction they wanted to take.

Mr. Thompson asked for any volunteers as part of the subcommittee to meet with the Governing Board to discuss the issue. Mr. Mudgett, Mr. Joiner, Mr. Hansen and Mr. Thompson all volunteered.

Mr. Popoff asked if there was a way for the APC to get feedback on what influence their recommendations had on the Board's decisions. Mr. Baetge commented that the Governing Board Chairman Wayne Chimarusti offered to talk to the APC members about the impact of their recommendations.

Mr. Thompson commented that Mr. Chimarusti stated that the direction the APC provided to the Governing Board was very valuable to him and other Governing Board Members. Mr. Jepsen also commented that Mr. Chimarusti stressed the fact that the Governing Board was dependent upon the APC's expertise but if they do not attend the meetings, the Board cannot get the feedback that is required.

Mr. Popoff believed there were a number of APC members who only attended the meetings when there was an issue that directly affected them. Also, some of the agendas may not be very interesting to some APC members. Some of the planners from various agencies come to the meetings in the morning and then leave after lunch, making it hard to get a quorum. If an agency wanted to have a representative on the Commission, they should allocate that time for that particular member to come and participate in the meetings. Laypersons seem to attend more than agency members and they are not being paid for their time. He thought that maybe the Commission should be restructured. Mr. Popoff believed it is the responsibility of the agencies involved in the APC to send representatives who can spend the time to study the agenda and participate and people who can speak on behalf of the agency.

Executive Director Jim Baetge stated that attainment of the environmental thresholds in the Basin affects all the agencies. Mr. Baetge was of the opinion that an APC member is not bound by what he/she said at the meeting as a member of an agency. They can give their expertise on an item instead of representing a specific agency.

Mr. McDowell commented that under the direction of the former Acting Supervisor of the Forest Service, she was of the opinion that the federal government should not have a say in matters that had to do with private or commercial land allocation or use. Mr. Harris, the present Forest Service Supervisor, had requested a written letter of the role of each of the APC members. Mr. Harris was struggling with the concept of whether the votes that each individual member made represented agency positions or professional judgment.

Ms. Woodbeck recommended training APC members so they were aware of what role they played. She suggested a copy of the compact be provided to each planning commission and APC member so they understood what the compact said they should
APC REGULAR MEETING MINUTES JULY 13, 1994

Ms. Woodbeck didn't feel that the planners were always taking off. One of the reasons they could not attend the meetings was because of the length of the agenda items.

(Ms. Woodbeck left the meeting at 5:00 p.m.)

Chairman Thompson believed that the role of the APC members needed further discussion. Mr. Thompson was of the opinion that he carried the knowledge of the agency he worked for and the regulations that the APC was involved with, but he also carried the technical expertise that had been developed over the years and thus relied on that to address a broader range of issues and as a resident of the Basin. There may be times when an APC member said "From an agency perspective, this is how we view this situation", particularly if they were representing a regulatory agency and very specific regulations that applied were being clarified for someone's benefit. Other than that, it was the APC members as individuals and the knowledge that we possess that needed to be brought to the meeting.

Mr. McDowell questioned whether APC members vote as an agency representative or commission member. Mr. Thompson reiterated that APC members vote as commission members, not agency representatives.

Executive Director Baetge suggested writing a letter clarifying whether members vote as an agency representative or commission member.

B. 3-Year Strategic Plan

Executive Director Baetge presented the three-year strategic plan update. The purpose of the plan is to identify the key goals and objectives of the TRPA for the next three years. The strategic plan was the cornerstone of work planning and budgeting and a vehicle for discussion of strategic issues. Mr. Baetge planned to present overhead pictures at the meeting in August outlining some of the thresholds that needed to take place. The plan showed where we were going and how we were going to get there.

Mr. Poppoff requested more priority given on evaluating what TRPA has done and is doing in the area of SEZ restoration and BMPs. He would like studies done as to their effectiveness.

Mr. McDowell suggested Carl Hasty contact Carrie Lukacic at the Forest Service regarding the BMP effectiveness monitoring program initiated by the California Forest Service.

Mr. Mudgett mentioned the declining fishery in Lake Tahoe. He could not disassociate water quality and the fishery quality because they go hand in hand. He believed the fishery goes parallel with the water quality. He requested the plan include solutions to the fishery problem from both the California and Nevada Fish & Game. Mr. Mudgett wanted the Shorezone Committee included in the plan.
Minutes of the Rules Committee meeting  
August 24, 1994

In attendance were Steve Bradhurst, Drake DeLanoy, Kateri Cavin, Joanne neft, Robert McDowell, Jane Hagendorn, Wayne Chimarusti, Richard Mudgett, Rob Joiner, Joe Thompson, Stan Hansen.

Staff: Jim Baetge, R. J. Nicolle, Susan Scholley, Steve Teshara, Rochelle Nason, Gabby Barrett

Joe Thompson, Chairman of the APC, said there has been a problem with the public failing to raise issues for the APC.

Ms. Scholley pointed out that the APC only reviews plan amendments, ordinance amendments and EISs. They do not review projects.

Mr. Chimarusti pointed out that APC also had attendance problems.

Ms. Scholley said the rules were redrafted to take the [power of appeals to projects in connection with an EIS from the APC. The APC requested that appeals be removed from them and project review duties were removed as a streamlining.

Ms. Nason said her organization looked at its priorities from watchdogging TRPA to lobbying the states and Congress. As part of the recollection of resources, they dropped the APC. She felt the APC's duties were to work with staff to formulate the best plan. She felt the APC had no interest in the League's opinions. She said the League would be willing to go back to the APC if the Board feels they should.

Mr. Mudgett felt the APC's benefit was to handle the pick and shovel work. There is a lack of flow of information to the Governing Board.

Mr. Chimarusti felt that the Governing Board got the APC's recommendations through the staff. We ought to get the minutes from the APC.

Mr. DeLanoy said he felt that the League should present their ideas to the APC.

Mr. Bradhurst said as a supervisor, when land use issues are raised from the first time at the supervisor level, they must send it back to the zoning board. We ought to formalize rules to focus on the role of the APC and whether or not things

Mr. Chimarusti said if applicants raise new issues at the Governing Board.
Mr. Thompson said all APC members would like there to be a requirement that all issues be raised before the APC.

Ms. Nason said not to forget that for most people, they must take a day off work, so she thinks it's unfair to require them to take two days off. She also asked that the Committee order staff to send out the APC agenda sooner. She pointed out the difficulty of reading all the material.

Ms. Hagedorn pointed out that it sounds like TRPA may need to do less.

Ms. Nason pointed out finding problems: Burton-Santini, CalTrans, Cal Paus (field) and Nevada money problems. There is a lack of money for environmental problems.

Mr. Nudgett asked why we couldn't delegate more residential review to the Counties.

Mr. Chimarusit pointed out that MOUs have been entered into for residential review in the City of South Lake Tahoe, El Dorado County, and Placer County. County of Douglas and Washoe have not, but Washoe would like to.

Issue what role are APC members fulfilling. The issue has arose whether APC members represent the policy on issues of their appointing issue.

Mr. Basette suggested a single rule amendment that the APC members are representing their technical background; they are not locking in their Agency.

Mr. Nudgett said the previous Forest Service Representing yourself and your expertise; not the Forest Service. Use their best professional judgment.

Mr. Nudgett she he wants to hear the Forest Service.

APC Review of Projects

Mr. Thompson said the APC would like the opportunity to review projects in connection with an EIS.

Mr. Chimarusti said he things instead of a blanket rule, it is better for the APC to request to see the project.

Mr. Angelocci said that in most cases, the project and the EIS go together so the APC can't ask for review.

Ms. Scholley pointed out that requiring both the project and EIS to go to the APC may create delays for project applicants. They complained in the past that the scheduling created delays.

Mr. Angelocci said the APC can request to see the project.

APC Consent Calendar

It was agreed that a consent calendar could be used.

Public Interest Comments
Ms. Nason said that a scheduling change that would move up the final EIS prior to the APC meeting would give the APC the ability to receive the League's comments. She hopes the APC will be able to her question and explain its vote.
Minutes of the Rules Committee meeting
October 26, 1994

In attendance were Cheryl Lau, Drake DeLanoy, Kay Bennett, Jerome Waldie, Jane Hagedorn, Steve Bradhurst, R. J. Nicolle, Susan Scholley, Rochelle Nason

1. Public Interest Comments - Nason went over the problems with coordination with local planning agencies, especially as it relates to the Meyers Community Plans.

2. Amendment to the Rules of Procedures regarding project review, testimony, role of official APC members: Susan Scholley went over the history of the APC's duties and legal background. She covered the procedures which allowed the Governing Board to bypass the APC.

Rochelle Nason explained that she stopped going to the APC after the Douglas County Community Plan and her inattendence was the reason for the amendments. She supports the amendments on the theory that they should go to the APC.

Steve Bradhurst went over the history of the APC's and Rules Committee joint meeting in August 1994.

Kay Bennett said she supported the amendments since that was the policy in Carson City. Carson City requires all information to be presented first before the Planning Commission.

Jane Hagedorn felt that the APC should not be viewed as a traditional planning agency. She felt the APC was the opportunity of the officials to comment on proposed planning.

Drake DeLanoy suggested that we continue the item to a time with the full APC and the full Governing Board to decide on the role of the APC.

Steve Bradhurst suggested that we need to give the APC a recognized role. They should receive all the information on the issues.

1. Cost of amendments to applicants or staff in dollars.
2. Cost of amendments in terms of time.
3. Will the amendments make the basin better?
4. Outline of role of APC.
5. If we decide that the authority of APC is to be changed, can we create
a true Planning Commission?

6. Local vs. TRPA interface.

7. Flexibility concerning members of APC.

8. Legality of denying members of the public the opportunity to present testimony.

9. Legal consequences of saying official members don't bind their agencies.

10. Run items through local governments first.

Schedule joint APC/Governing Board meeting.

3. The Rules Committee continued the discussion of the appointment of APC members until November.

D. South Tahoe Public Utility District, Future Facilities Connection Plan Draft EIR/EIS.

Rick Angelocci, Chief of Project Review, states that the technical appendices were not mailed due to their size. First stage of the process is issuing the Draft EIS for a 60-day public comment period. This was done on 1/19/95 and will end on 3/20/95 at 5:00 p.m. Following the 60-day comment period, the consultants and TRPA staff will prepare an administrative draft of the final EIS which is the response to all the comments received. The APC will be asked to make a finding on the EIS technical adequacy, and the Board will be asked to certify it.

Comments on the STPUD plans were made by Chris Strohm, a STPUD Director; Bob Baer, General Manager; John Thiel, Staff Engineer; and Bill Ziebron, President of EIP Associates. They showed slides of the District’s proposal.

As no one else wished to comment, Chairman Thompson closed the hearing.

Break for lunch at 12:15 p.m.
Meeting resumed at 1:21 p.m.

VI - PLANNING MATTERS -

A. Discussion of Proposed 1996 Threshold Evaluation Process

John Hoole, Chief of Long Range Planning, handed out a packet on the 1996 Threshold Evaluation Program (the History, Program Organization, Program Budget and Program Scheduling).

Mr. Hoole stated that the environmental thresholds were a key guide to most of the planning functions of the Agency. He presented background information on Regional Plan adoption in 1984, litigation, and threshold evaluation schedules.

Executive Director Jim Baetge stated that what is at issue is the funding to do the evaluation so we have to decide where our priorities lie in terms of what we evaluate. This will become a discussion as we go to the Board and here at APC.


Agency Counsel, R. J. Nicolle, stated that Chairman Thompson suggested we schedule a meeting with the Governing Board Rules Committee. There is a big split on the Governing Board whether APC functions as a traditional planning commission or as a technical advisory committee. The issue has not been resolved, and the Rules Committee will discuss a joint meeting schedule with the APC.

Chairman Thompson states that this process will likely take another two months at a minimum.
Mr. Popoff asked that this joint meeting be scheduled.

VII. REPORTS

A. Executive Director

Executive Director Jim Baetge states that over the last six months or so staff has been working with the Capital Financing Committee to get agreement between all the parties on a legislation and funding package to take back to Washington next week. This agreement is substantial and addresses how we are going to ask for Clean Water Act amendments, amendments to ISTEA, and forestry issues. Five participating groups will go back to Washington next week to meet with the Congressional delegation.

B. Legal Counsel

Agency Counsel R. J. Nicolle reported on the status of the following cases: Hellman v. TRPA, Stack v. TRPA, Peterson v. TRPA and TRPA v. Schumacher. and Tahoe Sierra Preservation Council.

C. APC Members

Mr. Caterino addresses the revegetation bond being released. Project Review stamps plans that state "all barren areas to be revegetated". Getting anything to grow on decomposed granite is a difficult process. Compliance cannot release the bond until this condition is met.

Mr. Mudgett expresses a concern at sod being trucked in. Sod issue should be revisited.

VIII. ADJOURNMENT - The meeting adjourned at 3:04 pm.

Respectfully submitted,

[Signature]
Judith S. DeMeola, Clerk to the Advisory Planning Commission

These minutes were approved as presented on May 10, 1995.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (702) 586-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.
Minutes of the Rules Committee meeting
February 22, 1995

In attendance were Jerry Wells, R. J. Nicolle, Steve Chilton, Alice Baldrica, Joanne Neft, Stewart, Gregg Lien, Susan Scholley, Steve Bradhurst, Jane Hagedorn, Paul Kaleta

1. Public Interest Comments: None

2. Amendment to Article IX: It was agreed that the order to show cause hearing should not be eliminated. It was also agreed that amendments to Article IX were necessary, and that the order to show cause hearings should be held before the Legal Committee. It was also agreed that the rule amendments should be received by the Legal Committee and that the procedural rules should be tightened and that evidential standards be established for the hearing.

3. Future Meetings

   a. APC Amendments: It was discussed whether the Rules Committee would meet with the APC to discuss potential APC amendments. It was agreed that the APC would look at agenda items and that Steve Bradhurst would too.

   b. Future Personnel Rules and Fiscal Procedures: These items were reviewed by R. J. Nicolle, and potential timetables were discussed.
TRPA REGULAR MEETING MINUTES FEBRUARY 22, 1995

MOTION by Ms. Neft to receive the January financial statement and check register. The motion carried unanimously. (Members absent: Mr. Cronk, Mr. Uhler)

B. Legal Committee

1. Report on Committee Meeting

Agency Special Projects Attorney Susan Scholley advised that the Legal Committee would have a recommendation on the Bitterbrush secondary access issue for the Board in March. The Board had conducted a very long, emotionally charged debate on this two years ago.

Chairman Upton asked if Ms. Scholley could provide the Board members with some historical information on this before the discussion, particularly for the benefit of new Board members.

Legal Committee member Waldie noted that there was sentiment on the Committee to eliminate the requirement for TRPA’s intervention in the access road problem, since the Committee felt it was a local issue. Mitigation funds should not be expended to provide an access road.

Chairman Upton noted that there was not a quorum of the Legal Committee earlier in the day for this item, and there was a range of sentiment on use of the funds. The affected fire chief had attended the Committee meeting and suggested the need for the secondary access for fire safety had gotten lost in all the discussions.

Mr. Bradhurst commented on the secondary access alignment options and the litigation to ensure that Tyrolian Village could not prohibit access for emergency vehicles through its property to Bitterbrush. There was some question about the legality of the secondary access alignment and authorization from Incline Village GID for access. It was his understanding that if the property owners wanted to build as the plans existed today Washoe County had no ability to step in and stop construction.

Mr. Upton suggested that the fire district needed to be aware of Washoe County’s position as expressed by Mr. Bradhurst; he had the impression the district was not aware of this.

Mr. Waldie commented that the lack of an access road was a disaster. He did not, however, think it was an environmental disaster. It was not TRPA’s role to use mitigation funds for an access road.

Mr. Upton suggested that the players get together in the next month and try to work out the issues before bringing them back to the Board.

D. Rules Committee

1. Report on Committee Meeting

Chairman Bradhurst reported on the discussion regarding the role of the
Advisory Planning Commission and its review of projects that were the subject of an EA or EIS. The feeling of the Rules Committee was that if the Board wanted the APC to review such projects the APC could be asked to review them. The Committee agreed that the Board Chairman and APC Chairman along with the Executive Director or Deputy Director would review the items to be placed on the Board agenda and ask the Chairman of the APC if there was a desire to review any of these projects. If so, the Board Chairman would ask the APC to review the projects.

Mr. Wells noted that Rules Committee Chairman Bradhurst also agreed to meet with the APC on this issue.

Mr. Upton commented that his sense of the Board's feeling on this was that Mr. Bradhurst could proceed with his discussions with the APC.

E. Shorezone Policy Committee

1. Report on Committee Meeting

Mr. Wells advised that the Committee met following the last Board meeting and decided not to have any additional meetings until the TRPA Draft Shorezone EIS was out in late March, early April. There would be additional meetings after that time.

C. Capital Financing Committee

1. Report on Committee Meeting

Mr. Upton advised that the 1995 legislative package was completed by all participants prior to the trip back to Washington, D.C. The group had a good series of meetings with three California Congressmen, the Nevada Senators and Representatives, and representatives from Senator Feinstein's and Senator Boxer's offices. He and Executive Director Jim Baetge had also met with the chief engineer of the Army Corps of Engineers regarding funding for Cove East and Spooner Summit projects and with Forest Service representatives on forest health issues. The meetings were fruitful. Everyone was very impressed with the fact that the meetings were a consensus effort by the Tahoe community.

Mr. Wells recognized Carl Hasty and John Hitchcock, the staff members responsible for compiling and finalizing the packet. Staff would get copies to all of the Board members.

XI. REPORTS

A. Executive Director

1. Monthly Status Report

Deputy Director Jerry Wells explained that Executive Director Jim Baetge was not at the meeting because he had the flu.
November 30, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Report on Process for Selection of New Executive Director and Streamlining Update

Staff will be presenting information on these agenda items at the December 8 meeting.