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 March 13, 2002, at the Horizon Casino Resort, US Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

February 19, 2002

Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following locations: Zephyr Cove and Stateline, Nevada post offices, and South Lake Tahoe Library and Al Tahoe, California post office. 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

Horizon Casino Resort
Stateline, Nevada

March 13, 2002
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. APPROVAL OF MINUTES

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B. January 2002

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V. PUBLIC HEARINGS

A. Comments on 2001 Threshold Evaluation Report

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B. Workshop on 2001 Threshold Evaluation Recommended Action Items (to be considered for final action in April)

a. Residential Unit Allocations, 2003-2006;

b. Commercial Floor Area Allocations;

c. Tourist Accommodation Bonus Unit Allocations;

d. Residential Bonus Unit Program Amendments

e. Water Quality Amendments;
f. Air Quality Mitigation Fee Amendment

g. Vegetation Threshold Amendments to TRPA Plant Community and Species Listings;

h. Vegetation/Soils Protection Amendment;

i. BMP Implementation Amendments;

j. Scenic Amendments

VI. ADMINISTRATIVE MATTERS

A. Appointment of Nevada at Large APC Member

VI. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative To APC Recommendations

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
Kings Beach, CA

December 12, 2001

REGULAR MEETING MINUTES

Vice Chairperson Alice Baldrica called the regular December 12, 2001, meeting of the Advisory Planning Commission (APC) to order at 9:32 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Lisa O'Daly for Gary Marchio, Alice Baldrica, Kevin Cole, Bill Combs, Larry Lohman, Lauri Kemper, Tom Porta, Randy Lane, Ron McIntyre, Alan Tolhurst, Robert Jepsen, Leo Poppoff, Robert McDowell, Eva Krause.

Members Absent: Gary Honcoop, Jay Kehne and Lee Plermel. Paul Morgan is sitting on Governing Board for November and December and Mimi Moss will not be filling Mr. Wysocki's open position until January 2002.

II. APPROVAL OF AGENDA

MOVED Leo Poppoff to adopt agenda as is.
SECOND Kevin Cole
PASSED

III. PUBLIC INTEREST COMMENTS (No Action)

There were none.

IV. DISPOSITION OF MINUTES

There were none.

V. PLANNING MATTERS


Gabby Barrett, Long Range Planning Division, presented the 2001 Threshold Evaluation Report. He handed out the errata pages for insertion. His presentation covered the schedule, the findings and the recommendations.

Ron McIntyre asked if there is any scientific evidence that the decline in the negative trend of clarity is from taking care of all the septic tanks and exporting sewers from the basin? Leo Poppoff answered that clarity probably would have
been worse if that hadn't been done. He also commented that loss in clarity is slowing down. The average annual sechd depth continues in a straight line without any deviation. He was not sure how strong a statement needed to be made about that yet. Larry Benoit answered Mr. McIntyre and stated that some of the TRG have stated that the decrease in the decline rate happened around 1980. There is not actual loading data from any source to say that is exactly where it is from.

Ron McIntyre stated that the EIP was put together to solve a lot of problems. There is a huge list of things, of which transportation is almost half. If you tie allocations to EIP projects, in some areas of Lake Tahoe where those who don't want to see anything happen, they will fight EIP projects. That creates negative incentives to getting EIP projects done. It is happening right now. Gabby Barrett answered that in January the linkage was talked about. In areas like Tahoe City, this is a real issue. It needs to be thought about. Mr. McIntyre stated that to have people pick and choose between EIP projects would be bad. The whole idea is to do EIP projects regardless of who likes them.

Robert McDowell asked if the agency has a communication strategy for the socio-economic desired future conditions in a stable economy. Has the agency thought about doing something different, more intensified to bring people along? Gabby Barrett answered that there is not a strategy but the agency knows it needs it and it is hoping that Lahontan and the Forest Service will agree with this and help. Juan Palma added that he is in communications right now with Sig Rogish. Mr. Rogish used to be the owner of R&R Advertising in Reno. Mr. Rogish and Mr. Palma have been meeting to discuss this strategy and will continue to do so. Lauri Kemper stated that for the water quality update to the TMDL there would be an outreach plan as well. Mr. Barrett asked APC members not to lose sight of the socio-economic side of this issue. It has been demonstrated through collaboration model that keeping everybody's interest in mind results in a better end product.

Lauri Kemper asked about the development of new recommendations about measuring the effectiveness of projects. She asked if there are things that the TRPA is doing that may not be thresholds, such as the BMP, that can be tracked. Gabby Barrett answered that there is.

Randy Lane said the accomplishments of the EIP need to be brought to the forefront of the next 2007 plan. It is necessary for people to have an idea of what the benefits of the system are. Gabby Barrett responded that the system indicators of yes or no does not necessarily reflect a lot of the positive things. The end result is that there are a lot of good things that happened and a few that haven't yet. That does not mean that we are finished but it does mean that things have happened. Alice Baldrica stated that it might be a good idea to have examples of projects from the last 20 years that have really worked well as well as those that haven't worked. The idea is to get the information that there have
been good things that have happened out to the public in a way other than in percentages and graphs. Examples might be a good way to do it.

Alan Tolhurst stated that due to staff turnover, APC member turnover and Governing Board turnover, it seems difficult and important to move forward while keeping everybody up to speed.

Leo Poppoff stated that staff needs to hire a copywriter.

Gabby Barrett stated that staff is going to prepare an EA. The EA is not like an EIS and will not be a response to comments. It will be presented with the findings in February.

Ms. Baldrica moved to public comments.

Jon-Paul Harries, League to Save Lake Tahoe, commented on the time limits set forth. As it is set out, APC is going to have to make comments by January 9, 2002. Mr. Harries commented that due to the importance of this document, a longer review is required. He stated that he would like to see at least 90 days. Mr. Harries responded to Mr. McIntyre's comments that the League opposes all public projects. Mr. McIntyre answered that he did not say that. He said that there were some projects the League opposes. Mr. Harries answered that was true where it looks like there is environmental damage. Typically though, the League is very supportive of public projects.

Elizabeth Hale, Tahoe City Resident, responded to the communication issue that was brought up. She understood that there would be a presentation to the Chamber of Commerce in South Lake Tahoe on the thresholds but nothing equivalent in North Lake Tahoe. She thought that would be helpful. She also stated she supported the League's idea of the public having more time to review. She asked TRPA to be more careful about the agencies and organizations it aligns itself with to promote the EIP. In Tahoe City when the PUD was in charge of "improving commons beach" and when she took 500 signatures to the PUD board that residents wanted to keep the commons as it was, the resort association brought $16,000 to the table and asked how long they had to listen to the public. The head of the PUD board said that the signatures weren't valid. The head of the communication committee who spent $11,000 to study the plan, said that people aren't welcome at the committee meetings unless they have been involved for three years. Ms. Hale stated she thought it would be helpful if the TRPA asked the people it aligned itself with to behave more squeaky clean.

Ms. Baldrica brought the item back to APC.

Gabby Barrett commented that this document is on the web page and it can be printed by chapter. Hard copies are available by contacting Deborah Cohen in LRP or Kinko's in Carson City, NV. It probably costs about $30 or $40.
Ms. Baldrica closed for a 10-minute break.

V. PLANNING MATTERS
   B. Presentation of 2004 Threshold Update.

Shane Romso, Long Range Planning Division, presented the 2004 update. He stated from staff's perspective, this is an opportunity for coordinating agency efforts in Lake Tahoe. The presentation was introduced as a precursor to how the update will be done. The presentation covered the purpose and need for the threshold update, identification of opportunities for coordinating agency efforts in the Lake Tahoe basin and identification of key issues that have been identified as part of developing the work program. A completed work program is anticipated for February 2002. From that document, research contracts and coordinated agreements among different agencies to initiate the monitoring and/or research is expected. By the end of the first year of sampling research and monitoring, it is anticipated that modeling and other scenario analysis will be initiated. By the end of the summer of 2003 recommendations will begin to be established. The development of an adaptive management strategy now initiated by the SAG and TIIMS will be done in conjunction with this process.

Ms. Baldrica asked for APC questions.

Lauri Kemper asked Mr. Romso to show that research and monitoring continues past 2003 because it is key to the adaptive management plan and the threshold update process. Shane Romso stated he agreed.

Alan Tolhurst asked Mr. Romso if the seven full time people to coordinate this process were necessary. He saw a need for more “people in the trenches.” Mr. Romso responded that this is a challenge. Juan Palma interjected that all the agencies have been invited to participate and coordinate better. In addition, the Team has been coordinating, and should continue to coordinate, the executive as well as the staff below. Finally, there are working groups around the basin that are currently working on different concerns, such as scenic. Some of the groups have been working independent of direction from the top. This plan integrates those working groups. Therefore, there isn’t a proposal for more people just a way to organize them better.

Robert McDowell asked Juan Palma to consider a Memorandum of Agreement, or some type of document where the line officers or executives agree in writing on a work plan such as this. That will help with alignment, program of work, etc. Starting with the TRPA, Lahontan and the Forest Service is a good place to start. Mr. Romso agreed and commented that an MOU may be what they do in the end.
Leo Poppoff asked if the research was going to be done in the working groups. Mr. Romsos stated it would be working groups, agencies and contractors. Gabby Barrett commented that a detailed work program with the various assignments would be brought to APC. Mr. Poppoff responded he hoped that a way to modify thresholds as needed, rather than waiting another 25 years, would be incorporated.

Ron McIntyre stated he felt that a “2004 Threshold Opportunity for Implementing Coordinating Efforts in the Lake Tahoe Basin” section should be added.

Alice Baldrica asked if the lack of an integrated work program was a weakness of the thresholds developed 20 years ago. Mr. Barrett said he believed it was. He cited the example of vegetation control burning, which helps with vegetation but not such a good thing on air quality and visibility. In integrating, there would be compromises to make thresholds better. Mr. Romsos added that as measurable parameters are identified, questions would be asked such as, “How might one threshold benefit in terms of what someone else is measuring?” Hopefully some duplication will be eliminated.

Lisa O'Daly asked if there has been discussion about ranking thresholds. Mr. Romsos stated he did not think so. Mr. Barrett commented it was not out of the question but hasn’t been done yet.

Ms. Baldrica asked for public comments.

Gary Bowen commented on the art and science of leadership. In the business world, there is a distinguishing characteristic of leadership, the difference between magnetic north and true north. In this case, the magnetic north part is leading things the way they need to go with the strongest possible information. Maya Angelou says it best, “To survive is very important, but to thrive is so much more elegant” and much more effective.

Ms. Baldrica closed the matter.

V. PLANNING MATTERS

C. Recommendation on Findings that Local Jurisdictions have Demonstrated a Commitment to Providing Their Fair Share of Affordable Housing for Low and Very Low Income Families

Peter Eichar, Long Range Planning Division, presented this item and reviewed his staff summary. He related the item was brought before the Governing Board in June of 2000 where the findings were made and a provision was set that the item must come back before them in December 2001. The intent is not punitive but rather to preserve land for affordable housing developments. Staff recommended that findings be made for each of the jurisdictions. At least some
of the criteria have been addressed to some degree within each of the jurisdictions.

Kevin Cole asked Mr. Eichar which elements both Douglas County and Washoe County have fully met, partially met and have not addressed. Mr. Eichar responded that in Douglas County, the first element was met, the second and third were not, the fourth was marginal, the fifth was met, the sixth and seventh were not met. In Washoe County, the first element was met, the second was not, the third was met, the fourth was not, the fifth was marginal, and the sixth was met. When the criteria were established, it was questioned whether all the criteria should apply or not and that was never really answered.

Lisa O’Daly asked if Mr. Eichar could go through all of the jurisdictions. Mr. Eichar answered that the City of South Lake Tahoe met all five. El Dorado County met all six. Placer County met the first five and marginally addressed number six.

Ms. Baldrica asked for public comment.

Jon-Paul Harries, League to Save Lake Tahoe, stated that the way the League understood the finding is that each local jurisdiction meets the criteria they establish for themselves. The League is not satisfied that has occurred. The finding does not address this and in fact tosses it out as an ineffective code provision. The League would prefer that this finding have some analysis in it in the future and how or how not the findings have been made should be explained.

Ms. Baldrica brought the discussion back to APC.

Alan Tolhurst stated he is uncomfortable making the finding. He senses from staff that the ordinance does not do much anymore. The bar has been lowered and it seems effort is not being made anymore. He felt that the findings are being made in order to avoid public controversy.

Ron McIntyre hoped that after a couple of years of this type of analysis and we find that we are not getting adequate attempts to do affordable housing, that the incentives for affordable housing will be looked at.

Kevin Cole agreed with Mr. Tolhurst. He is frustrated because the environmental impact of the lack of affordable housing as well as the economic impact of the lack of affordable housing is not recognized. Effectively, the jurisdictions are saying, “Gee were sorry but there is nothing we can do.” He did not believe that was true. There are a lot of things that can be done as long as an effort is made. The City of South Lake Tahoe was not making progress until someone was hired specifically to do the job. Saying it is not the individual jurisdiction’s responsibility but the responsibility of the entire basin is offensive because it does not comply with the idea of “fair share” of responsibility. This is a highly charged issue but it
needs to be kept as a primary issue because it affects many other things in the basin. All of the jurisdictions have not met their “fair share” commitment.

Alice Baldrica asked if this is something that needs to be voted on. Carl Hasty answered that it was.

Leo Poppoff asked what it means to make the findings. Mr. Eichar answered that if the findings were not made, residential subdivisions would not be allowed to occur. If the findings are made, post 1997 subdivisions not developed today, will be allowed to be continued within these plan areas. This is very few parcels in Washoe and Douglas Counties.

Bill Combs stated in Placer County there have been aggressive attempts to provide affordable housing in the region and in the basin. The Placer County redevelopment agency is taking steps and he is encouraged.

Randy Lane stated that philosophically, he shares Mr. Tolhurst’s and Mr. Cole’s comments. However, in the County he resides, the system is frustrated. The finding says you must make “fair share” efforts but the criterion is such that does not allow this. The properties in his County have other problems associated with it. He is not convinced that a private landowner can be forced to develop in this manner while at the same time preventing some other landowner from developing their land to its full extent because of the condition of the land. In Douglas County what is done or not done has affect on South Lake Tahoe housing. There is a huge need for financial support for affordable housing projects, which means a reduction of fees. While he did not think that Douglas County complied with the letter of what was set up, he would hate to see APC chastise the people for not trying to comply when perhaps they can’t. Maybe if APC understood the lack of potential parcels it might be better.

Eva Krause commented that the problem with Washoe County’s ability to comply with “fair share” was because of the lack of parcels. They can help other jurisdictions develop affordable housing, but they don’t get credit for “fair share” when they do that. They are trying to meet the standards but they do not have the ability to do it.

Lisa O’Daly reported that the City of South Lake Tahoe has been very proactive over the last year, including the processing of two very controversial plan area amendments. Patrick Conway is an amazing man in his ability to get things done. She understood the other jurisdictions’ frustration with the ability to get things done and she did not think the City could be as successful as it has been without Patrick’s role. She thinks that the $10,000 incentive should be looked at to see if it is enough. She advised that an eye needs to be kept on the ball and advised APC to ask if chastising any local jurisdiction helps get closer to reaching the goal.
Lauri Kemper asked if not making the finding for Douglas County means that the only area really affected is the area around Kingsbury? Mr. Eichar answered it was. Ms. Kemper stated this was a valuable area to have affordable housing and it is a small area. Mr. Eichar stated that the only real areas affected are two subdivisions within that plan area if the finding was not made.

Alan Tolhurst stated that he noted Mr. Eichar’s comment that direction on what criteria and how much criteria needed to be made in order to establish compliance with “fair share” was not given by the Governing Board to staff. However, the fact that the Governing Board left the establishment of criteria to the local jurisdiction, it could be inferred that the Governing Board meant for the local jurisdictions to establish their own criteria to be met in order to demonstrate their commitment. Mr. Eichar responded that the difficulty is the Code reads, “Has the local jurisdiction demonstrated their commitment?” How to evaluate that is the question. The establishment of criteria was used to address that question. It can be debated whether now the criteria has been met or not but the reality is that this Code provision is not going to cause a rush of affordable housing in any jurisdiction. Going to local planning commissions or local board supervisors will get affordable housing built. TRPA is a partner but they do not have the ability to buy land or build projects. If local jurisdictions feel their constituents want this they will make attempts. Ms. Baldrica asked how many of the “Affordable Housing” population are going to go to planning meetings, etc.? Mr. Eichar answered not many at all. Not many people come out in support of projects. Mr. Tolhurst answered that in El Dorado County the Board of Supervisors came up with the fee deferral program for affordable housing. The very first project that came up from that was denied deferral. There are a lot of political issues that have nothing to do with the basin and there is a lack of understanding of the need for affordable housing.

Kevin Cole stated that what is really being discussed is allowing the continuation of the development of subdivision property. The frustration is that various jurisdictions have come in with applications for multi-housing projects. The assumption with the project is passed is that the multi-housing will be a little more affordable but then you see that project sub-divided into expensive condos. This happened again and again on parcels that been identified as parcels preferred affordable housing land. Therefore, today we can preclude people from doing that until they demonstrated their commitment to “fair share.”

Randy Lane commented that what is missing is the incentive to comply or not comply with affordable housing needs. Some of the parcels identified as preferred affordable housing are not affordable land in and of themselves. That gap needs to be bridged. One way to do this would be to offer affordable housing incentives that justify the cost of the land. Kevin Cole responded that the focus on the costs for vacant land is not the solution. This is one criterion. There are a whole bunch of other criteria that have not been met. There are a
variety of approaches that can be taken. Gabby Barrett clarified that the two-step subdivision process can happen on land other than vacant land.

Ms. Baldrica stated that it would be appropriate to entertain a motion or motions on each of the five jurisdictions. Gabby Barrett drew APC’s attention to the fact that the staff recommendation is to make a final finding. He reiterated the background on the issue and the fact that the League had concern that the land available for affordable housing was being used for two-step subdivisions. Therefore, TRPA settled with the League by saying that they would not allow subdivisions unless Affordable Housings were being addressed. The original function has been lost in terms of land use and urban boundaries. The issue of attaining affordable housing is still prevalent. However, using this as the vehicle to accomplish it is not likely. Therefore, this is a final finding.

Alice Baldrica stated she is troubled by whether or not the jurisdictions have met the criteria established by the Governing Board. The Governing Board left the setting of the criteria to the jurisdictions and the meeting of those criteria to the jurisdictions.

MOVED - Lisa O’Daly moved to make a final finding for the City of South Lake Tahoe and El Dorado County as having met the evaluation criteria established by the Governing Board in 2001.

SECOND – Alan Tolhurst

Ms. Baldrica called for a roll call vote:

Lisa O’Daly – Yes
Alice Baldrica – Yes
Kevin Cole – Yes – Changed to Yes after discussion.
Bill Combs – No
Larry Lohman – Yes
Robert Jepsen – No – Changed to Yes after discussion.
Lauri Kemper – Yes
Eva Krause – Yes
Randy Lane – Yes
Robert McDowell – Yes
Ron McIntyre - Abstain
Leo Poppoff – Yes
Tom Porta – Yes
Alan Tolhurst – Yes

MOTION CARRIES
Robert Jepsen stated that he takes exception that some counties are being left out. APC members explained that there would be other motions made. Mr. Combs stated he voted no for the same reason. Both changed their votes from No to yes.

MOVED – Bill Combs moved to make the final finding for Placer County as having met the evaluation criteria established by the Governing Board in 2001.

SECOND – Robert Jepsen

Ms. Baldrica called for a roll call vote.

Alice Baldrica – Yes
Kevin Cole – Yes
Bill Combs – Yes
Larry Lohman – Yes
Robert Jepsen – Yes
Lauri Kemper – Yes
Eva Krause – Yes
Randy Lane – Yes
Robert McDowell – No
Ron McIntyre – Abstain
Leo Poppoff – Yes
Tom Porta – Yes
Alan Tolhurst – Yes
Lisa O’Daly – Yes

MOTION CARRIES

Robert McDowell stated that he wanted to vote yes but the way he is looking at this is either the criteria got met or it didn’t. This is a technical advisory to the Governing Board and if one criterion was only partially met then he can’t make the technical advisory in the affirmative.

MOVED- Lisa O’Daly moved that a finding (not final) be made that Washoe County has demonstrated a commitment to assume their responsibility to provide low income and very low income affordable housing and they report back in 1-year on progress on the un-met items.

Jordan Kahn interjected that what would be most helpful to the Governing Board would be consistent motions on each of the jurisdictions and then an additional motion at the end on direction to the jurisdictions.

Ms. O’Daly withdrew her motion.
Mr. Tolhurst asked for clarification on the finding of "final" action. Ms. O'Daly stated that the finding is a demonstration of commitment. Jordan Kahn responded that it seems that it is the pleasure of APC to not make a final finding and he recommended that Lisa's original motion would be fine.

MOVED – Randy Lane moved to make a finding (not final) that Washoe County and Douglas County have demonstrated a commitment to assume their responsibility to provide low income and very low income affordable housing and they report back in 1-year on progress on the un-met items

SECOND – Leo Poppoff

Alice Baldrica – Yes
Kevin Cole – No
Bill Combs – Yes
Larry Lohman – Yes
Robert Jepsen – Yes
Lauri Kemper – No
Eva Krause – Yes
Randy Lane – Yes
Robert McDowell – Yes
Ron McIntyre – Abstain
Leo Poppoff – Yes
Tom Porta – No
Alan Tolhurst – No
Lisa O'Daly – Yes

MOTION CARRIES

Mr. Cole stated he did not feel a commitment has been demonstrated.

Mr. McIntyre stated he agrees with Mr. Cole. He agreed with Mr. Lane that the financial incentive is not there. In addition, he is not interested in holding the private property owner responsible for the government dealings.

Mr. Tolhurst stated that the commitment has not been demonstrated. However, it has been only six months since it has been put into place and that is not enough time. He also stated the transportation issue needs to be looked at.

Mr. Porta also stated he did not see a commitment.

Ms. Baldrica recessed for Lunch at 12:20 pm.
Randy Lane left for the day.

VI. PUBLIC HEARINGS
A. Scoping of Environmental Impact Report/Environmental Impact Statement for the South Tahoe Public Utility District "B" Line Replacement

Michael Rhoades, Project Review Department, presented his staff summary on the scoping of the EIR/EIS for the South Tahoe Public Utility District “B” (sewer export) line replacement project and solicited comments from APC. Richard Solbrig, South Tahoe Public Utility District (STPUD), and Rob Brueck, Parsons, joined Mr. Rhoades’ presentation. Mr. Solbrig gave a detailed presentation on the pipeline replacement. He reviewed that the driving force behind the project is to improve the reliability of the pipeline, reduce the risk of spills, and reduce the repair and maintenance costs to the Utility District and the environment and to improve by design the ability to inspect and repair the new line. Mr. Brueck gave a summary of the issues covered by the EIR/EIS they are submitting for comment.

Alan Tolhurst asked if the same type of pipe previously put in would be put in this time. Mr. Solbrig answered it will not be. For their planning purposes, they believe the new pipeline will have a 50-year life. Mr. Tolhurst said that crossing the creek twice needs to be analyzed as far as what will go into the creek and how to avoid that damage. In addition, quality control with the contractors should be addressed.

Lisa O’ Daly stated that the district has done an exemplary job along the way and has learned lessons before doing the hardest part of the job. She asked that all of the surveys be completed prior to the EIS being put out. In addition, she wanted to know if the existing portions of the B line will be left in place as back up or not. Mr. Solbrig answered that in this section it will be retired in place.

Robert McDowell asked if the 2000 ft. between manholes requires vehicle access? If it does, that needs to be addressed in the EIS/EIR. He also asked why there was a need for a 600-psi pipe and what does that mean? Mr. Solbrig answered that because of the elevation change from the top to bottom there is a need for this size of pipe.

Lauri Kemper asked what the construction corridor for the previous phase was. Mr. Solbrig said he did not know but by looking at the tree growth, he would say 50 feet.

Robert McDowell asked Mr. Brueck if he understood that the old growth ordinance applies to areas outside the plan area and the 30” diameter thing does apply and for the Forest Service it is 20” or 24”. Mr. Brueck answered that the project is completely within the Luther Pass Plan Area, a residential area, which allows the removal of 30” diameter trees. The timber ordinance applies to recreation and conservation plan areas. Lyn Barnett, Project Review, commented that although Mr. Brueck’s computer is saying it is a residential plan
area, he believes it is a recreational plan area as well. Mr. McDowell stated it needs to be clear. He also echoed Ms. O’ Daly’s comments on the need for surveys to be completed. They need to be done.

Ron McIntyre asked if the pipe size is for the build out of the service area. Mr. Solbrig answered that the pipe size is governed by internal access and is a 24” diameter. Mr. Solbrig stated they would have to change pumps at the Luther Pass pump station for build out.

Lauri Kemper thanked TRPA staff for going ahead with the EIR. She expressed concern regarding the impact of crossing the creek. It is indicative of long-term impacts. You can still see where pipeline came down the hillside 30-years ago. Lahontan is definitely interested in the restoration plan being pretty well developed in the EIR. In addition, the project will require offsite mitigation. The TRPA Code and the Lahontan Basin Plan require at least a 1 ½ to 1 mitigation in Stream Environment Zones. Therefore she encourages a plan for where those offsite mitigations are going to occur. Mr. Barnett commented that the discussion has been had and there is always going to be a linear component to the tree line especially over the pipe.

Lisa O’Daly asked what the findings are that need to be made in order for a public service use to be installed through a SEZ? Mr. Barnett responded that there has to be no other reasonable alternative, it should result in a net environmental benefit and there has to be adequate mitigation. Ms. O’Daly asked how realistic it is to relocate the existing pump station under these conditions. Mr. Barnett answered that the relocation of the station was added in as a design alternative to the roadway alignment. This would eliminate a mile of construction and the addition of pipeline that has to double back thereby creating further impact.

Alice Baldrica asked what the revegetation / restoration plan will be. Mr. Barnett commented that staff would like to see this addressed in the EIS / EIR because they have found that it is difficult to revegetate in a tall thick forest. Ms. Baldrica asked what the condition of Grass Lake Creek is where the two proposed crossings are. Mr. Barnett answered that it is in natural condition right now. There are some old diversions and the creek itself is not always confined. There are a lot of parallel streams that come out. It is difficult to define. Ms. Baldrica then if the SEZ would be wider than normal. Mr. Barnett commented that his impression is the creek moves around. Therefore, how it is diverted and then restored is going to need to be defined.

Larry Lohman asked if the seismic faulting in that area is going to be addressed. Mr. Barnett said it would.

Lisa O’Daly stated considering the processes used in the 60’s, the revegetation in the area is not such an issue for her because nature has done a good job with
those conditions and it does not look bad today. She is much less concerned about it then she has been on other projects because now we will be trying harder then they did then. Ms. Baldrica responded that she would like to see evidence of this in the EIR/EIS. Ms. O'Daly suggested that Mr. Brueck use aerial photos.

Ms. Baldrica reminded everyone that there is also a historical trail in that area and it did not revegetate itself. Mr. Barnett responded that parts of the trail are hidden and others aren't. Mr. Brueck stated that trail resources are indicated.

Robert McDowell reminded everyone that a few years ago there was activity on the North shore with regard to gas lines and that might be a good reference point for Best Management Practices. Mr. Barnett responded that staff has asked STPUD to look at that. The geology is different but there are some comparisons such as the recreation impacts.

Ms. Baldrica moved to public comments.

Jon Paul Harries, League to Save Lake Tahoe, stated that the League is concerned about the blasting of the stream and the proposed preferred alignment. However, limiting his comments to the scoping, the pipeline depth at a minimum of 7 feet deep needs to be thoroughly evaluated. Additionally, a sub-alternative within an alternative makes comparison of the alternatives very difficult and it almost treats alternative C unfairly. He pointed to the example of the pump relocation. Therefore, alternative C needs to be clarified or split into two comments.

Lyn Barnett stated that staff will scope this item at Governing Board and he will make sure a draft document is distributed to APC.

VI. PUBLIC HEARINGS
B. Lakeside Trail Supplement Environmental Impact

Kathy Canfield, Project Review Department, reviewed her staff summary and solicited comments from APC.

Jack Beckman, Tahoe City Public Utility District and applicant, presented the alternative being proposed, attaching the trail to the backside of the dam.

Leo Poppoff asked if that was a bridge. Mr. Beckman responded that it has not been designed as of yet. Mr. Barnett responded that in fact, it has to be a dam modification and not a bridge. The code does not allow for bridges over Lake Tahoe. Ms. Canfield stated the Bureau of Reclamation does not see any problem attaching it to the dam. It will not structurally be attached to the dam. It will be attached for our purposes. The bike trail will also be used to get to the dam and clean out debris.
Alice Baldrica stated that the dam is listed on the natural register of historical places and impacts to the dam that might be accrued by attachments, needs to be accounted for. Mr. Beckman stated that the Bureau of Reclamation has discussed that with them and is taking it into consideration.

Ron McIntyre asked Mr. Beckman if the trail would be a multi-use trail at this location. Mr. Beckman said it would and would be 12 feet wide.

Alan Tolhurst stated traffic impacts should be identified and analyzed. He asked what happened to the bridge tender. Ms. Canfield responded that it is moving across the street and the existing building is being removed. Mr. Beckman confirmed that that building and izzy's Burger Spa are scheduled for demolition in May of 2002.

Lisa O'Daly asked if there was a lead federal agency on the EIS for NEPA? How is the Bureau of Reclamation going to pop into the process without starting at square one? The Auerbach Engineering Group representative answered that the Bureau of Reclamation does not own the dam. They have exclusive use. They will not be the lead federal agency. Right now the lead agencies will be TRPA and TCPUD. Mr. Tolhurst asked who owned the dam. The Auerbach Engineering Group representative believed it was the Tamarack Water Co. Ms. Baldrica commented that the Bureau of Reclamation is involved.

Juan Palma asked if this was going to be ADA compliant. Mr. Beckman said it would. They are working on other parts of the trail but this part would be.

Ms. Baldrica asked for public comment.

Elizabeth Hale, Tahoe City resident, stated that residents have not been told for sure if this is going to be a pedestrian trail or a bike trail. Yet they have been told this will decrease the amount of vehicle traffic because there will be more people biking and using the trail. However, when the trail goes down to commons beach, it will be a problem because of all the children running around. To solve that problem the parents and children will have to be sequestered to a safe portion of the beach and they will loose two play areas. She has signatures opposing that loss of those play areas. In the Tahoe City Marina it will be a problem. Ms. Baldrica reminded Ms. Hale that any other portion of the trail other than the dam portion couldn't be acted on. Ms. Hale responded that the point is the trail will have cumulative effects. They have been told that the point is to get people out of their car and on to their bikes. People aren't going to use their bikes but they aren't going to use their bikes on a more pedestrian trail. People who are into riding their bikes will stay on the road. This is true to of people who will be commuting by bike. They will not want to go through the process of going over the dam. The Sheriff is also concerned about problems on the trail further down, so Ms. Hale assumed there would be problems here as well. Noise will be
increased. Wildlife is present. Even though the bike trail is supposed to be 12 feet wide, having people pedestrians walk there will cause concern for their safety. It is not written that there is a plan to bring more bikes to the area but Ms. Hale believes it is the North Tahoe Resort Association’s plan to make Tahoe City more like other resort locations. One of the driving points is allowing bikes to travel distances. She thinks that there is a driving force to bring more bikes to Tahoe. Ms. Hale also expressed concerns regarding coverage and traffic tie-ups. She cited the 64 acres project meetings and the numbers of people incensed by the traffic present at those meetings. She believes that people along the west shore will not like this. She is also concerned about the historic nature of the bridge. Finally, she expressed concern regarding making the entire trail ADA accessible. The bike trail project needs to be looked at again.

Ms. Baldrica moved the discussion back to APC.

Larry Lohman asked if the bike path or walking bridge would be installed on both sides of Fanny Bridge? Ms. Canfield answered that was an either / or alignment.

Kevin Cole stated he is concerned about the ownership of the dam. It should be looked into. In addition, he stated he is proposed with the proposal. The project provides view access. The concern about bicycle traffic and encouraging people to come up with their bicycles is something he assumed that is what they want to do. In addition, there are a lot of multi-use trails and they work just fine.

Alice Baldrica commented that there is a complicated relationship that the Bureau of Reclamation has had historically and it may be complicated here as well. They may have ownership but the PUD has management. Generally the agencies talk to both. Mr. Cole this is true but if everything gets going and permitted and then someone stands up and says, “I own it and you never asked me,” there will be a problem.

Alice Baldrica closed the commenting session.

VI. PUBLIC HEARINGS
C. Amendment of Chapter 20 Land Coverage to Adjust Excess Land Coverage Fees

Mike Vollmer, the Long Range Planning Department presented his staff summary, the history of the excess coverage mitigation fee and staff’s recommendation to maintaining the current amounts.

Leo Poppoff asked what APC was expected to act on. Mr. Vollmer answered that there was the potential for California to move from $6.50 to $12.00 or for Nevada to move down. An official appraiser has now reviewed the fees, APC has the results, staff is required to report before January 1 of each year and there is no change unless APC wants to change something.
Gabby Barrett commented that the ordinance requires that the cost is to be reviewed and appropriate adjustments made. Staff’s message to APC is there is no need for adjustments. If APC wants to make a change they need to say that.

Lisa O’Daly asked why the appraisal was done if it wasn’t going to change anything? Mr. Vollmer answered that it was appraised because the Code provision says the amount cannot exceed $12.00 in Nevada.

Ron McIntyre asked why it was capped when it is worth more? He also wanted to know if it was done why not go with the results. Mr. Barrett answered that when the prices were determined by unprofessional appraisal the rates were $18.00 in Nevada and $6.50 in California. When the adoption of the rates occurred, based on sales rates, TRPA said $12.00 for Nevada and capped at $12.00 but California is $6.50 and the board wanted to cap both. The Conservancy asked them not to cap both but to do the review to check the prices and come back annually with the recommended adjustments. The bottom line is this year, the rates are not to far off and adjustments don’t need to be made. Next year may be different.

Alice Baldrica moved to public comments.

There were none.

MOVED – Alan Tolhurst moved to accept staff recommendation leaving the excess land coverage fees the amount they are currently.

SECOND – Leo Poppoff

MOTION PASSED

VI. PUBLIC HEARINGS
   D. Amendment of Chapter 33 of the Code and the Development and Implementation Subelement of the Goals and Policies Plan to Allow Up to 300 Residential Allocations for 2002

Gabby Barrett, Long Range Planning Department, presented his staff summary, the criteria for allocations, 2001 allocations and the proposed residential allocations.

Alan Tolhurst commented that this should be done sooner then 3-months before the decision is made for the public. Mr. Barrett answered that this is the end of the timeline but staff has been diverted due to keeping the public happy getting permits out.
Kevin Cole commented that the time is fine considering the actions being proposed but if the action were going to be different then it would need to be done sooner in order to keep the public happy. He also stated the pool of accessible allocations went untouched for a long time because there really wasn't a demand for it. The demand wasn't there because the marketplace did not require a long wait for an allocation. Basically the wait was only a year. Now the waiting list is sometimes 5, 6 or 7 years long, the pool is being utilized a little more. If the real estate market slows down and people are not spec building the way they have the last couple of years, we may see the waiting list is no longer as long and the pool may build up again.

Robert McDowell asked what happens if the 2001 directed mitigations doesn't happen? Mr. Barrett answered then he would have a harder time pulling out the checklist. Mr. McDowell asked if Mr. Barrett would accept that from a consultant doing an environmental document. Mr. Barrett answered that when it is done the EIS will be certified with the mitigations to take place over time. The whole concept is that the same levels be maintained. Everyone should understand is that there are linkages that go with this such as BMP, EIP's, etc. All development is critical. All the items need to be addressed. The EIP needs to be implemented. It could be worded better.

Leo Poppoff asked if these things weren't implemented, would the 300 be pulled back? Mr. Barrett answered that they would not pull them back. Once the ordinance is adopted it will be the assumption that the mitigations are going forward. When this was done the commitment was made to pursue the mitigation measures. This is a two way street. 300 units is not something we take lightly. Mr. Poppoff asked if all of the mitigations weren't approved, would the allocations be scaled back?

Juan Palma interjected that there is a need for further discussion regarding how the accountability systems will work in the future beyond 2003 and beyond. If there is not 300 then there needs to be discussion. Mr. Poppoff answered that he understands the 2003 and beyond but the codicil connecting this 300 to next February's recommendations bothers him.

Alice Baldrica asked if from 1996 to 2000 there were 300 allocations unused that have already been said yes to, then that means that they are left over allocations from mitigations already done.

Bill Combs added in the 80's and early 90's the allocation process was uncertain and caused panic in the public. Today things are calmer and less random.

Gabby Barrett commented that the concept of looking at the 2001 recommendations, what has been presented will be adopted and mitigations that will be pursued was more where this presentation was supposed to go. The
specifics of the mitigations will be taken up at another time. Maybe there is a better way to word that so that is more comfortable.

Alice Baldrica moved to public comments.

Jon Paul Harries, the League to Save Lake Tahoe, said the League grudgingly does not oppose this action. However, the League is concerned about the rate the TRPA allocates development. For the last 15 years, it has not had strong consideration. In 1991 if the proposals had been adopted and implemented he would be ok. If the proposals from 1996 he would be comfortable. That was not done so his comfort level is not high.

Alice Baldrica moved the item back to APC.

MOVED – Robert Jepsen moved to accept staff recommendation.
SECOND – Bill Combs

Lauri Kemper interjected that Lahontan has the same serious concerns as the League. It comes back needing some benefit and being able to reevaluate the benefits of the progress. There is progress but there isn’t a sense of how much. Looking at where TRPA is going, it seems that TRPA has some measurements for future allocations for a better look each year. Mr. Barrett responded that staff plans to bring a proposal that links certain tests for the remaining 1200. This will allude to the EIP, BMP, and transit, scenic and other key components.

Kevin Cole understands and sympathizes with the need to justify and quantify future allocations but he would like to remind everyone that the allocation process used to be dangerous. In addition, there were periods of time where there was concern about whether or not there would be future allocations available, which forced people to build things that were not ultimately good for the environment or community. That is now calmer. There is a saner more controlled process. Therefore, everyone needs to be very careful about threatening that these allocations will go away. Mr. Barrett answered that staff is challenged to meet all these concerns.

MOTION CARRIES

VII. ADMINISTRATIVE MATTERS
    Election of Chairperson and Vice-Chairperson for Two-Year Terms (2002 through 2003) to Start January 2002
MOVED – Robert Jepsen moved to nominate Alice Baldrica as Chairperson for the two-year term.
SECOND - Kevin Cole

MOVED – Leo Poppoff moved to close nominations.
SECOND – Kevin Cole
MOTION PASSED – Alice Baldrica was elected Chairperson for 2002 – 2003.

MOVED – Bill Combs moved to nominate Larry Lohman as Vice-Chairperson for the two-year term.
SECOND - Lauri Kemper

MOVED – Eva Krause moved to close nominations.
SECOND - Lauri Kemper

MOTION PASSED – Larry Lohman was elected Vice-Chairperson for 2002 – 2003.

VIII. REPORTS
   A. Executive Director
      1. Report on Governing Board Actions Relative To APC Recommendations

Juan Palma welcomed Ms. Baldrica and Mr. Lohman. He informed APC of Coe Swobe's appointment to the Governing Board. He also asked APC for names for open positions. He thanked APC for attending the winter party. He explained Carl Hasty's absence. He reviewed the shorezone policy discussion of the previous month. He stated that he philosophically believed in the free enterprise system. In addition, he does not believe it is the environment against the economy. It is a challenge to find a balance between the two. He believes the TRPA is on the right track. There is conflict in the community about what the TRPA is doing. However, Article One of the TRPA Compact says that the TRPA is created to provide a balance between the environment and the nine thresholds and opportunities for growth and development in the Lake Tahoe Basin. Mr. Palma advised APC that he does not in any fashion believe in moratorium. If they hear otherwise in the public, it is not true. In addition, if APC is hearing that TRPA wants to use scenic to achieve other things, which also is not true. TRPA sees the scenic threshold is an equal shareholder in the Lake Tahoe basin and is just as critical as all other thresholds. It makes good business sense to protect the scenic threshold. The edge Lake Tahoe has over other destination places is that it is beautiful. That edge cannot be lost. In terms of economic development and specifically redevelopment, they are showing improvement. In addition, roadways are showing improvement. If there is an issue with scenic it is on the sliver of the shoreline. The comments have been heard. Public workshops will be held. The Visual Magnitude discussion will be had in the threshold review. The methodologies will not be implemented right now. Between now and then, the same system that has been in place for the last several years will continue. That process is a negotiation process, or horse-trading. Horse-trading is what Mr. Palma wants to change. Apparently that is not where folks want to go right now. That will be discussed later on.
VIII. REPORTS
   B. Legal Counsel

Jordan Kahn reported on the TSPC Supreme Court Case, the tour of John Roberts of the basin and the TRPA and the impact of the Supreme Court Case.

VIII. REPORTS
   C. APC Members

Larry Lohman said he asked Paul Nielsen to review the allocation issuance process due to the unequal workload of his agency throughout the year. It is difficult to staff when the workload stream is not consistent. Mr. Palma said he would make note to review that.

Bill Combs reported his board approved an employee housing development for North Star that will be targeted for moderate to low incomes. They also authorized the redevelopment agency to purchase a 1.6-acre parcel for affordable housing development.

Eva Krause passed out a Washoe County report for APC.

Lisa O'Daly thanked TRPA for coordinating Project Review and Long Range to allow the city to get an EIP project on the ground fully implemented before the snow flies. It was a project that was only possible because Tim Hagan worked with the City from the inception, on the design and review. The project was started and completed in less then one year.

Lauri Kemper reported that the Governor has made 3 new appointments to their Regional Board and their board meeting is January 9, 2002.

IX. ADJOURNMENT

Adjourned at 3:32
I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:34 am

Members Present: Alice Baldrica, Larry Lohman, Lisa O'Daly (for Gary Marchio), Bill Combs, Gary Honcoop, Robert Jepsen, Lauri Kemper, Eva Krause, Randy Lane, Robert McDowell, Lee Plemel, Leo Poppoff, Alan Tolhurst, Mimi Moss

Members Absent: Kevin Cole, Ron McIntyre, Paul Morgan, Tom Porta

II. APPROVAL OF AGENDA

MOVED – Eva Krause
SECOND - Leo Poppoff
MOTION CARRIES

III. PUBLIC INTEREST COMMENTS (No Action)

There were no public interest comments.

IV. APPROVAL OF MINUTES
   A. November 2001

Ms. O'Daly pointed out that a hanging sentence was left where Gary Marchio was speaking and arts and crafts should be arts and crafts style.

MOVED – Leo Poppoff moved to accept the November 2001 minutes with changes.
SECOND – Robert Jepsen
MOTION CARRIES

   B. December 2001 – Not Available

V. PLANNING MATTERS
   A. 2001 Threshold Evaluation Environmental Analysis (EA)
      Scoping, Draft Alternatives, and Comments on 2001 Threshold Evaluation Draft
Coleen Shade, Long Range Planning Department, presented the 2001 Threshold Evaluation Analysis. Ms. Shade provided an update on the schedule, discussed the alternatives staff is looking at in analyzing the environmental analysis (EA) on the Threshold Evaluation and asked for scoping feedback on the EA.

Alan Tolhurst asked for staff to make better outreach to the public regarding thresholds. Staff is working on their planning process for the next Regional Plan and the outreach that needs to be done with that.

Leo Poppoff asked what the "A list" is. Ms. Shade responded that the recommendations are categorized as either 'A', 'B' or 'C'. There is not a hierarchy to the list just a category. The 'A' list items are the recommendations staff is proposing be adopted along with the Threshold Evaluation. The 'B' list items are those that there still needs to be some work done or partnerships that need to be built. The 'C' list items are those that may be as important as the 'A' list but there may not be enough money, political support, etc. right now. They will not be part of the package that will be adopted. Robert McDowell asked what becomes of the 'B' list and the 'C' list in the future after the board adopts the 'A' list? Ms. Shade said the others that need to be adopted will come separately and not part of a package.

Alice Baldrica stated the NDOT master plan for capital improvements might have target dates on its schedule that may change as a result of the threshold process. They are concerned. Other agencies need to know about the threshold process so that they are aware if they will have changes as a result of the process.

Ms. Baldrica asked whether changes to the shorezone interim process would be looked at with regard to the last presentation on this issue to APC. Ms. Shade commented that there were some changes as well as a need for better articulation of the tools and processes.

Juan Palma informed APC that the reporter who was going to run the articles on the thresholds, studies, etc., no longer works for the Tribune. He asked that those with the ability and resources to get these articles or similar into the public help and informed APC that staff is looking into how to get the information out now.

Gary Honcoop asked if agencies outside the basin would have the ability to comment on this information and studies. Ms. Shade responded that many in-house mailing lists were used in order to solicit comments from everywhere. If APC is aware of anyone that was missed, staff would appreciate their name and address and they would forward the information.
Robert McDowell asked when staff is asking for formal comment from agencies. Ms. Shade answered February 27, 2002, however, comments are accepted before that date.

Gary Honcoop asked if feedback has to be in writing. Ms. Shade answered that staff prefers comments in writing. If it is done orally only, please let the staff member know that you want it noted in the record.

Ms. Baidrica asked for public comment.

There was no public comment.

Coleen Shade handed out a memo and presented the parameters of the no project alternative, the development rate alternative and the status quo alternative regarding allocations.

Leo Poppoff asked Coleen to give an example as to how the incentive to implement the EIP is going to work. Ms. Shade answered the way the criterion is being developed; the performance review team will handle it. Ms. Shade handed out another memo regarding the EIP incentives added for allocations, CFA and Tourist Accommodation Special Project Units. She asked Larry Benoit to discuss this memo. Larry Benoit explained the handout.

Leo Poppoff asked if the 10% enhancements are over the average allocation? Mr. Benoit answered they are over the base year.

Leo Poppoff asked how much work a County would have to do to get 6 more building permits if it has an average of 60 building permits a year. Mr. Benoit answered it has not been detailed out yet. The performance review committee will want to work that out this fall. In the past it was worked out by dollars spent.

Leo Poppoff asked if that is really enough? He also asked if that number was the average all along, is that really an incentive? He asked if this is an incentive to add more houses? Mr. Benoit answered that it is only an incentive if you have the performance. For some it may be an incentive and for others he isn't sure if it would matter anyway.

Carl Hasty stated that these ideas and numbers are preliminary. Staff is asking these questions as well. The next few months should work through these questions. The relationship between EIP and regulatory actions is being defined a little more clearly. What exactly that relationship is needs to be defined.

Lisa O'Daly commented that this might not be the best place to reward incentives. Maybe it would be better worded as a way to link development and EIP.
Gary Honcoop asked if the Threshold Evaluation would affect allocations. Mr. Hasty answered it absolutely could and it should. There will be an allocation formula talked about in the next few months.

Lauri Kemper asked if incentive is really being looked at then why isn’t a lower base year being looked at? She recommended that a lower alternative than what is already being used, be looked at. If the local jurisdictions are being given what they are already using, then there really isn’t any incentive.

Alan Tolhurst commented that the stimulus is too far removed from the person getting the reward. He questioned whether he as a resident of El Dorado County can influence his County Supervisor enough to put pressure on Cal Trans enough to take the money that was going to be used to fix the LA freeway and bring it here? It is remote.

Robert Jepsen asked if there was a need for an environmental document for the adoption of the ‘A’ list. Carl Hasty responded that the EA is for the Threshold Evaluation. All of the recommendations are part of that evaluation. John Marshall clarified that the EA is for the actions that TRPA is recommending in response to the Threshold review.

Randy Lane asked if the incentives were in addition to the existing EIP system? Larry Benoit stated that this is in addition but it will also change it a little bit. Randy asked if the agency would still have the ability to refresh the pool. Larry Benoit stated that was not his understanding. Once the units are gone they are gone.

Lisa O’Daly asked if both Affordable Housing and EIP incentives could be considered. She also stated that allocations turned back from the City were not necessarily returned due to lack of demand but because of environmental and social reasons. They feel that the Development Rate Alternative would penalize the City for implementing EIP projects. An example of this was the return of 6 multi-family allocations by the City due to the City’s acquirement of a property on San Jose Ave. where a condominium project had been reserving allocations. The property was acquired to complete two EIP projects. However by acquiring the property to complete these projects the City lost the 6 multi-family allocations. It feels like it is a penalty.

Ms. Baldrica moved to public comments.

Jon-Paul Harries, League to Save Lake Tahoe, expressed a desire by the League to see other alternatives. They are not out to attack allocations for the sake of attacking allocations. In the 1991 and 1996 evaluations, numerous recommendations were made and a good number of those recommendations are not being implemented. For example, with the scenic threshold, only four of the seven 1996 recommendations have been implemented. The League would like
to see these implementations tied to TRPA's ability to implement the recommendations.

Ms. Baldrica closed the public comment period.

Coleen Shade asked APC members and the public to have comments submitted in writing by February 27, 2002.

Gabby Barrett clarified the process with regard to responding to input and or comments. The EA will be prepared and presented as a side document in March and will be presented. It does not need to be certified. It is important to get everyone's comments prior to that.

Ms. Baldrica moved for a Break at 10:46.

APC returned at 10:56.

V. PLANNING MATTERS
   B. Review of 2004 Threshold Update Work Program

Shane Romsos passed out a handout and made his presentation regarding the review of the 2004 Threshold Update Work Program. He reviewed the planning opportunities, planning alignment, proposed scope of work, model for the threshold update, the update process, the project management model, the different agency roles, challenges, estimated level of staffing, staffing costs, anticipated funding associated with accomplishing the threshold update by agency, summary of staff years and anticipated funding by threshold category and supporting tasks and funding currently available versus anticipated funding for the threshold update.

Leo Popoff asked Mr. Romsos where adaptive management for the thresholds was indicated on his chart. Mr. Romsos stated the chart is geared to the threshold indicator update. In the proposal a short section on adaptive management is included.

Mr. Popoff asked why the State of Nevada is not involved. Mr. Romsos commented that the State of Nevada is involved. Their name is not necessarily spelled out but all State entities were included. Alice Baldrica responded that she is with the state of Nevada and works pretty closely with staff on the historical aspect. Mr. Popoff commented he was aware the State of Nevada is involved it just was not shown in Mr. Romsos' presentation. Carl Hasty added the State of Nevada is involved but maybe not as a large funding source or with a lot of staff time dedicated to the effort. The diagrams presented by Mr. Romsos showed those agencies that had a lot of dollars or staff time associated with them, not necessarily all those involved. Mr. Romsos included that depending on
what the planning needs of an agency are will determine the level of involvement for that agency.

Leo Poppoff stated it seemed the 13-million dollars estimated would be spent on staff time for various agencies. He asked for a breakdown of where those dollars would be spent. Mr. Romsoos answered 2.9 million dollars is estimated for staff time and 13.2 million dollars is estimated for research or contract related work. Mr. Hasty referred to page 17 of the APC packet, which is a portion of the business plan. The table at the top of the page outlines the estimated staff costs versus the total anticipated funding needs. The assumption is that the remainder is going to outside work. Mr. Poppoff asked about figure 3 on page 18. Mr. Hasty agreed that the graphics have to be made clear.

Robert Mc Dowell expressed appreciation of the mention of the Washoe Tribe. He asked Mr. Romsoos to add "landscape architect" to the skills listed. He also asked Mr. Romsoos to consider the need for administrative support. Mr. Romsoos responded he had "landscape ecologist" listed. Mr. McDowell thought that was different. He stated overall he was pleased with the progress. His hope is agencies will draw together. His final question was directed to Juan Palma. He asked where the customers of Lake Tahoe were considered. Mr. Palma responded it is critical that the people of the Lake Tahoe basin are participants in the next 20-year plan. Procedurally it will be a challenge but processes are being developed. Skilled people will be asked to help with that development.

Lauri Kemper asked Mr. Romsoos to include "storm water treatment expertise", "erosion control expertise" and "re-vegetation expertise" skills on the skill list. She asked Mr. Romsoos to show Table 2 by agency. She believed that NDEP had a more significant role then what was shown. Carl Hasty responded TRPA has discussed this topic with NDEP and are working together to accomplish this. Lisa O’Daly asked if the preparation of the environmental document referenced under the scope of work is specific to threshold adoption and is separate from the Basin Plan, Regional Plan and Forest Plan. Mr. Romsoos stated it was. Gabby Barrett also responded saying that the threshold period and the planning period are different. 2005 is the end of the threshold period. In 2004 whatever environmental documents the agencies need in order to take action on the thresholds will be done. The Regional Plan will probably require Environmental Impact Statements (EIS) somewhere in 2007.

Lisa O’Daly asked Lauri Kemper if local jurisdictions would be asked to be responsible under the CEQA document. Ms. Kemper responded that at the time of the threshold update, Lahontan will have a technical TMDL which does not have the implementation associated with it so who will have to commit to it will not be clear. At that point, it will be more of an indication as to the direction they are going and there would then be a public review.
Robert McDowell commented that he believed that adopting modifications is a bigger deal than the EA. He stated he was not sure how the Forest Service is going to formally deal with the new environmental thresholds. He asked how the development of other thresholds important to the basin relates to the parameters set by the Compact. Carl Hasty responded that the Compact also says the TRPA is charged with adopting thresholds and environmental carrying capacities for the basin. There is opportunity to identify other environmental values not already addressed. Mr. Romsos gave the examples of the possibility of setting traffic standards, historical standards, etc.

Alice Baldrica suggested “anthropologist” be added to the list of skills. She also commented that the Tahoe Resource team is composed to deal specifically with Tahoe problems and although it is not as big as Lahontan, it is a good resource for forest health improvement, watershed improvement, recreational needs, etc. in State Parks. Mr. Romsos responded that the differentiating theme between that team and this process is that team is actually implementing projects and this is more resource and information gathering. Ms. Baldrica said that is also part of what that team is doing. Mr. Romsos said he would keep close ties with them.

Juan Palma let APC know how critical he believed this discussion is with regard to how things will be in the future. At the end of the day, it seems to him that there is a need for a “one stop government place”. The Forest Service, the California Tahoe Conservancy and the TRPA are headed there. This will help with more effective and efficient communication both intra-agency and with the public. This will be how all the talk will be transferred into reality. In the next 20 years, hopefully there will be one plan for the Lake Tahoe Basin.

Ms. Baldrica moved to public comments.

There were none.

Shane Romsos welcomed APC to contact him and maintain communication.

VI. PUBLIC HEARINGS
A. Proposed Amendment of the Bijou/Al Tahoe Community Plan to Add Timeshares as a Permissible Use.

Randy Lane left the dais while this discussion was held.

John Hitchcock, Long Range Planning, presented his staff summary on the proposed amendment of the Bijou/Al Tahoe Community Plan to add timeshare as a permissible use. His staff recommendation was approval.

Alan Tolhurst questioned whether this is a zoning issue, since the City adopted this as their zoning tool, and not within the scope of the TRPA’s jurisdiction. Additionally, Mr. Tolhurst stated that it is not possible to get TOT’s from
timeshares and that is a local issue not regional. He questioned why number 8 needs to be made specific to timeshare or a parcel. If there were a loss of housing in a city, the City would want to know no matter what kind of project or parcel is affected. Mr. Hitchcock responded that there is a moratorium on the conversion of existing tourist accommodation uses to timeshares. There is a concern with that policy and that is the rationale used to limit the timeshares to the parcel. Lisa O'Daly also responded saying that the City has specific housing and financial effect requirements under the City Code Chapter 33, Timeshare. These do not apply everywhere else. The TRPA environmental check list could require the mitigation of loss of housing. For the City specifically, they had to address these requirements out of Chapter 33 of their Code. The footnote does not say apply to TRPA it says apply to the City of South Lake Tahoe. She asked the indulgence of the APC and Governing Board that when they try to get together and get on the same page regarding plans, sometimes you have to give a little to get benefit. The City gave a lot. They gave up their existing zoning to be consistent. Sometimes, TRPA is going to have to be a little bit more flexible to work with the City of South Lake Tahoe so we all meet our goals.

Leo Poppoff stated if APC was being asked to allow development of units as timeshares that could be developed anyway. Mr. Hitchcock responded the amendment itself would just allow the applicant to build new timeshares. This is not a conversion. Mr. Poppoff asked if the use of the property is being changed. Mr. Hitchcock said it was. Lisa O'Daly clarified that timeshares are a separate use category then hotels, motels and other transient dwellings. Hotels, motels and other transient dwellings are allowed in this district of the community plan today. Timeshares is a different use category and that category would now be allowed for these specific parcels only.

Mimi Moss asked staff if it would be more appropriate to set the four or five parcels as a separate project area rather than calling out the parcel number. Mr. Hitchcock responded from a City standpoint, no. Lisa O'Daly said it is being done this way to remain consistent with the way it has been done in the past.

John Hitchcock stated he received two letters. One from the president of Lake View Pines Homeowners Association, commenting on project specific issues and about access from high and low water and the potential of a pier project. These issues will need to be taken up at the project review level. The other letter was concerning bald eagles in the trees. According to Shane Romans there may be some issue with this but again will need to be taken up at the project review level.

John Marshall objected to the second sentence in footnote 8 as being redundant to TRPA's environmental checklist. He thought it was understood at the City's meeting the night before that the City requires this same thing in the City's zoning. He asked why this continues to be relevant and needs to be done. Ms. O'Daly answered they were specific to be able to have the City be able to make the consistency requirements with their Code. By pulling this out and making it
an amendment, it provided the City Council the assurance they needed that the Code requirements will be followed in the project. The City felt it would be difficult to expect someone to track this stuff all through documents that don’t normally get checked during project review. By highlighting it in the zoning of the community plan, it is clear these analyses are required. The analysis requirement is not something in the timeshare segment of the City Code; it is actually a prohibition on the loss of housing in terms of it being converted to timeshares. The City felt it was important to highlight and have in the forefront and in the zoning document. Mr. Marshall stated the TRPA Code is complex enough without adding references to what other jurisdictions might want to have in terms of their approval processes. It is not illegal but as a matter of policy the question is whether or not it is worth having this here. He thought that Mr. Hitchcock said that this language appears in action taken by the City. Ms. O’Daly did not think that what will happen at the project review level is that no one will go back to how the City added this to the permissible uses matrix. What she thought would happen is that they are going to go to the permissible uses matrix to see if it is allowed, special or not. The City thought it was important to have it clearly expressed in the document checked by planners. Although the project is probably going to come up quickly, if that was not the case, planners 5 or 10 years down the road would not be searching that deep.

Gabby Barrett commented that the concept was limiting the use to those parcels. In other community plans with the City, where language that only applies to either the City or the TRPA appears, it appears in brackets. The second sentence of this footnote could also then appear in brackets to denote it is applicable to the City. Mr. Marshall added it is not to say that housing impacts will not have an effect on TRPA approval but it is awkward to have something in the TRPA Code for the City’s approval process. He asked if Ms. O’Daly was comfortable with doing the brackets. Ms. O’Daly said she was comfortable with the brackets but she is uncomfortable that not everyone would be on the same page. Mr. Marshall responded that he disagrees that everyone needs to be aware of all the requirements at every stage. Requirements are met in the course of action. He thought the staff recommendation should be the same but the footnote should include the first sentence as it is and the second sentence should be included in brackets as City language.

Alan Tolhurst commented it is illegal for one agency to put its approval on something they do not have jurisdiction over.

Eva Krause stated she was uncomfortable with this because it is “spot zoning”. She does not see how or why an action can be OK on one parcel and not on another in one area. Mr. Hitchcock agreed that from a land use perspective it does make sense to apply use to an entire area and not just a parcel. However, the housing loss and economic impact that would have on the City rationalized why it only applies to these parcels.
Gabby Barrett pointed out that the California use is not used here. This idea of “spot zoning” is done regularly here. To now, the California traditional zoning rules did not apply to TRPA zoning because TRPA does not use a general plan zoning system.

Larry Lohman commented he has spotted bald eagles on the West side, or CTC parcel.

Ms. Baldrica moved to public hearing.

Lew Feldman on behalf of applicant concurred with staff recommendation.

MOVED -Robert Jepsen moved to recommend staff recommendation as modified. [Read out loud by John Hitchcock]
SECOND - Mimi Moss

Roll Call Vote:
Alice Baldrica – Yes
Larry Lohman – Yes
Lisa O’Daly – Yes
Bill Combs – Yes
Gary Honcoop – Abstain
Robert Jepsen – Yes
Lauri Kemper – Yes
Eva Krause – No
Robert McDowell – Yes
Lee Plemel – Yes
Leo Popoff – Yes
Mimi Moss – Yes
Alan Tolhurst - Yes

MOTION CARRIES
Ms. Krause explained she is uncomfortable with this type of zoning and she would like to see legislation that allows the dismissal of zoning.

VI. PUBLIC HEARINGS
C. Proposed Amendment of the Kings Beach Community Plan Boundary to Add Placer County APN 090-222-028 and 090-222-029 to Special Area #2.

Randy Lane rejoined the dais.

John Hitchcock, Long Range Planning, presented his staff summary on the proposed amendment of the Kings Beach community plan boundary to add Placer County APN 090-222-028 and 090-222-029 to Special Area #2. His staff recommendation was approval.
Leo Poppoff asked if there were already dwelling units on the property. Mr. Hitchcock said there were seven. Mr. Poppoff asked if there would then be five if this project were approved resulting in a net loss of affordable housing in an area that needs affordable housing. Mr. Hitchcock agreed, however, staff will work with the applicant if and when the project comes in to mitigate the loss of the two units. Mr. Poppoff asked what happens to the housing units if the nursery goes out of business. Mr. Hitchcock deferred to the applicant.

Alan Tolhurst asked if the housing was for the employees of the nursery only. Mr. Hitchcock responded it was for the employees of the nursery only.

Lisa O'Daly asked if both the existing or future housing could qualify for conversion ordinance and could some day be lost. Mr. Hitchcock responded it is conforming. He added the TRPA has looked at this issue in the past. These two parcels were reviewed, to be added to Plan Area Statement 2A and build an affordable housing project. APC recommended approval of that but it was denied at Governing Board. In addition, Placer County Planning Commission has taken action on this and recommended approval to the County Commissioners for the general plan amendment and rezoning use permit for this project.

Lisa O'Daly asked if the property north of the addition is actually a residential property. Mr. Hitchcock answered it was. Ms. O'Daly asked if they commented. Mr. Hitchcock stated he received one comment from a woman this morning via email but she did not specifically state where she lives. Her concern was increased traffic. She was under the assumption that the nursery, employee housing and all the parking were going to occur on these two parcels. He did not think she realized the bulk of the project was going to occur in existing Special Area 2 and these other two parcels will be used for storage unit and employee parking. Most of the development will occur adjacent to the existing property and those two parcels will be left vacant as a buffer between this development and the existing residential uses.

Ms. Baldrica moved to public comments.

Peter Gifford, applicant, asked if he could answer any questions.

Leo Poppoff asked what would happen if the nursery closed. Carl Hasty interjected if there were a change of ownership or some other change then it would have to be reviewed as what was gone through with the City and the amendment to that plan area.

Alan Tolhurst asked if the current employees would be employees for whatever new project came along. Mr. Hasty answered there are a number of allowable uses in the plan area. Whatever issues came up with the development proposal would have to be dealt with then. Mr. Poppoff replied if this business went out of business then 5 housing units would be 5 vacant housing units. Robert
McDowell asked why it would matter were the employees work. This is employee housing. Mr. Hasty answered the idea behind employee housing is that the workers live within close proximity to where they work. If the question is are those employees locked into working at that location, then he does not think so.

Eva Krause asked if the project is being deed-restricted to be employee housing or housing just for the applicant's employees. Leah Kaufman, the applicant's consultant, pointed out the nature of the housing on the site now is not good. There are allocations now for multi-family housing. However, due to the nature of the condition of the houses, five units will need to be redone. Therefore if someone else were to come in, they would be usable family units.

Lisa O'Daly noted that now this is just a zoning change not a project application.

There were no other public comments. Ms. Baldrica brought the discussion back to APC.

MOVED - Bill Combs moved to accept staff recommendation
SECOND - Lisa O'Daly
MOTION CARRIES BY VOICE NO NEIGHS NO ABSTENTIONS

Ms. Baldrica recessed for lunch at 12:30.

Back from lunch at 1:44
   Ms. Moss left for the day.
   Mr. Piemel left for the day.
   Mr. McDowell left for the day.
   Mr. Lane arrived late from the lunch.

VII. REPORTS
A. Executive Director
   1. Report on Governing Board Actions Relative To APC Recommendations

Juan Palma reviewed the item dealing with whether or not the five jurisdictions had demonstrated their fare share of affordable housing. Governing Board approved staff's recommendation because they felt that both Douglas County and Washoe County had tried to accomplish affordable housing measures.

In Glenbrook, the Governing Board decided to enact staff's recommendation banning piers from Glenbrook Creek to Slaughterhouse Creek.

With regard to construction allocations for 2002, Governing Board followed APC's recommendation to keep it at 300 while the other discussions for 2003 and beyond are being had.
On the scoping for the STPUD pipeline, it was recommended and Governing Board agreed to split alternative C into two alternatives.

Governing Board reviewed the scoping for the dam crossing and suggestions were given.

Mr. Palma reviewed the Governing Board and APC members and openings.

VI. PUBLIC HEARINGS
   B. Proposed Amendment of Chapters 52 and 54 to Allow for Expansions of Buoy Fields in Fish Habitat and Related Amendments.

Coleen Shade, Long Range Planning, handed out a memo from Glenn Miller, Center for Environmental Sciences and Engineering. Her staff recommendation was to not amend the code at this time.

Leo Poppoff stated if there is an EIS then there should be a plan to have an EIS. Is there one? Ms. Shade answered this is being put together in January with Lahontan.

Ms. Baldrica moved to public comments.

There were none. Ms. Baldrica brought the issue back to APC.

MOVED - Lauri Kemper to accept staff's recommendation.
SECOND - Alan Tolhurst
Ms. Baldrica expressed disappointment over this not working out.
MOTION CARRIES BY VOICE NO NEIGHS NO ABSTENTIONS

VII. REPORTS
   B. Legal Counsel

John Marshall reviewed the Glenbrook update and litigation actions. He also reviewed the TSPC v. TRPA case and the Supreme Court matter. Lisa O'Daly asked how accurately Mr. Marshall felt the case was reported in the media. Mr. Marshall stated he had not seen all the press but of what he has seen, he felt the New York Times article gave the best "flavor" of the argument.

VII. REPORTS
   C. APC Members

Randy Lane commented on adding incentive to the EIP. If there is a pile that allows for priority but is attached to an EIP project and a pile that is not, he thinks that would be fair. He also commented on the government building where TRPA
is going to have offices. He thinks it is fine but the information staff disseminates and how they disseminate it is still an issue. He felt TRPA staff is consistently giving different answers to questions. He felt if staff went the extra mile when answering a question, offering up information, trying to get the right answer, it would help both staff time and from a PR standpoint. Finally, with regard to participation in the process of a new 20-year plan local involvement is important and how workshops or meetings are noticed is important.

Lisa O’Daly stated Gary Marchio would be back. She also informed APC to look for a new book entitled “Fire History of Sierra Nevada” by George (Gruell?).

Lauri Kemper invited APC to Lahontan’s board meeting.

Alan Tolhurst thanked Jessica for her minutes. He also has heard that the backlog at the TRPA has gone away and there is a decent turn around time. He thanked Juan Palma for seeing it through. He thanked Juan for his outreach efforts as well.

VIII. ADJOURNMENT

Time: 2:24pm
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
Kings Beach, California

February 13, 2002
9:30 a.m.

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:35 a.m.

II. APPROVAL OF AGENDA

Juan Palma asked APC to give his report at this time due to his needing to leave early.

MOVED – Robert Jepsen
SECOND – Joe Oden
MOTION CARRIES

III. PUBLIC INTEREST COMMENTS (No Action)

Juan Palma introduced Geoff Crook, a new EIP employee.

IV. APPROVAL OF MINUTES

Due to the fact December minutes were emailed on the Tuesday prior to the APC meeting, approval of the December minutes was deferred to next meeting. APC members asked staff to ensure that all minutes are included with the packet in the future.

VI. REPORTS
A. Executive Director
   1. Report on Governing Board Actions Relative to APC Recommendations

Juan Palma reviewed the Dollar Point Buoy field and Governing Boards acceptance of staff’s recommendation. He reviewed approval of the proposed amendment to the Kings Beach Community Plan and the Bijou / Al Tahoe Community Plan adjustment to add timeshares. He reviewed the amendment of Personnel Policy 1.2, the recruitment and advertisement internally and externally for a second Deputy Director. He reviewed the boards feeling that the Courtyard on the Glenn project in Incline Village prompted staff, APC and the Governing Board needing to take a closer look at affordable housing. The project narrowly passed.

Mr. Palma reviewed his meeting with reporters from the Tribune to discuss thresholds. The Tribune decided not to write these articles. Instead, the Editor published an editorial that Mr. Palma passed out to APC members. Mr. Palma wanted to let APC know that the
hours spent trying to get the correct information to the public was wasted and instead this article was published. Mr. Palma met with the newspaper to discuss this article and its inconsistencies. He wanted to let APC know that he is planning to address this editorial publicly due to his concern that this article will take TRPA and the protection of the Lake back 20 or 30 years.

Alice Baldrica asked if guest editorials are allowed in the Tribune. Mr. Palma answered there was and organizations and individuals around the basin are undertaking that action.

Gary Marchio asked if affordable housing was going to go back to the Local Government Committee. Mr. Palma responded that initially it will, and then whatever is come up with at the Local Government Committee will be dealt with appropriately. Mr. Marchio stated the implication is that over the next couple of weeks or months there is a plan to come up with an action plan of some sort. Therefore, what will happen to those projects already involved in the TRPA process? Mr. Palma responded they would be moved forward. The issue is the checklist. The checklist was modified and he thinks the idea is to define that a little better. Carl Hasty added he is aware of at least one project that identifies uncertainty and difference of opinion on the entire board. Therefore clarity was needed. Within each project there is still some uncertainty but everyone will do their best to work with the board and get each project through and in the end everyone will know what is being done on this issue.

Ron McIntyre stated there was a general consensus that the EIP projects are a fix and the projects need to be done to stem the degradation of the Lake and its environs. He thinks that an aggressive implementation role on the part of the agency would go a long way to stem the problems seen as a result of the Threshold Evaluation. Juan Palma responded that with regard to the EIP organization, the staffing needs are being met. In addition, with regard to EIP implementation, projects do get tangled up in bureaucracies and a way must be found to get them moved forward. The Lake Tahoe Basin Executives are working towards that. The dilemma that he felt he gets into, is that just because a project is on the EIP list, it does not exempt it from environmental review. The environmental review is what tangles it up sometimes.

Tom Porta cautioned Mr. Palma to proceed cautiously when responding to the Tribune.

Alice Baldrica asked about the affordable housing issue. She felt that this has been revisited again and again because of the two-step process of designating or subdividing and having to demonstrate that there is transit available. She asked if the reviewing groups are going to look at the definitions for transit-oriented development. She wanted it demonstrated that these factors would be considered. Mr. Palma responded that he was not sure what all would be looked at but that greater emphasis will be placed on the checklist.

Ms. Baldrica moved to public hearings.
V. PUBLIC HEARINGS
A. Workshop on 2001 Threshold Evaluation Report

Gabby Barrett, Long Range Planning Division, explained that the staff have prepared a presentation format today that will review the thresholds, then will take individual questions at booths around the room and then staff will come back and report to APC as a whole what the results of those conversations were. He gave an overview of the 2001 Threshold Evaluation Report.

Jerry Dion, Peter Eichar, Mike Vollmer, Shane Rom sos, Larry Lohman, Larry Benoit, Jennifer Quashnik, John Hitchcock and John Hitchcock all introduced themselves and the threshold each manages.

APC and staff visited stations manned by the program managers.

Jerry Dion, Vegetation Threshold Manager, received comments on the Meadow Conservation Plan that related to the Aspen Management Conservation Plan, expansion of recreation access and sensitive species.

Bill Combs stated one of Mr. Dion’s recommendations was to add a new species to the list. Which one? Mr. Dion answered it is the Galena Rockcress.

Peter Eichar, Recreation and Economics Threshold Manager, received comments on different incentives for ski shuttles, get the bike trail around the lake, master plan or the perception of master plans, the time, the cost and the thought that if it is planned it should be done. With regard to economics, he received comments on the continuation of data collection and monitoring.

Alice Baldrica reiterated her comments to Mr. Eichar about historical resources that may lend themselves to recreation opportunities. Working with State Parks and the Washoe tribe would be important to do. Joe Oden asked Mr. Eichar to give an example of what historical resources may lend themselves to recreation opportunities. Mr. Eichar responded there exists the opportunity to look at historical resources for interpretive opportunities.

Mike Vollmer, Soil Threshold Manager, received comments on the ramifications of a new soil survey on the LCV system. This may mean going with a more IPES approach for everything. He also received comments on historic resources in the form of removal of hard coverage for the excess coverage mitigation program.

Carl Hasty commented that, concerning the soil survey, the timing that is being articulated right now, the completion was promised as a presidential deliverable and should have been done by now. He has also learned here that some of the money the TRPA has been lobbying for, for the back yard conservation, has been put towards this effort. He has great concerns about this. He will follow up with NRCS and bring it to the attention of the Federal Advisory Committee.
Shane Romso, Wildlife and Fisheries Thresholds Manager, received comments on making sure that during discussions with stakeholders the fact that bear proof containers have the potential to obscure people's vision while backing out of their driveways is discussed. He also received a comment about whether the population of Lahontan Cutthroat Trout in Lake Tahoe is distinct from the Pyramid Lake and Truckee River populations.

Bill Combs commented that in Placer County, the Bear Proof Container Ordinance has been adopted and applies to new construction.

Larry Benoit, Water Quality Threshold manager, received comments about checking facts and being sure they are correct. In addition, he received comments about saying too much when presenting and things should not be over spun. Things should not be made something they are not. In addition, he received comments about the changes in clarity and to remember that not everyone is used to the acronyms used by staff.

Jennifer Quashnik, Noise and Air Quality Thresholds Manager did not receive any comments on noise but received comments regarding air quality on the transport out of basin, wood stoves program and transportation-related issues. She deferred to Bridget Cornell to respond to these comments. Ms. Cornell, Transportation, stated she had questions on how VMT can be increasing if the traffic volume is decreasing? She answered that traffic volume is very specific. It is regarding the intersection of Hwy 50 and Park Avenue on South Shore and was created specifically for the purpose of helping attain the carbon monoxide threshold. Even though the traffic volume may be decreasing in that area, regionally there is an increase in VMTs. Additionally, she received comments regarding updating some numbers in the document, North Shore park and ride lots, moving recommendations to improvements done and highlighting EIP needs.

John Hitchcock, Scenic Threshold Manager, received comments regarding increased setbacks, clarification of the Munsell Color Chart, metal roofs, and increased securities for shorezone projects.

Bill Combs asked why the strip from Sunnyside to the County line that was in attainment and now is not in attainment? Mr. Hitchcock stated it was because of mostly rebuilds that tear down the small houses and rebuild larger houses that have very little setbacks and very little screening. In addition the increase of visual clutter along the shorelines has caused this area to go into non-attainment.

Staff completed their presentations and Ms. Baldrica asked for comments.

Alan Tolhurst asked if there has ever been thought of making housing a threshold? Carl Hasty responded there might be some moves on quality of lives indicators which housing is part of. It is important to understand in terms of basin needs what the economic vision is that is consistent with thresholds. This is part of what is being looked at for the 2004 plan. Mr. Tolhurst stated that the perception from the public is TRPA should only be concerned with clarity of lake. There are a lot of other issues and if you are going to
mess with one, you will affect all the others. Mr. Hasty responded that more and more there is recognition about how they are all interdependent.

Ms. Baldrica moved the item to public comments.

There were no public hearing comments.

V. PUBLIC HEARINGS


Tim Hagan, Project Review, presented his staff recommendation to amend the map showing completed water quality improvement projects.

Larry Lohman stated this item affects the next agenda item. El Dorado County needs to retire 114 parcels to get the IPES line lowered. There is a large area in the Pioneer project that will be increased by 50 points. That means there will be fewer parcels below the 725 buildable IPES line. Will that change affect the 114 parcels that El Dorado needs to bring above the 725 score? Mr. Hagan answered it will. John Marshall clarified that it may have that effect but whether there are sensitive lots at that location below the IPES line needs to be looked at. If you are lifting parcels above 725, it will have the effect of reducing the numerator. This would be beneficial. It is more complicated than making these parcels ineligible for retirement. The number of parcels that would no longer be considered below the line would no longer be calculated in the numerator. Which is beneficial to El Dorado.

Ms. Baldrica asked for public comments.

There were none. Ms. Baldrica brought the item back to APC.

MOVED - Gary Marchio to accept staff’s recommendation
SECOND - Kevin Cole
MOTION CARRIES

V. PUBLIC HEARINGS

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

Tim Hagan, Project Review, presented his staff recommendation to move the IPES line.

Larry Lohman asked how the reduction in IPES score is developed when the number of parcels below the 725 score goes below 20%? Mr. Hagan explained that when that inventory has been adjusted and / or the deactivation through buildlour or acquisition
through private agencies, and it has been adjusted for water quality benefits, there is a read out for that jurisdiction. The number of allocations used within a jurisdiction is the same number counted down from where the line was originally or from where the line has been adjusted. John Marshall further explained that there is a list of APN’s with the IPES score. When the line lowers, specifically in El Dorado County, from 725, you just count down the number of allocations used in El Dorado County last year. Whatever the IPES score is at the 100th allocation is the new line.

Ms. Baldrica moved to public comments.

There were no public comments. Ms. Baldrica brought the item to APC.

MOVED - Robert Jepsen to accept staff recommendation.
SECOND - Larry Lohman
MOTION CARRIES

VI. REPORTS
   B. Legal Counsel

John Marshall reported that Dan Tonnemacher appealed his Washoe County tax assessment. He had to go to the Washoe County Board of Equalization meeting. During that hearing the question arose as to what a pier was worth. The assessor valued a pier at $600,000.

VI. REPORTS
   C. APC Members

Alan Tolhurst wanted some clarification on his earlier housing question and he stated he would be at the March 1 meeting.

Leo Poppoff complimented staff on the Threshold Evaluation report.

Alice Baldrica commented that the next day service of the Tahoe Currents was unnecessary.


VII. ADJOURNMENT
12:47 pm
MEMORANDUM

March 4, 2002

To: Advisory Planning Commission

From: TRPA Staff

Subject: Comments on 2001 Threshold Evaluation Report

Proposed Action: Staff will present an overview and summary of findings and recommendations of the 2001 Threshold Evaluation Report. The focus of the discussion of this item will be on:

- The 130+ recommendations summarized in Appendix B of the Report (see enclosure in this packet); and
- A discussion on the Environmental Assessment (see Attachment A).

After the presentation, the APC and public will be invited to comment on the 2001 Threshold Evaluation Report. Under the next agenda item APC will consider the Action Items for April.


During the month of February, TRPA held hearings on the 2001 Threshold Evaluation Report at the APC and Governing Board Meetings. In addition to the APC and GB Workshops, there were public workshops on the recommendations on February 20 at the Kings Beach Conference Center and February 28 at the City Council Chambers in South Lake Tahoe. The purpose of these hearings and workshops is to review the documents and provide input to the TRPA to assist in the preparation of the final documents.

TRPA will hold further public hearings at the March 13 APC meeting and at the March 27 GB meeting to review the 2001 Report and a draft recommendation package (See Item V.B. for recommended action items).

After the March 27 GB meeting staff will consider the input and prepare the final documents (including an EA) and recommendations for presentation at the April 10 APC meeting and the April 24 GB meeting.

Comments will be taken up to the time of the meeting when the Governing Board accepts the Report and approves the recommended actions. However, comments need to be submitted by the March 27, 2002 Governing Board meeting in order for staff to consider those comments in our April staff summaries to APC and the GB. If you have any questions please contact Gabby Barrett at 775-588-4547 or gbarrett@trpa.org.

Attachment: EA Alternatives Description

Enclosure: Appendix B Recommendations

GWB/dmc

AGENDA ITEM V.A
MEMORANDUM

March 5 2002

To: Advisory Planning Commission

From: TRPA Staff

Subject: Workshop on the 2001 Threshold Evaluation Recommended Action Items

Proposed Action: TRPA staff is requesting an APC recommendation on the following proposed 2001 Threshold Evaluation Report recommendations. These recommendations are tentatively scheduled for final action by the APC and Governing Board in April.

Recommendation: After completing the 2001 Threshold Evaluation Report and holding numerous hearings and workshops, TRPA staff is proposing the following amendments to various elements of the Regional Plan (i.e., Code of Ordinances ("Code"), Goals and Policies, Plan Area Statements and Community Plans), with the approval of the 2001 Threshold Evaluation in April 2002. The amendments are as follows:

A. Residential Unit Allocations, 2003-2006
For 2002, TRPA is distributing 300 residential allocations for additional development. Starting in 2003 and continuing through 2006 we are proposing to reduce allocations to 225 per year with provisions to increase the allocations to a maximum of 300 per year based on performance criteria and the Performance Review Process. The additional allocations will be linked to BMP retrofit progress, EIP implementation progress, permit compliance and other options. As per the Performance Review Process, the allocation distribution numbers will be established in the fall of 2002 for years 2003 and 2004. The allocations for 2005 and 2006 will be established in the fall of 2004. See Attachment A for details.

B. Commercial Floor Area (CFA) Allocations
We are proposing, upon the effective date of the ordinance, to distribute 10,000 square feet CFA per jurisdiction for CP reloads (50,000 square feet total), per Code subparagraph 33.3.D (1)(b), determined by money spent on EIP within the jurisdiction between 1/1/02 through 9/1/04. The allocation will be distributed as part of the Performance Review Process in 2004.

100,000 square feet CFA for Special Projects, per Code subparagraph 33.3.D (3). To be eligible for a Special Project allocation, the project must contain mitigation above and beyond project mitigation requirements. All Special projects shall include an EIP project that addresses a threshold standard found to be in non-attainment in the 2001 Threshold Evaluation. The distribution will be done as part of the Performance Review Process in 2002.

GWB/dmc

AGENDA ITEM V.B.
C. Tourist Accommodation Unit (TAU) Allocations
For 2003 to 2006 the assignment and distribution of the remaining 200 units shall be limited to special projects (in accordance with Code subparagraph 33.3.D(3)) and shall only be permitted when matched by transfers of existing units from sensitive lands that have been restored.

D. Residential Bonus Unit Program Amendments
Since 1987 there have been several plan areas that have used all of their original residential bonus unit allocations and have needed Plan Area Statement amendments to transfer bonus unit allocations in from other plan areas. There have been several plan areas that have not had the opportunity to use any of their bonus unit allocations, as well as other plan areas that may have been able to take advantage of bonus unit allocations if they had been given the multi-residential incentive program special designation in 1987.

In an effort to adapt to changing multi-residential development needs in the Tahoe basin, and to continue encouraging affordable housing development in the Region, staff recommends that all bonus units be removed from individual plan areas and be placed into one common bonus unit pool. This pool will eliminate the need to amend PAS’s, saving both staff and applicant time as well as enabling staff to efficiently track the use of residential bonus units.

In addition to other elements of the Regional Plan, the following Plan Area Statements/Community Plans must be amended:
03A, 002, 009B, 002, 028, 032, 036, 037, 041, 044, 045, 046, 048, 054, 072, 073, 074, 079, 077, 089A, 092, 093, 098, 102, 105, 110, 111, 114,

E. Water Quality Amendments
**JTU - NTU Change Amendment:** All the existing equipment used to monitor turbidity take measurements in Nephelometric Turbidity Units (NTU), which is a more appropriate unit for the range of turbidity seen in Lake Tahoe and associated monitoring. A bookkeeping amendment will be made to the Conservation section of Goals and Policies and Code of Ordinances Chapter 81. The amendment will reflect the use of NTUs as the unit of measure for all turbidity monitoring (the littoral turbidity indicator was changed to NTU in 1992, but the appropriate changes were not made in the referenced sections of the Regional Plan).

**Water Quality Mitigation Fee Increase:** The purpose of Chapter 82 of the TRPA Code is to implement the Goals and Policies, Goal #4, Policy 1, Development and Implementation Priorities Subelement, which states that: ...new residential, commercial, and public projects shall completely offset their water quality impacts by either implementing off-site erosion and runoff control projects, or contributing to a fund established by TRPA for implementation of off-site erosion and runoff control projects. In order to allow such funds to maintain balance with project costs, TRPA has periodically adjusted water quality mitigation fees to reflect current costs of offsetting the off-site impacts of new development. The timing of the water quality mitigation fee adjustment has been concurrent with the last two threshold evaluations. A formula has been established for mitigation of new coverage on a square foot basis, plus a 15% easement acquisition factor, multiplied by project implementation and maintenance cost, and distributed over the existing coverage in the Tahoe Basin (divided by the agreed 1997 existing coverage in square feet).

| Current Fee: | $1.34/ square foot |
| Proposed Fee: | $1.54/ square foot |

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AGENDA ITEM V.B.
F. Air Quality Mitigation Fee Amendment

Mitigation of development impacts is often financed through impact fees imposed at the time of project approval. The traffic mitigation program currently utilized by TRPA (Code Chapter 93) is similar to the traffic mitigation programs of many other jurisdictions. These jurisdictions have determined that public monies are not adequate to fund transportation improvements needed to offset the impacts of additional development and that additional development should pay for a fair share of these improvements. In summary, additional development must offset its transportation and air quality impacts.

In general, when a fee is assessed, the fee is calculated by estimating the cost of needed improvements, and dividing all or part of that cost among anticipated new development projects. The most efficient way to determine the cost for offsetting growth is to use an averaging method. In this method, the costs of necessary improvements are totaled, and the cost is then allocated among the new projects by some consistent unit applicable to all development.

The cost of offsetting growth can be calculated in at least three ways. These different ways are based on an estimate of cost to implement improvement projects, but vary by the averaging time used. The air quality mitigation fee was updated using a five-year averaging method. The TRPA Environmental Improvement Program (EIP) estimates that, from FY 2002 through 2006, approximately $94.0 million will be needed to implement the Mass Transit, Bicycle and Pedestrian projects on the EIP project list for transportation and air quality projects.

By the year 2006, internal daily vehicle trips will increase by 19,963, with region-wide vehicle trips increasing to 303,747. Vehicle trips internal to the Region will increase by 7.03 percent from 2002-2006. Using an averaging method, growth should pay for 6.572 percent of $94.0 million, or $6.180 million.

The most consistent unit to use for allocating the cost of growth is the daily vehicle trip (DVT). Unlike commercial floor area or other measures of development, vehicle trips apply equally to all development. The following is the estimate using the above cost scenario:

<table>
<thead>
<tr>
<th>COST OF GROWTH</th>
<th>$/DAILY VEHICLE TRIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>$6,180,000</td>
<td>$300.00 (approximate)</td>
</tr>
</tbody>
</table>

Application of Fee

Each DVT has two trip ends. One end is a production; the other end is an attraction. The "beds" account for the productions (houses, hotel/motel rooms, campgrounds, etc.) because they produce a vehicle trip. Commercial business, and recreation areas attract vehicle trips.

The fee associated with each DVT should be divided between the production and attraction trip ends. This fee may be divided equally, or it can be weighted toward either production or attraction trip end. Since 1987, TRPA has weighted the production end of a vehicle trip at 90 percent, and the attraction end of the trip at 10 percent.

Based on the $300/DVTE fee shown above, and rounding the fees for the production and attraction ends, the following would be the new fee schedule:

GWB/dmc
Memorandum to TRPA Advisory Planning Commission
Proposed April Amendments
Page 4

- Commercial Trips: $30.00 per DVTE
- Residential/Production Trips: $270.00 per DVTE

The current fee for commercial and attraction trips would increase from $25 to $30/DVTE, and the mitigation fee for new residential type units would increase from $2,400 per unit to $2,700 per unit.

G. Vegetation Threshold Amendments to the TRPA Plant Community and Species Listings
The Lake Tahoe Watershed Assessment (USDA 2000) provided a wealth of new knowledge for biological resources within the Region. The critical habitat areas were evaluated along with sensitive plant species. It is clear that the four proposed communities are of sufficient scientific and ecological value to warrant inclusion as a threshold plant community. Staff is proposing the following communities be listed as Threshold Plant Communities, thereby offering all of the protections the Regional Plan may offer.

- Taylor Creek Marsh (USFS)
- Pope Marsh (USFS)
- Upper Truckee Marsh (CTC)
- Hell Hole (USFS)

All of these communities are found on public land.

The Lake Tahoe Watershed Assessment considered the status of the twelve most rare species in detail. From this assessment it is recommended that Galena rockcress (Arabis rigidissima v. demota) be added as a threshold species. All of the known populations are found on USFS lands in the north shore.

H. Vegetation/Soils Protection Amendment
During construction, the protection of soil and vegetation is critical to minimizing the impact of the project to water quality and the environment. Current guidelines for protective fencing are not clear during the project review phase and are difficult to enforce during construction. This increases the time to resolve permitting issues, and leads to inconsistent enforcement. The benefits of codifying soil and vegetation protection are:

- Protection of water quality
- Reduction of erosion
- Streamlining by clear design requirements
- Streamlining by consistent enforcement
- Reduction in creation of hazardous conditions
- Protection of scenic quality
- Protection of vegetation

Code changes for construction related soil and vegetation protection is recommended in the 2001 Threshold Evaluation, because of unexpected impacts to soil and vegetation during construction. There is confusion about the requirements by builders and designers. The codification of these protection measures, such as protective fencing, will likely facilitate project review and allow for a clear and consistent basis for enforcement.

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AGENDA ITEM V.B.
The proposed changes for vegetation and soil protection include setting the standard for location of protective fencing, the type of fencing, and function of the fencing. These code changes will occur in Chapter 30 and Chapter 65 of the TRPA Code of Ordinances. In general, the standard for the location of fencing is at the edge of the project disturbance envelope or the drip line of a tree. The type of fencing proposed is metal wire fencing with metal posts. For every code standard there is flexibility built into the language to account for unique situations that could be encountered.

I. BMP Implementation Amendments
To date, TRPA’s actions to retrofit existing development have been focused on a public education and instructional outreach program aimed at increasing BMP implementation on private residential, commercial, and public service properties in the Lake Tahoe Basin. This program has been very effective in achieving compliance among responsive members of the community. However, some property owners with significant erosion problems have not responded to this approach. Therefore a segment of the population will need “regulatory-based encouragement” (i.e., enforcement action) for the BMP Retrofit Program to achieve basin-wide success. The compliance deadline for parcels located within Priority One watersheds has passed (October 15, 2000) and TRPA must now engage an administrative process to enforce the BMP regulations to the non-responsive property owners.

TRPA’s current enforcement procedures are set forth in Article IX of the Rules of Procedure. The necessary steps to bring forward an enforcement action include:
1. Issuance of Correction Notice to property owner;
2. Cease and Desist Order;
3. Notice of Violation and Violation Report;
4. Preparation of a Hearing Summary for Governing Board;
5. Show Cause Hearing – Board Action;
6. Imposition of offer of settlement by the Board; and
7. Civil Court Proceedings;

This procedure is time-consuming and not necessarily nimble. Staff will not likely devote the resources necessary to enforce the BMP regulations using the existing enforcement structure. Given the large volume and relatively straightforward nature of BMP violations, staff believes that an abridged procedure should be enacted to enable their processing and resolution in an efficient and timely manner. Any proposal must fit within the confines of the Tahoe Regional Planning Compact (“Compact”) and ensure that alleged violators are provided due process.

Staff is proposing to amend Article IX of the TRPA Rules of Procedures (“Rules”) to set forth a streamlined mechanism for processing violations of Chapter 25 of the TRPA Code. This approach delegates the ability to assess offers of settlement for BMP violations to the Executive Director based on a Governing Board approved penalty matrix/schedule. The proposal will further delegate the authority to initiate litigation if payment is not forthcoming and/or the property is not brought into compliance to Agency Counsel. Although prior Governing Board authorization will not be required, the Board will promptly be notified of any BMP enforcement actions by the Executive Director or Agency Counsel pursuant to the proposed amendment to Article IX.

For processing and resolving violations of Chapter 25 of the TRPA Code, the following enforcement procedure is proposed:

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AGENDA ITEM V.B.
1. Properties identified by the Executive Director to be out of compliance with the BMP Retrofit Program, as outlined in Subsection 25.3 of the TRPA Code of Ordinances, shall be served a Notice of Failure to Implement BMPs ("Notice"). The Notice shall include, at a minimum, a statement of facts supporting TRPA's initial determination that the subject property is out of compliance.

2. The property owner shall have 30 days to file a Response to the Notice. The Response shall include, at a minimum, a statement reacting to the facts contained in the Notice and any circumstances that may mitigate or excuse the alleged failure to comply. If the property owner has completely installed the prescribed Best Management Practices in compliance with Chapter 25 of the TRPA Code of Ordinances prior to the end of this 30-day period, no monetary penalties will be sought for this violation.

3. Based on the Notice and Response, the Executive Director will make a determination as to whether a violation of the BMP Retrofit Program has or has not occurred on the subject property. If the Response is not timely filed, the Executive Director will make this determination based only on the Notice.

4. Once a determination has been made, the property owner will be informed and an Offer of Settlement of BMP Violation ("Offer") will be made. Every Offer will contain a monetary amount based on a Board-approved penalty matrix to be paid within 30 days. Every Offer will also require the submission of a TRPA-approved BMP Retrofit Plan within 30 days. The BMP Retrofit Plan submitted may either be a BMP prescription completed by TRPA staff or a BMP Plan which was designed by a registered engineer and approved by TRPA. Property owners shall not be given the option of non-compliance with Chapter 25 of the TRPA Code.

5. If the monetary amount and/or Retrofit Plan requested in the Offer is not received in a timely manner, Agency Counsel may initiate litigation pursuant to Article VI of the Compact seeking the civil penalties and injunctive relief requesting compliance with the BMP Retrofit Program.

6. The Governing Board shall be informed of any actions taken by the Executive Director or Agency Counsel at the next scheduled Board meeting.

A streamlined enforcement procedure, such as that outlined in this memorandum, is essential to the continued success of the BMP Retrofit Program. Based on the input of the Advisory Planning Commission, staff hopes to bring amendments of the TRPA Code and Rules to the Advisory Planning Commission and Governing Board in April 2002. The goal is to have these procedures operational for the 2002 field season.
J. Scenic Amendments
There are the four recommendations that staff is proposing for adoption at the April Governing Board hearing. The four recommendations include the following:

- Develop a Shorezone Review System that provides: consistency, quantification and accountability to meet Scenic Threshold Standards as prescribed in the 1987 Regional Plan.
- Amend Chapter 30, Design Standards, and Chapter 4, Project Review to limit metal roofs to dark earth tone colors.
- Amend Chapter 4, Project Review to require ordinary maintenance of structures such as painting and siding to be consistent with the adopted design standards.
- Increasing securities to ensure the maintenance of mitigation measures and implement a 5-year monitoring program for individual projects.

The proposed Shorezone Review System, which includes all of the recommendations listed above for discussion and comment. The system is an attempt to create a practical, streamlined approach to processing projects that are within 300 feet landward of high water or on littoral parcels, while safeguarding the overall scenic resources of Lake Tahoe. The proposed system was developed by staff with input from scenic professionals, private consultants, and members of the public that attended the public workshops. The system is an attempt to address concerns of all the partners while still maintaining and attaining adopted scenic threshold standards.

The proposed system introduces a new concept to the scenic review system of "acceptable baseline impact". Projects that meet the baseline impact are streamlined and do not require additional mitigation measures to offset new impacts. Projects that exceed the baseline impact are allowed, however, they are required to mitigate the excess impacts dependent upon the threshold attainment status of the scenic unit.

Three components make up the proposed system: Design Standards, Visual Magnitude/Contrast Rating, and Level of Review. The first component is the incorporation of new design standards. Design standards are simple architectural techniques that can be applied in the design stage to reduce the overall contrast of the built environment in the natural landscape. The proposed design standards include those already adopted as guidelines in TRPA's Design Review Guidelines. The second component is the use of the Visual Magnitude/Contrast Rating System. The Visual Magnitude/Contrast Rating system is currently adopted as part of the Scenic Quality Improvement Program and is a tool to physically measure visual impact and visual contrast in the landscape. The third and last component is the use of three levels of review depending upon the design elements of the project and the overall visual mass visible from the shoreline scenic corridor. The three levels of review are streamlined, mid-level review, and full review.

The level of review is dependent upon the proposed project, the application of design standards, and its visual magnitude (visibility). Projects that meet all the design standards, meet a minimum contrast rating of 23 and limit their visibility to 900 square feet or less are considered streamlined. The applicant would submit the project for review with a photographic inventory of the site. No visual simulation is required. Applicants have the option to exceed these limits, however, the level of review changes. Projects that fall within 900 – 1800 square feet of visual magnitude and a contrast rating of 23 – 28 are review at the mid-level status. Applicants are required to submit a

GWB/dmc
SHOREZONE REVIEW PROCESS FLOWCHART
photographic inventory of the site and visual simulations for this level of review. Projects that exceed 1800 square feet in visual magnitude are reviewed at the full level status and require the applicant to submit a photographic inventory of the site and visual simulations as part of the application packet. Projects in this category will also require that the applicant mitigate the difference in excess of 1800 square feet at a 1:1 ratio in attainment units and at 1.5:1 in non-attainment units.

Staff will present a PowerPoint slide show of the proposed system at the APC hearing. A copy of the slide show is attached (see Attachment B).

If you have any questions about this agenda item, please contact Gabby Barrett at 775-588-4547 or gbarrett@trpa.org.

Attachment: A. 2003-2006 Residential Allocations Recommendations
              B. Scenic PowerPoint Slide Show
2003-2006 Residential Allocations Recommendations

**Goal:** Link all development to EIP and Threshold attainment. As much as possible:

1. Maintain stability and predictability
2. Keep simple
3. Judicious use of carrot and stick
4. Accountability

**Starting Point:** The starting point is the 227 units per year and may be adjusted up to a maximum of 300 units per year based on the adjustment factors.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Use Adjusted Base Allocation</th>
<th>Incremental increase (each option)</th>
<th>Max. Potential Allocation Increase</th>
<th>Max. Total Allocation Adjustment</th>
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</thead>
<tbody>
<tr>
<td>Douglas</td>
<td>19</td>
<td>1.5</td>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>Washoe</td>
<td>38</td>
<td>3.0</td>
<td>12</td>
<td>50</td>
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<tr>
<td>El Dorado</td>
<td>84</td>
<td>6.7</td>
<td>27</td>
<td>111</td>
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<td>CSLT</td>
<td>34</td>
<td>2.7</td>
<td>11</td>
<td>45</td>
</tr>
<tr>
<td>Placer</td>
<td>52</td>
<td>4.2</td>
<td>17</td>
<td>69</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>227</strong></td>
<td></td>
<td><strong>73</strong></td>
<td><strong>300</strong></td>
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</tbody>
</table>

**Adjustment Factors**: Using the existing TRPA Performance Review System, TRPA will adjust/set the 2 year allocation #s in November of 2002 and 2004 based on the following factors:

1. BMP Retrofit Performance
2. EIP Implementation Performance
   A. New Projects
   B. Maintenance
3. Compliance
**Alternative Options:** The following factors may be substituted for any of the above.

4. Increased Mitigation Fees
5. Limits on Other Development (Reservation for Multi-Family)

*The following adjustment factors (to be evaluated through the Performance Review Process) would be available for performance enhancement with a 32% maximum increase per jurisdiction.

**Adjustment Factors:**

1. **BMP Implementation Option** - would allow addition to allocations for meeting jurisdiction BMP Retrofit Implementation targets for 2002 or 2004 Performance Review (see separate sheet for parcel BMP implementation targets by jurisdiction).

2A. **EIP Implementation Option** - allows addition to allocations with a minimum of one public EIP Project constructed per year within the jurisdiction.

2B. **Maintenance Option** - would allow addition to allocations for support of water quality maintenance, either through improvement of the existing maintenance efficiency plan approach, or through local revenue generation or other increased support of maintenance.

3. **Increased Compliance Option** - would allow addition to allocations by meeting 90% score targets for both permit tracking and permit monitoring.

**Alternative Options:**

4. **Increased Mitigation Fee Option** - would allow addition to allocations for support of increased fees (or other mitigation) in that jurisdiction for the mitigation of development impacts (e.g. Air Quality mitigation fees or projects, Water Quality mitigation fees or projects, etc.).

5. **Multifamily Reserve Option** - allows addition to allocations for reservation of a minimum of 10% of a jurisdictions allocations/year for multifamily development. This option would require 1-2 jurisdictions to expand multifamily as an allowed use to benefit under this option.

The following tables of residential allocation use are attached for reference purposes.
### Residential Allocations

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Douglas</td>
<td>23 (1)</td>
<td>23 (6)</td>
<td>23 (6)</td>
<td>23 (0)</td>
<td>22* (0)</td>
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<tr>
<td>Washoe</td>
<td>59 (6)</td>
<td>59 (21)</td>
<td>59 (39)</td>
<td>59 (27)</td>
<td>59 (12)</td>
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<tr>
<td>El Dorado</td>
<td>92 (12)</td>
<td>92 (11)</td>
<td>92 (7)</td>
<td>92 (4)</td>
<td>92 (6)</td>
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<tr>
<td>CSLT</td>
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<td>88 (34)</td>
<td>88 (37)</td>
<td>88 (33)</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>300 (65)</strong></td>
<td><strong>300 (80)</strong></td>
<td><strong>300 (89)</strong></td>
<td><strong>300 (70)</strong></td>
<td><strong>299 (54)</strong></td>
</tr>
</tbody>
</table>

* Douglas County was assessed a 5% (one allocation) deduction in 2001 as part of the 2000 Performance Review evaluation per Subsection 33.2.B(5) of the TRPA Code of Ordinances.

The number in parenthesis indicates the number of residential allocations that were unused in the identified year. Beginning in 1997, the unused allocations are rolled into the allocation pool. Allocations can be assigned from the allocation pool provided the recipient retires a sensitive lot in the basin. The allocation numbers in brackets represent allocations returned to TRPA from the local jurisdiction.

### Residential Allocation Transfers

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Douglas</td>
<td>1</td>
<td>0</td>
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<td>0</td>
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<td>6</td>
<td>0</td>
<td>0</td>
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<td>2</td>
<td>6</td>
<td>3</td>
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<td>CSLT</td>
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<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
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<tr>
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<td><strong>4</strong></td>
<td><strong>3</strong></td>
<td><strong>8</strong></td>
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### Residential Allocation Assignments from Pool

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<tr>
<td>Douglas</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Washoe</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>El Dorado/CSLT</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>Placer</td>
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<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>1</strong></td>
<td><strong>5</strong></td>
<td><strong>15</strong></td>
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</tbody>
</table>

### Number of Residential Allocations in Pool

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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Allocations in Pool</td>
<td>100* (65)</td>
<td>100 (60)</td>
<td>145 (89)</td>
<td>233 (70)</td>
<td>298 (54)</td>
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<tr>
<td>Number of Allocations Assigned</td>
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<td>0</td>
<td>1</td>
<td>5</td>
<td>15</td>
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<tr>
<td>Remaining</td>
<td>100</td>
<td>145</td>
<td>233</td>
<td>298</td>
<td>337</td>
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</tbody>
</table>

* Allocation pool was initially stocked with 100 allocations that were required to be replaced with allocations rolled-over from previous year starting in 1997.

( ) Unused allocations.
Developed Parcel BMP Retrofit Targets for 80% Implementation in Priority 1 and
Priority 2 Watersheds by December 2006

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Priority 1 Target</th>
<th>Priority 2 Target</th>
<th>2006 Target</th>
<th>5 Year Avg./Yr</th>
<th>2002 Target</th>
<th>2004 Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado</td>
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<td>46</td>
<td>156</td>
<td>31</td>
<td>31</td>
<td>93</td>
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<td>Washoe</td>
<td>2668</td>
<td>26</td>
<td>2694</td>
<td>539</td>
<td>539</td>
<td>1617</td>
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<td>808</td>
<td>2796</td>
<td>559</td>
<td>559</td>
<td>1677</td>
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</table>

BMP Implementation Totals = 5320
                           11696
                           17616
                           3523
                           3523
                           10769

* CSLT is predominantly Priority 2 Watersheds, and Camp Richardson Watershed, which is Priority 3. CSLT Targets based on proportion of parcels needing BMPs in 1996 CIP Needs Inventory and proportion of area in Priority 2 Watersheds.

Need many approaches to BMP Implementation such as EIP Project area focus, group permits and implementation, training in BMP site assessment for owners and others to increase site assessment rate. **Jurisdictions need to participate and support these activities.**
Also need training with contractors and others in BMP Implementation.
Planning Compact

"It is found and declared that: The waters of Lake Tahoe and other resources of the region area threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region...

Maintenance of the social and economic health of the region depends on maintaining the significant scenic.

...In order to preserve the scenic beauty...there is a need to insure an equilibrium between the region’s natural endowment and its manmade environment.”

Adopted Threshold Value Statements

The natural landscape of the Tahoe Basin, with mountain peaks, granite rock formations, forested slopes, and clear lake waters, provides a rare visual resource. Value statements developed for scenic resources include the following:

- Maintain and enhance the dominant natural-appearing landscape from the vast majority of views and lands in the Basin.
- Maintain and/or improve the aesthetic characteristics of the man-made environment to be compatible with the natural environment.
- Restore, whenever possible, damaged natural landscapes.
What are the Issues?

Shorezone scenic travel units have been declining in scenic quality.

- Impacts primarily associated with increased scale, bulk, and mass of structures with inadequate screening or setbacks. Not with architectural design or appropriateness.

- Increased scale, bulk, and mass has resulted in visual dominance of the natural shoreline and reduces the overall capacity of the shoreline landscape to absorb further structures visually.

- The use of existing impaction to offset new impact in non-attainment units is resulting in a status quo condition.

What is the Purpose for Today’s Workshop?

- Workshop Outcomes
- Staff’s Recommendations
- Application for Recommendations for Shorezone Review Process
- Opportunity for Feedback/Input
- Wrap-up
PROBLEM: Continued Scenic Quality
Impacts as seen from the
Shoreline Travel Routes

GOAL: Develop Shorezone Review
System that provides:
- Consistency
- Quantification
- Accountability
To meet Scenic Threshold
Standards as prescribed in the
1987 Regional Plan

WORKSHOP OUTCOMES
Design Elements

Menu of Design Elements
- % Glass on Frontage
- % Frontage to Lot Width
- Maximum Façade run without break
- Dormers, eyebrows, overhangs
WORKSHOP OUTCOMES
Design Elements

Menu of Design Elements

- Mass/Volume Considerations
- Broken roof ridgeline
- Single story element on edges
- Setback from backshore

WORKSHOP OUTCOMES
Design Elements

Menu of Design Elements

- Use of texture, color, materials to compliment site
- % Vegetation screening/softening requirement
- % to vary with landscaping type
- Existing conditions qualify for menu credits
Process and Enforcement = Project Review

- Scenic Banking Opportunities
- Pre-application Process established with Review Matrix
- Develop Decision Tree – provides level of review
- Establish Landscape Type (urban, transition, rural) and baseline of acceptable level of impact

Process and Enforcement = Project Review (continued)

- Develop 3rd Party Expert process
- Develop Simulation Protocol
- Use of Story Poles and Balloons
Process and Enforcement = Compliance

- Condition of Permit requires annual submission of photographs of project from onsite and from 300' off-shore—TRPA sends tickle letter
- Increased securities to ensure compliance
- Develop retrofit program

STAFF APPLICATION OF RECOMMENDATIONS
Flow Chart/Decision Tree
Streamline Review

- Incorporate Design Elements
- Minimum Contrast of 23 and 900 sq.ft. maximum visibility magnitude from 300 ft. off-shore
- Attainment or non-attainment

Mid-Level Review

- Incorporate some of the elements
- Simulation
- Meet on-site Visual Magnitude/Contrast for site on-site
  - Minimum of 23: 900 s.f.
  - Maximum of 28: 1800 s.f.
Full Review with Off-Site Mitigation

- Incorporate some of the elements
- Simulation
- Does not meet on-site Visual Magnitude Contrast requirements
- Attainment 1:1 mitigation on & off-site
- Non-attainment 1:1½ mitigation on & off-site

New Construction Visual Magnitude
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
### Surface Plane & Texture Contrast

<table>
<thead>
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<th>1 Plane</th>
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<th>3-4 Planes</th>
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### Color Contrast Matrix

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Reconstruction Visual Magnitude
### Surface Plane & Texture Contrast

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<th>1 Plane</th>
<th>2 Plane</th>
<th>3-4 Planes</th>
<th>5-6 Planes</th>
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<tbody>
<tr>
<td>Unbroken Plane Surface w/ Little or no Texture</td>
<td>1</td>
<td>2</td>
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<td>3</td>
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### Color Contrast Matrix

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### Percent of Perimeter of Structure Visible

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Contrast Rating = 17 Square Footage Allowed = 390
Applicant does not agree with Staff’s Vis-Mag Analysis

- 3rd Party Expert Contracted
- Applicant funded
- 3rd Party Expert applies Vis-Mag Protocol analysis for a separate professional opinion

(IPES Analogy = Experts use the same protocol; could have different results)