I. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chair Ms. Santiago called the meeting to order at 9:30 a.m.

Members Present:

Ms. Aldean, Mr. Beyer, Ms. Bresnick, Mr. Breternitz, Mr. Cashman, Ms. McDermid, Ms. Fortier, Mr. High for Mr. Miller, Ms. Reedy, Mr. Robinson, Ms. Santiago, Mr. Sevison, Mr. Sher, Mr. Shute

II. PLEDGE OF ALLEGIANCE

III. PUBLIC INTEREST COMMENTS

None

IV. APPROVAL OF AGENDA

Mr. Breternitz moved approval.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. McDermid moved approval of the October minutes with amendments.
Mr. Beyer abstained.
Motion carried.

Ms. Aldean moved approval of the November minutes with amendments.
Ms. Bresnick abstained.
Motion carried.

VI. TRPA CONSENT CALENDAR (see TRPA Consent Calendar agenda below, for specific items)
1. Approval of Appointment of the Agency Treasurer and Appointments to the TRPA Investment Committee

2. Adoption and Approval of the Supporting Resolution for the Fiscal Year 2012 Federal Transit Administration Section 5311 Program of Projects for the California Portion of the Tahoe Region

3. Approval of Regional Plan Update Committee Membership Change

Ms. McDermid moved approval.
Motion carried unanimously.

VII. PUBLIC HEARING

A. Technical Adequacy and Certification of the Final EIR/EIS, Adoption of the Proposed Amendments to Chapter II and VII of the TRPA Goals and Policies, Amendment to TRPA Plan Area Statements 157, 158 and 159, Amendments to TRPA Code Chapter 22 (Height Standards), Chapter 33 (Allocation of Development), Chapter 35 (Bonus Unit Incentive Program) and Chapter 64 (Grading Standards), Adoption of Ski Area Master Plan as an Amendment to the Regional Plan, and a Finding of the Proposed Homewood Mountain Resort Ski Area Master Plan Project’s Consistency with the Final EIR/EIS and Compliance with the Community Enhancement Program, 5154 West Lake Boulevard, Placer, County, California, Assessor’s Parcel Numbers (APN) 097-130-05 TRPA File Number ENVR2008-0002

Ms. Marchetta introduced this milestone project that has been under consideration since about 2007. The update of the Homewood Mountain Resort Ski Area Master Plan and its associated project is proposing to revitalize a ski area in the style of the former Tahoe Tavern, but on up-to-date terms. This if approved will allow change and put long needed environmental gain on the ground, as well as delivering much needed economic revitalization to the Basin.

Mr. Landry presented today’s agenda for the Homewood Mountain Resort Ski Area Master Plan CEP project. We are asking for the Board to approve the technical adequacy of the Final Environmental Impact Statement. We are also asking the Board to approve amendments to the Goals & Policies, Chapter 2 and 7, TRPA Plan Area Statements 157, 158 and 159, adoption of amendments to the TRPA Code of Ordinances, Chapter 22, 33, 35 and 64, and adoption of the multi-phase ski area master plan, as an amendment to the Regional Plan. A finding of the proposed Phase I project as conditioned in the draft permit, is consistent with the final EIS and in compliance with the Community Enhancement Program (CEP).

Mr. Chapman presented details of the proposed project and the future of Homewood.

Mr. Landry had available a binder with all public comments received.

Mr. Breuck, Hauge Breuck Associates presented a summary of alternatives that were analyzed in the EIS.
Board Comments & Questions:

Mr. Sher disclosed his ex parte communications. He asked about the precedent of changes being proposed for the Regional Plan and Code amendments. There were several changes that the Board is being asked to vote on that are general and those were the changes in the Regional Plan on Goals & Policies Chapter 2 & 7 as well as, changes to Chapter 33 and 35 relating to TAU. Since most of the changes are specific and limited to this project, there has been concern about why these other changes are generally applicable. Do they have to be?

Mr. Breuck said there are four places requiring amendments to allow TAUs. Both existing TAUs that were restored in one place and transferred to another and bonus TAUs that come from TRPA’s bonus pool. In order to use them in the Homewood Master Plan site, the Code and the Goals & Policies need to be amended. This would allow them to be transferred into a ski area master plan. Right now you can only transfer these into a Community Plan, which the Homewood project area is not.

Mr. Sher asked why these changes are not specific to Homewood, just as we have done for the height amendment and other Code amendments. Why generalize these and use this project as the springboard for making changes of general application?

Ms. Marchetta said in the past, we have had significant opposition to spot zoning. That is where you write an amendment for a specific project. In this instance, where the amendment can’t apply to any other area in the Basin, until there is further projects proposed and you have public review for other changes to the Regional Plan, we brought forward this amendment because it is only applicable in this ski area and at this site.

Mr. Sher asked about coverage on the base area and if the coverage has been reduced because of the retirement of the old roads on the mountain.

Mr. Breuck said on the upper mountain area there is currently existing over a million square feet of dirt roadways. The project does increase the amount of existing coverage in those base areas. In order to make this increase happen, Homewood is proposing to relocate land coverage within the project area and not transfer in from outside of the project area. Coverage will be removed from one location to another. The relocated coverage comes from the upper mountain where Homewood is committed to a 500,000 square foot reduction in coverage of these dirt roadways.

Mr. Sher asked if the roads higher up on the mountain will be required to be restored in such a way that they are permeable and will naturally filter water.

Mr. Breuck said yes.
Mr. Sher asked if vehicles miles traveled generated by this project were analyzed.

Mr. Breuck said the climate change analysis looked at the impacts of all components of the project, including trip generation, building construction and operation of the buildings. He introduced Shannon Hatcher who conducted the analysis.

Mr. Hatcher, representing ICF Consultants said currently there is a Regional Transportation Plan that is being updated and the SCS, which is a requirement of SB 375, is in the process of being adopted. The project should be consistent with SCS, which is the overall requirement of the RTP for insuring that SB375 requirements are met. The VMT data shows no net increase.

Mr. Breuck said they did a worse case analysis in the EIR/EIS and did not try to change our conclusions based on these memos about air quality or traffic impacts. They are still being mitigated as proposed in the EIR/EIS and the trip increases are still being mitigated with air quality impact fees, which make this a conservative analysis.

Mr. Hatcher said the goal of SB375 is to insure that land use and transportation planning is consistent.

Ms. Marchetta said we recognize when we bring forward the analysis of the Regional Plan as a whole, we will have to include enough mitigation for greenhouse gas emissions to meet the SB375 targets. It will take into account the disclosed impact of the increase of greenhouse gas emissions, as a result of this project. This will become part of our baseline on which we will then have to reduce.

Mr. Sher said with the recent court discussion on Shorezone, he asked whether the analysis looked at the Thresholds in the context of the standard that was enunciated in that Federal Court decision. Some have argued that the Regional Plan Update has to meet the tests before we can approve this project. He asked whether the analysis done looked at them in terms of achieving and maintaining Thresholds.

Mr. Marshall said yes. The proposed Code amendments and the Regional Plan amendments that we are concerned about related to Judge Carlton’s decision in the Shorezone case is based on how we make our findings. There is a large slate of findings in your packet that relate to whether or not the Regional Plan, as amended, will achieve and maintain the designated Thresholds. This is the standard that we applied.

Mr. Sher asked for clarification on Alternative 6. In the materials there are disagreements among the consultants and TRPA staff on Alternative 6. The consultants concluded that Alternative 6 was feasible. TRPA staff is recommending that we reject Alternative 6 as not feasible. Is there an opportunity for a Board member to ask for a Board vote on Alternative 6, by way of motion?
Mr. Breuck said Alternative 6 was developed with our assistance as the consultant, but we didn’t do any economic analysis to define it. We were looking at the location or proposed uses, trying to get a reduction to study. Homewood said they didn’t believe it was feasible, but TRPA and Placer County chose to study it nonetheless, to see if it would reduce any of the physical impacts generated by the proposed project. We did say it was the environmentally preferable alternative, because while it had the same impacts of the proposed project, some of those impacts were slightly reduced because of the 15% reduction in the total number of units.

Mr. Marshall said the consultant and TRPA staff didn’t arrive at different conclusions regarding the feasibility of Alternatives. Staff is recommending Alternative 6 not be found feasible because of economic considerations.

Mr. Landry presented the Regional Plan Update & Community Enhancement Program compliance explanation.

Mr. Shute disclosed his ex parte communications. He said the EIS concludes that the traffic at Fanny Bridge is significant and unavoidable. Does this conclusion still hold for just Phase I?

Mr. Breuck said yes it does. It is an existing condition that is worsened by any additional development at Homewood.

Mr. Shute asked why the height amendment was for height only and not how the measurement of height is made.

Mr. Breuck said it was supported because that is the way Placer County does it in other locations and this is a joint Placer County/TRPA document.

Mr. Shute asked what kind of conditions are in place to make sure it stays pervious over 20 or 50 years?

Mr. Breuck said they treated the hard coverage areas as land coverage in the analysis and generating stormwater runoff as if they were land coverage. We analyzed these as if they would clog in the future, because of that potential. The monitoring programs that are in the document require monitoring of all the stormwater systems, which would include these low impact developments.

Mr. Shute said when you calculated this pervious surface as hard coverage you also gave some credit to it, because it might allow some infiltration. How did you calculate the TMDL reductions? Do you count this as functioning or not functioning?

Ms. Green, representing Hague/Breuck said they calculated it for the stormwater runoff volumes, assuming that those pervious surfaces infiltrated no water. For the CEP over
and above credits, they looked at those studies to show properly maintained pervious surfaces to maintain 78-90% of a normal storm. We credited this at 50% to be conservative.

Mr. High disclosed his ex parte communications and those of Secretary Miller. He asked for clarification regarding the Highway 89 bypass and the relationship between JMA and Placer County working on this bypass mitigation. How will funding be secured and will it be guaranteed?

Mr. Chapman said Fanny Bridge is on a list of structurally inadequate structures that must be replaced. The original schedule for this project is currently 2014. TRPA in conjunction with the transportation agencies in the Basin started looking at this several years ago. After much public input, they came up with 5 alternatives. All alternatives contemplated the construction of a bypass that would bypass Fanny Bridge entirely. Depending on the amenities that are developed in conjunction with the bypass, this could cost $6-7 million dollars or if they build all the amenities, $40-50 million dollars. The California congressional delegation has put this on their priority list to obtain Federal funding to construct the bypass as close as possible to the 2014 date.

Ms. Bresnick disclosed her ex parte communications. Are the IFC and Fehr & Peers memos additional documents to which you were referring?

Mr. Breuck said yes.

Ms. Bresnick asked if there was anything more recent regarding the issue of transfer of TAUs/ERUs.

Mr. Breuck said no.

Ms. Bresnick asked for clarification on TAUs and what is being required or what is necessary for Phase I. How many TAUs does JMA currently have? How many are needed for future Phases? Even though we are not approving any future phases, we will be approving this master plan and all of the TAUs that are necessary to complete the project in total.

Mr. Breuck said Homewood owns 139 TAUs associated with the Tahoe Inn and 13 that are banked, associated with another North Shore tourist accommodation project. 152 TAUs is what Homewood currently owns. Some of those are currently in operation and about 90 of the Tahoe Inn TAUs are still in use. Up to 139 were banked and the site was restored. What they need for the project is 135 TAUs, if they build it out the way it is described in the environmental document. They need 66 ERUs for Phase I. They currently have 76 development rights available. 50 of these development rights will come from transferring 50 of the TAUs from the Tahoe Inn on low capability land into ERUs as part of this proposal.
Ms. Bresnick wanted to make sure there is sufficient coverage on the site to restore the 500,000 square feet, even accounting for the coverage that is no longer being counted because of some of the roads.

Mr. Landry said the applicant has gone back and reevaluated where they have either verified that there is the potential for removal of coverage or they have identified where coverage has actually been verified in previous years. They have discounted the amount that was identified as not having been in existence in 1972. The map that was presented today has identified those road segments that they could use for potential retirement.

Ms. Aldean disclosed her ex parte communications. She said with the transfer in of TAUs to accommodate this project, she understood from Mr. Chapman’s testimony that there is a discrepancy currently because the Plan Area actually provides for a hotel as a permissible use. But if you can’t transfer in the TAUs, it renders that moot. So this is in part, an effort to correct a discrepancy in our current Code, is that correct?

Ms. Marchetta said yes.

Ms. Aldean said it has been suggested that as a result of snow making at Homewood, there has been a diminishment in the availability of water to surrounding users. She asked for clarification on this issue.

Mr. Chapman said that this is not correct. They contacted the Madden Creek Water Company and received a letter from the General Manager certifying that the problem had nothing to do with snow making. It was failure of a float pump that pumps water out of their well.

Mr. Cashman said he had no ex parte communications.

Mr. Sevison disclosed his ex parte communications.

Ms. Fortier had no ex parte communications.

Mr. Beyer disclosed his ex parte communications.

Ms. Reedy disclosed her ex parte communications.

Ms. McDermid disclosed her ex parte communications.

Ms. Santiago disclosed her ex parte communications.

Mr. Breternitz said he had no ex parte communications.
Mr. Robinson disclosed his ex parte communications.

Mr. Sevison disclosed his ex parte communications.

Mr. Sevison asked if there are any scenic improvements to Homewood.

Mr. Breuck said there is an improvement to the roadway unit rating along Highway 89, but they concluded no improvement up or down for the shoreline unit viewed from out in Lake Tahoe.

Ms. Bresnick moved to go into closed session.
Motion carried unanimously.

Ms. Bresnick moved to go into open session.
Motion carried unanimously.

Public Comments:

Michael Lozeau, representing Friends of the West Shore and the Sierra Club had four issues which were a smaller version of the project, challenge of the findings, achievement of the water quality threshold and coverage issues.

Vick Brochard supports a smaller project.

Barbara Brochard supports a smaller project.

Steve Toschi doesn’t support the project.

Sia Khosrovi doesn’t support the project.

Keith Batory supports a smaller the project.

Claudia Williams doesn’t support the project.

Stewart Williams doesn’t support the project.

Mason Overstreet supports a smaller the project.

Susan Smith supports a smaller the project.

Ron Grassi supports a smaller the project.

Ellie Waller supports a smaller the project.
Walt MacKenzie doesn’t support the project.
Marty Blum supports a smaller the project.
Joan Blum supports a smaller the project.
Susan Gearhart supports a smaller the project.
Larry Schuler doesn’t support the project.
Renton Kreling supports the project.
Brian Climenhaga supports the project.
Chris Gregor supports a smaller project.
David Powell supports the project.
Bobby Peugh supports the project.
Franz Weber supports the project.
Andy Chapman, North Lake Tahoe Tourism supports the project.
Michael Turnquist supports the project.
John Wilcox supports the project.
Christine McMorrow supports the project.
Rob Weston, West Shore Business Association supports the project.
Olli White supports the project.
Lisa Wallace, Truckee River Watershed Council said the water quality and stormwater management measures are what they would like to see in Lake Tahoe.
Mary Nell Harnett supports the project.
Kent Hoopingarner, General Manager of Homewood supports the project.
Allyson Schnedsen supports the project.
Lisa Smith supports the project.

Renee Koijane supports the project.

Joe Lynch supports the project.

Ron Treadess supports the project.

Tim Frank, Sustainable Neighborhoods supports the project.

Kelli Thomey supports the project.

Steve Fritsch Sierra Business Council supports the project.

Theresa May Duggen supports the project.

Sandy Evans Hall, North Lake Tahoe Chamber supports the project.

Dan Kovach supports the project.

Ernie Gossman supports the project.

Judi Tornese supports a smaller project.

Ben Fish supports the project.

Whit Manley, Environmental Law Firm representing JMA responded to concerns raised in public comment by Michael Lozeau representing the Friends of the West Shore and the Sierra Club.

Debbie Hogan supports the project.

Matt Kouta, representing JMA responded to the economic feasibility comments made in public comment.

Ron Parson, owner Granlibakken supports the project.

Earl Hagadorn supports the project.

Don Fouts supports a smaller project.

Pam Hobday Tahoe Forest Health System Foundation supports the project.

Lou Reinkens, Rockwood Lodge supports the project.
Roger Kahn supports the project.

Tim Anderson supports the project.

Jeff Hurst supports the project.

Ralph Pieven, McKinny Bay Improvement Association supports a smaller project.

Wendy Wood supports the project.

Sally Taylor supports the project.

Meg Devre supports the project.

Michael Hogan supports the project.

Don Whitman doesn’t support the project.

Carl Young, League to Save Lake Tahoe supports a revitalization of this area and a resort in place of what is there now. The project as proposed appears to provide water quality benefits. The project includes 11 units of development on a portion of Fawn Street which was previously challenged as a stream environment zone. The League believes that entire parcel should be restored to its natural function and this location should be excluded from development. Automated vehicle counters should be placed on the highway immediately north and south of the project area to monitor traffic conditions. The project is increasing the footprint of hard coverage onsite by approximately 200,000 square feet, which includes both pervious and impervious coverage therefore the project should be required to transfer in hard coverage from other sites for the additional amount of hard coverage being created on this site. This project is proposing to exceed significantly existing height limitations, which allows for the construction of structures much higher than existing buildings. The League believes that the resort’s buildings should conform to the existing TRPA limitations in order to reduce scenic impacts.

Cindy Gustafson, TCPUD supports the project.

Wally Auerbach supports the project.

Alex Mourelatos, Lakeshore Resort supports the project.

Gary Davis supports the project.

Joe Imbach supports the project.
Kay Williams supports the project.

Lew Feldman talked about the letter that was submitted by the Friends of the West Shore and the Sierra Club early last week, where water quality is the featured topic. The existing condition contributes 150,000 pounds annually of sediment into Lake Tahoe. This project enables the Board to be part of the solution to what has been the cause of water clarity decline in the area. It seems somewhat astounding that we are in a position procedurally where someone would tell us that we can’t approve this project that obviously, undeniably benefits the long term health of the Lake.

Andrew Koijane supports the project.

Phil Christian supports the project.

Steve Laird, Operating Engineers supports the project.

Shawna representing Randy Hill supports the project.

Board Comments & Questions:

Ms. Aldean asked for clarification on the findings in Alternative 6, with respect to financial feasibility.

Mr. Marshall said the EIS states that Alternative 6 is feasible and that the Board is disagreeing with that. We should strike those two sentences because it is not accurate. The way Alternative 6 was constructed in the EIS in Section 3, it discusses that we will go forward with the analysis of Alternative 6. It does not make a determination regarding feasibility. It actually includes information from HMR statements regarding infeasibility. There is one place in the EIS that refers back to these pages, but says based on HMR calculations, proposed development levels in Alternative 6 are the minimum size use necessary to support an economically viable resort. From staff’s perspective, the EIS did not conclude that Alternative 6 was feasible and it did not render a determination within the EIS. It is up to the Board to determine whether or not it can make the finding regarding Alternative 6 as being infeasible, based on the evidence that is before you.

Ms. Aldean asked if Ms. Marchetta could comment on the applicability of the proposed Code amendments to subsequent phases of the Homewood development.

Ms. Marchetta said the amendments that are being proposed will be applicable to all subsequent phases. Phase II will need to come back to the Board for approval. There will be further opportunity to review the application of these amendments against the detailed plan for Phase II.
Mr. Beyer said there are some items in the development that wasn’t addressed dealing with height and design structure. This is in conflict with the Code for height, which isn’t completely a contrast to current and new building design criteria. Our Code requirements do compare to other counties and jurisdictions use of the height variations. It dismisses the point of the LEED design requirements that are included in more of a sustainability design of a project, which is just one element of the development. This puts into context many of the comments and questions about the height restrictions that the developer is requesting in an Ordnance change.

Ms. Marchetta said whether we define a measurement that characterizes the height of these buildings at 47 feet or 77 feet, they are the same height. What we were trying to do with this height amendment was not create a disincentive incorporating those LEED environmental standards that would account for the highest level of energy efficiency. That was in part, the purpose of bringing forward this height amendment, to be consistent with the way that Placer County measures height. In any event, the building is the same height.

Ms. Aldean said why don’t we just use the number and not allude to the process of how we got to that number.

Ms. Marchetta said she thinks if that allays the concern that Mr. Sher raised earlier in the day regarding the general applicability of this height amendment, we could do that.

Mr. Marshall said we will need to make sure there isn’t anything that we are not catching about how to accomplish this.

Mr. Shute said that makes him a lot more comfortable, because he feels that if this is the method that TRPA is using and is changed as proposed, that creates a precedent before we have taken up the issue in the Regional Plan Committee.

Mr. Beyer said there was a lot of discussion about whether or not coverage was described as hard or soft. The developer is proposing to use pervious materials as much as possible, but there is no credit for that in our Code. The scientific evaluation of what they have already done on the site has shown that there has been an improvement in the sediments that are going into the Lake. He asked whether or not this is a precedent setting requirement for this development or it is something that we should do on a case-by-case basis in the way we look at water quality, specifically with regulatory bodies taking up TMDL.

Ms. Marchetta said this is something we should consider on a case-by-case basis.

Mr. Marshall clarified that the credit is not a reduction in the amount of coverage that they would need. It is a credit, when you look at the benefits of the project on sediment reduction.
Ms. Bresnick asked for clarification on the following concerns:

1) Page 18 SEZ improvements as part of Phase I, can they be done in Phase 1.
2) Page 24 talks about revised November 2011, should it read December 2011.
3) Page 42 number 2 there are references to 22.4.E and 22.4.F.1 that don’t appear to relate to this project. She wants to make sure these are appropriate references.
4) Page 243 the draft permit. She wants to make sure the demolition of the Tahoe Inn and the site restoration in Phase I is a special condition. Mr. Chapman talked about petitioning Placer County and the state for elimination of certain parking along Highway 89 and she would like that to be a condition of the county permit, if JMA has the ability to do that. She would not require this if it is not possible.
5) Is there maintenance of pervious payment on a long term basis?
6) The traffic is clearly an issue that may turn out to decrease or increase and she wants to make sure this is monitored as requested by the League to Save Lake Tahoe. She is not asking that the future Phase be conditioned upon any particular results, but she asked this be monitored. If the traffic counts are not as predicted and traffic is worsened, there are additional measures to include additional shuttles, etc.
7) Page 244 and the discussion of the North Base area, she wants to make sure that staff has been keeping track and correcting the numbers to conform with what has been represented to us in terms of what is and is not being included in Phase I. This includes elimination of the fractional units.
8) Page 249 under T.1 the long term monitoring of 5 years should be increased to reflect the 20 years that has been agreed to by the project proponent. She asked Mr. Chapman to state what he has agreed to regarding pervious payment. This should be a new condition.
9) Page 251 she said these are deed restrictions, so she wants to make sure these deed restrictions include the project proponent’s commitment that there will be no further development on the mountain. BB.3. says a deed restriction that will permanently assure the upper mountain area is deed restricted, that it may only be used for recreation uses. She was unable to find special conditions in CC for Q above.
10) She asked if there is anything in the mitigation monitoring program that talks about additional screening even though we are performed the scenic analyses.

Answers to Ms. Bresnick’s questions:

1) Mr. Breuck said SEZ improvements on the South Base are related to relocating the road to make way for the condos. It will be relocated and will use a bridge span when they build that part of the project.
2) Mr. Landry said yes the November date reflects the APC recommendation. This will be updated to reflect today’s date.

4) Mr. Chapman said he is happy to commit to petitioning Placer County and the state.

Ms. Reedy questioned the ability of the Board to tell someone they have to do something that is a political process.

5) Mr. Landry said it is identified at 5-year durations for maintenance of pervious payment.

Ms. Santiago said on Page 250.V it says the permittee shall implement and/or demonstrate the ability to implement over time the alternative measures as outlined in the mitigation and monitoring program of the final EIS. How does this correlate with the question that Ms. Bresnick has put before us?

Mr. Breuck said that condition requires that the permittee implement the alternative transportation measures they proposed. It doesn’t include monitoring of trips. Typically we predict what the traffic levels and impacts will be and propose mitigation, if necessary. Then we make sure the mitigation gets implemented.

Mr. Chapman said in response to Ms. Bresnick’s issue of having maintenance and monitoring guaranteed, they have committed to a 20 year monitoring of both the watershed protection and the pervious payment, with a 10 year surety to ensure that there are funds to maintain those particular elements of the project.

6) Mr. Cashman asked how a monitoring program would be established that is specific to Mr. Chapman’s project.

Mr. Landry said we usually enter into a three-party contract with the applicant, TRPA, Placer County and a consultant that does the long term monitoring. We establish a 5-year period and administer that on a yearly basis to make sure that the monitoring and mitigations are working. We make adjustments if necessary. This is contained in a scope of work with the applicant and the consultant that will be doing the monitoring.

Mr. Shaw, LSC transportation consultants said he would put into the monitoring plan, high tech monitors at each of the 4 entries into the project. This would be specific for this project.
7) Mr. Breuck said JMA would not build fractional units. He didn't say he would eliminate those units from the project. They would change the fractional units to whole ownership condo units instead.

8) Mr. Chapman agreed to at least 10 years.

9) Mr. Landry said they will look into this.

10) Mr. Landry said this was not an assessment. If you look on Page 250.Y, it talks about the introduction of street, land and park scape. There is a scenic monitoring security.

Mr. Marshall said this kind of long term monitoring is part of the 5 year Threshold Evaluation, particularly given the time it takes for screening and vegetation to mature.

Mr. Breuck said there is a mitigation measure 2B that is in the mitigation monitoring plan. It requires that they look at redesign for the glass and materials, as well as screening. They have to be monitored by TRPA to make sure that they are implemented properly.

Ms. Bresnick thanked everyone for their input and testimony today. She thanked JMA and encouraged them to take a further look at Fawn Street. She also encouraged JMA to take a look at decreasing hard coverage from other sites around the West Shore which would reduce coverage in this area.

Mr. Sher said there is a requirement that there should be a steering committee for this master plan. He asked Mr. Marshall to explain where this is in the materials.

Mr. Marshall said it is an appendix to the FEIS and is part of the master response in the FEIS.

Mr. Sher said the certification of the EIS is in Attachment B1, and to certify all of these findings, we make these by certifying the EIS, is that right? He is concerned with some of the findings contained in this Attachment.

Ms. Marchetta said yes.

Mr. Sher asked when we get to the point of moving approval, he would like to request a motion to approve Alternative 6.

Mr. Sher said if the results of the traffic monitoring show substantial increase in the vehicle miles traveled, the results should be actions to incentivize people to use the shuttles.
Mr. Chapman said if the parking lot is full, you can’t get a ticket to ski at Homewood which discourages people from using a car.

Ms. Reedy asked if there will be a charge to use the public pool facilities.

Mr. Chapman said there is no charge to use the swimming pool.

Ms. Reedy asked how tall is it from the top of the building’s highest point down to the ground underneath that highest point.

Mr. Chapman said it is less than 45 feet.

Ms. McDermid asked for information on JMA’s support of the six EIP projects.

Mr. Chapman said that they are participating in six EIP projects. The stormwater treatment plant North of Silver, which is not on their property at a cost of $250,000. They are also paying a fair share on the other EIP projects.

Ms. McDermid asked where those EIP projects are located.

Mr. Chapman said a couple of the projects are on the property and a number are off the property. The SEZ restoration work is an EIP project that is on the property. They are also contributing to the stormwater treatment plant that the County is doing.

Mr. Shute said there has been controversy about the financial analysis. One of the opponent’s criticisms was that there is revenue from other sources, like commercial or sales of real estate that was never taken into account. He asked for clarification on this.

Mr. Chapman said in order to open a ski area, you have to have food and beverage so people have something to eat and drink. You have to have a rental shop and ski instructors. The average ski area generates over 300,000 ski visitors a year. There is no profit and the margins are very low in these other lines of business. Currently at Homewood, the average skier spends $6.48 each on food and beverage. The margin on this is about 20%. There isn’t profit in ski instruction any longer. Before you can borrow the money to build the real estate, you have to prove that the ski operation is viable. It is important to understand that the real estate will fund the proposed 12 million dollars on new lifts, the 10 million dollars on a new mid-mountain lodge and 13 million dollars on a new base lodge. It can’t afford to complete the bicycle path or to make the contribution to Fanny Bridge and to continue the restoration work unless we sell this real estate.

Mr. Shute asked about the Fawn parcel is it in an SEZ.
Mr. Chapman said there was a land capability challenge hearing at TRPA. The scientific evidence was that only a very small southern part of Fawn Street was in an SEZ. We were asked to move the parking structure and make it smaller on the property. A compromise was made where we decreased the size and moved it back further from the SEZ. After completion of public comments, we moved the parking structure in its entirety off that property and put it on the corner. We put 11 single family chateaus on the property that have less of a footprint than the Friends and the League asked for in the first place. They have more than exceeded what was asked for in the hearing at TRPA.

Mr. High asked if there are any unintended consequences going with a smaller project either environmentally, socially or economically.

Ms. Marchetta said Alternative 6 has higher greenhouse gas emissions and there may be other comparative differences between 6 and 1A.

Mr. Breuck said Alternative 6 was done when Alternative 1 was studied and so it took one of the condo buildings at the South Base area and kept it. This is one of the originally proposed large condo buildings adjacent to the single family homes. Under Homewood’s new proposal, that building has been replaced with smaller chalets stepped up the hill more like a residential development. Alternative 6 would replace those small chalets with the large multi-family residential condo building that some neighbors have objected to.

The following changes are recommended prior to Board approval:

Ms. Marchetta said we have taken Section 22.4.G in our Code of Ordinances and marked it up to reflect a Code amendment that would allow 77 feet of height in the special area of the Master Plan for this project.

Mr. Breuck said this was presented in the draft EIR/EIS as Appendix F and is the proposed changes to go back to TRPA’s current way of measuring building height. The first paragraph of 22.4.G, the proposed amendment would read “the maximum height allowable would be 77 feet instead of 50 feet for projects located in special areas within the Homewood Ski Area Master Plan, designated for additional height. The next two or three sentences are proposed to be deleted. The last sentence would say “to be eligible for this additional height the project and building shall be designed to step up the slope, incorporate community design features, etc.” The rest of these requirements meet the findings and it reduces land coverage which is consistent with Resolution 2008-11 and it meets security requirements in subparagraph F22.4.d.5. The following language is included in the Master Plan itself that describes the allowable height of proposed buildings. The Master Plan language and Appendix F language
would be modified as such: the first bullet does not need to change as it is for buildings located within at least 40 feet away from Highway 89 edge of payment which can be no more than 42 feet; the second bullet would read “if you are at least 200 feet from the highway, but not more than 675 feet, the height would be limited to 77 feet instead of 50 feet; the third bullet would read buildings located at the South Base would have a maximum height of 60 feet; the fourth bullet will read at the mid-mountain lodge area, the maximum building height would be 42 feet, using TRPA’s current measurement instead of the 35 feet in the document. These changes will be duplicated in the Master Plan document.

**Permit Conditions:**

Mr. Marshall said the first permit condition is on Page 244 a listing of the Phase I elements, we are proposing to add another Phase IA element, which is the demolition of the Tahoe Inn and restoring the site.

Ms. Marchetta said the second permit condition is the surety on the maintenance of pervious payment. There is already a permit condition on Page 249.T.1 and we are proposing to add a sentence to the end of T.1 that reads “permittee shall supply a 10 year irrevocable commitment to the continued effective operation of the pervious payment described in the EIS.”

Ms. Marchetta said the third permit condition relates to the request to monitor traffic.

Mr. Marshall said we would make this a new condition and the language would read “applicant will monitor traffic for 20 years and submit a traffic monitoring report annually. The monitoring shall include at a minimum, traffic counts at the project driveways for winter and summer periods, statistics on alternative mode usage, shuttles, bike program, etc., and a survey of visitors on transportation use.”

Mr. Marshall said there is also a clerical change, where we will delete fractional and replace with whole. There is cross references and we will check to make sure these are the right ones.

Ms. McDermid said on Page 251 under CC, did we find out what special condition 4.Q above was.

Mr. Landry said special condition 4.Q should refer back to BB above on the top of the page. We want to make sure they have in hand the recorded deed for all of these deed restrictions.
Mr. Breuck said the second BB at the bottom of that page will be changed to DD and DD on the next page will be EE and so on.

Mr. Marshall said to Mr. Sher that on Page 23-6 of the FEIS is the alternative process memo for the master planning.

Ms. Aldean asked if we are amending the language in Attachment B1, as it relates to Alternative 6.

Mr. Marshall said in the findings for B1 Page 73, we will delete the paragraph that starts EIS states and delete the first two sentences. There is another place that this occurs and we will delete those statements as well.

Mr. Sher moved approval of a straw vote for Alternative 6 including the above amendments.
Motion failed.

Mr. Sevison moved a straw vote on project Alternative 1A with the proposed amendments above.
Motion carried unanimously.

**Motions to Certify the Final EIR/EIS:** (Approval requires **5 California and 9** total affirmative votes):

I. A motion to make the Compact Article VII(d) and Chapter 5 of the Code of Ordinances findings, and Article 6 findings of the Rules of Procedure for the Final EIS, (See Attachment B-1)

Mr. Marshall clarified that as a result of the height amendment, there is a provision in Resolution 2008-11, which has to do with the Homewood Mountain Resort CEP and the reservations of allocations for this. There is a sentence that talks about maximum height and that was based on the assumption that it was measured with the Placer County measurement, not the TRPA measurement and it had a maximum height of 50 feet. But it says within that memo that at the highest point of the envelope/slope, depending on the elevation may be appropriate for this site. We are going to interpret that as measuring it from the actual bottom of the slope of the building, since the actual building height is 47 feet. This fits within the mean of Resolution 2008-11.

Mr. Sevison moved approval.
Motion carried.
Mr. Sher abstained.

II. A motion to certify the Final Environmental Impact Statement for the Homewood Mountain Ski Area Master Plan Community Enhancement Program (CEP) project.

Mr. Sevison moved approval.
Motion carried unanimously.

**Motions to Adopt** Chapter II Land Use Element – Land Use Goal 2, Policy 5, Subparagraph “Tourist Accommodation” **Amendments**: (Two motions – Approval of each requires *4 California and 4 Nevada* affirmative votes):

I. A motion to make the required Chapter 6 findings as specified in Attachment B-2.

Mr. Sevison moved approval.
Motion carried unanimously.

II. A motion to adopt Chapter II Land Use Element – Land Use Goal 2, Policy 5, Subparagraph “Tourist Accommodation” amendments.

Mr. Sevison moved approval.
Motion carried unanimously.

**Motions to Adopt** Chapter VII Implementation Element – Development and Implementation Priorities Goal 3, Policy 2.B, to allow for use and distribution of tourist accommodation bonus units in Ski Area Master Plans as well as Community Plans **Amendments**: (Two motions – Adoption of each requires *4 California and 4 Nevada* affirmative votes):

I. A motion to make the required Chapter 6 findings in Attachment B-2.

Mr. Servison moved approval.
Motion carried unanimously.


Mr. Servison moved approval.
Motion carried unanimously.

**Motions to Adopt Plan Area Statement 157 Amendments**: (Two motions – Adoption of each requires *4 California and 4 Nevada* affirmative votes):

I. A motion to make the required Chapter 6 findings in Attachment B-2.

Mr. Sevison moved approval.
Motion carried unanimously.

II. A motion to adopt the Plan Area Statement 157 Homewood Tahoe Ski Bowl Recreation amendments.

Mr. Sevison moved approval of Plan Area Statements 157, 158, 159 in Attachment B2.
Motion carried unanimously.

**Motions to Adopt Plan Area Statement 158 Amendments:** (Two motions – Adoption of each requires 4 California and 4 Nevada affirmative votes):

I. A motion to make the required Chapter 6 findings in Attachment B-2.

   This motion was approved above.

II. A motion to adopt the Plan Area Statement 158 McKinney Tract Residential amendments.

   This motion was approved above.

**Motions to Approve Plan Area Statement 159 Amendments:** (Two motions – Adoption of each requires 4 California and 4 Nevada affirmative votes):

I. A motion to make the required Chapter 6 findings in Attachment B-2.

   This motion was approved above.

II. A motion to adopt the Plan Area Statement 159 Homewood commercial amendments.

   This motion was approved above.

**Motions to Adopt the Chapter 22 Code of Ordinances Amendment:** To adopt the proposed Chapter 22 amendment for additional height, the Board must make the following motions – (Adoption requires 4 California and 4 Nevada affirmative votes):

I. A motion to make the required Chapter 6 findings in Attachment B-2.

   Mr. Sevison moved approval.
   Motion carried unanimously.

II. A motion to adopt the attached ordinance (Attachment A-1) amending Chapter 22 of the Code of Ordinances.

   Mr. Sevison moved approval.
   Motion carried unanimously.

**Motions to Adopt the Chapter 33 Code of Ordinances Amendment:** To adopt the proposed Chapter 33 amendment to allow for use and distribution of additional tourist accommodation units in Ski Area Master Plans as well as Community Plans, the Board must make the following motions – (Adoption requires 4 California and 4 Nevada affirmative votes):

I. A motion to make the required Chapter 6 findings in Attachment B-2.
Mr. Sevison moved approval.  
Motion carried unanimously.

II. A motion to adopt the attached ordinance (Attachment A-1) amending Chapter 33 of the Code of Ordinances.

Mr. Sevison moved approval.  
Motion carried unanimously.

Motions to Adopt the Chapter 35 Code of Ordinances Amendment: To adopt the proposed Chapter 35 amendment to allow for use and distribution of tourist accommodation bonus units in Ski Area Master Plans as well as Community Plans as follows, (Attachment 1, Exhibit 3c): – (Adoption requires 4 California and 4 Nevada affirmative votes):

1. A motion to make the required Chapter 6 findings in Attachment B-2.

Mr. Sevison moved approval.  
Motion carried unanimously.

II. A motion to adopt the attached ordinance (Attachment A-1) amending Chapter 33 of the Code of Ordinances.

Mr. Sevison moved approval.  
Motion carried unanimously.

Motions to Adopt the Chapter 64 Code of Ordinances Amendment: To adopt the proposed Chapter 64 amendment to allow for the consideration of groundwater interception for below-grade parking (Adoption requires 4 California and 4 Nevada affirmative votes):

1. A motion to make the required Chapter 6 findings in Attachment B-2.

Mr. Sevison moved approval.  
Motion carried unanimously.

III. A motion to adopt the attached ordinance (Attachment A-1) amending Chapter 64 of the Code of Ordinances.

Mr. Sevison moved approval.  
Motion carried unanimously.

1. Approval of the proposed Homewood Ski Area Master Plan Community Enhancement Program (CEP) Phase I project

Motions to approve the proposed project: To approve the proposed Master Plan Phase I project, the Board must make the following motions (Approval requires 5 California and 9 total affirmative votes):

Page 23
I. A motion to make the required Chapter 6, 18, 20, 22, and 64 findings in Attachment B-3.

Mr. Sevison moved approval.
Motion carried unanimously.

II. A motion, based on this staff summary and the complete administrative record to approve the Master Plan Phase I project, subject to the attached Draft Permit.

Mr. Sevison moved approval.
Motion carried unanimously.

VIII. REPORTS

A. Executive Director Status Report

Ms. Marchetta had no report.

B. General Counsel Status Report

Mr. Marshall had no report.

IX. GOVERNING BOARD MEMBER REPORTS

None

X. COMMITTEE REPORTS

A. Legal Committee - none

B. Operations Committee - none

C. Public Outreach & Environmental Education Committee - none

D. Catastrophic Wildfire Committee - none

E. Local Government Committee - none

F. Regional Plan Update Committee – none

G. Governance Committee - none

XI. PUBLIC COMMENT

None

XII. ADJOURNMENT
Governing Board Chair Ms. Santiago adjourned the meeting at 7:25 p.m.

Respectfully submitted,

Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.