TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

December 21, 1994

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Vice Chairman John Upton called the regular December 21, 1994, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:35 a.m. and asked Mr. DeLanyo to lead in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanyo, Mr. Waldie, Mr. Kanoff, Mr. Savison, Ms. Gavin (for Ms. Lau), Mr. Cole, Ms. Bennett, Mr. Westergard, Ms. Neft, Mr. Bradhurst, Mr. Upton

Member Absent: Mr. Cronk, Ms. Hagedorn, Mr. Chimarusti, Presidential Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS

Mr. John Hoole, Chief of the Long Range Planning Division, introduced new Senior Transportation Planner Richard Wiggins. Mr. Wiggins had previously worked in Ohio, Maine, and Alaska.

Mr. George Finn served Board members with a suit filed by Nathaniel and Zelda Hellman against California, Nevada, TRPA, and individual Board members. (No comments were made by Mr. Finn.)

Ms. Rochelle Nason, representing the League to Save Lake Tahoe, asked the Board to schedule at a future Board meeting a status report on the progress of the water quality system plan for the Douglas County Community Plan area. The plan was approved a year ago with certain representations having been made that the Park Cattle Company was about to apply for a permit to get the water quality system implemented. A year had passed and no apparent progress had been made. It was appropriate for the Board to ask those representatives for a report on what they had done and what the projected timeline was at this point.

Mr. Westergard asked if there were also other conditions on which progress was to have been demonstrated. If so, he would like to see a compliance progress report on all relevant conditions.

Deputy Director Jerry Wells noted that staff would go through the conditions to see what other conditions were to have been satisfied.

Vice Chairman Upton indicated that the scheduling of the report was satisfactory with him.
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IV. APPROVAL OF MINUTES

MOTION by Mr. Sevison to approve the November 16, 1994, regular meeting minutes as submitted. The motion carried unanimously.

V. APPROVAL OF AGENDA

Mr. Wells asked that the Altwater Trust/Schumacher item (VII B.) be continued to the January meeting at the request of the applicant and that the Watson Creek Plan Area Statement amendment (item VIII B.) be continued to January due to modifications in the application.

Ms. R. J. Nicolle, Agency Counsel, presented more information on the Altwater/Schumacher matter, explaining that the applicants had filed an application to modify a permit issued by the Board. While TRPA routinely accepted these kinds of applications at staff level, staff had decided to bring the request to the Board, since the Board had approved the original permit.

Mr. Waldie noted he would not vote against the continuance but suggested it was peculiar that an item on which the Board had taken final action in November was once again before the Board on a request for modification. It did not make sense that an applicant who had insufficient interest to appear at the hearing when the action was taken initially would request an opportunity to have the action modified.

MOTION by Mr. DeLanoy to approve the agenda as amended (continuing items VII B. and VIII B.). The motion carried unanimously.

VI. CONSENT CALENDAR

Deputy Director Jerry Wells noted that copies of a December 17 letter from neighbors Christopher and Lynne Farrar had been distributed to Board members regarding item 2 (Olin special use determination). The letter requested retention of a 16 inch diameter tree, which was proposed to be removed. Staff would work with the applicant to see if there was any way to save the tree; there were no guarantees, however, that the tree could be saved. The neighboring property owner was not requesting the matter be taken off the consent calendar.

Mr. Westergard questioned the use of the terms "new single family dwellings" in the reference to the existing 24-unit residential complex (item 5, Pinewood Subdivision Modification). This appeared to be a conflict in terms and a definition problem.

Agency Special Projects Attorney Susan Scholley explained that the stock cooperative was considered a subdivision under the current regulations; the units were already subdivided. The proposal was to change the form of ownership, not the use.

MOTION by Mr. Sevison to approve the consent calendar as discussed. The motion carried unanimously.

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VII. PROJECT REVIEW

A. Placer County Department of Public Works, Tahoe City Urban Improvement Project, Placer County, Project #530-102-93

Senior Planner Paul Pettersen presented the staff’s project summary and noted that the Board had received a December 19 letter from Carl Pendleton, of Travelodge, and a December 16 staff memo amending conditions 8, 9, 14 and 18. Mr. Pettersen described the three components of the project (highway improvements, parking facilities, and water quality improvements); the certification of the EIS by TRPA in August 1994; and support for the project by Tahoe City Commercial Property Owners Association, Lahontan, the League to Save Lake Tahoe, Placer County, the Advisory Planning Commission (APC), and staff. Mr. Pettersen explained that, in response to Mr. Pendleton’s concern with highway construction noise at night, staff and Placer County would be working with the motel and hotel owners on a noise mitigation plan (condition 8). Mr. Pettersen responded to Board member questions on parking issues.

Ms. Kathryn Lane, general manager of the Rodeway Inn in Tahoe City, commented on the noise impacts caused by a leaf blower used on property across the street at 3:30 a.m. The noise would cause loss in revenue and transient occupancy tax (TOT) dollars.

Mr. Bill Briner, co-chair of the Tahoe City Commercial Property Owners Association, recommended approval of the project as proposed and noted there was still work to be done on some of the conditions (landscaping plans, construction and capital improvement schedules, noise mitigation, salting and sanding plan, maintenance and funding plans, monitoring, traffic management plan during construction). One unresolved issue related to parking and provision of replacement parking in the vicinity prior to removal of the diagonal parking. The December 16 revised conditions were acceptable.

Mr. Steve Topol, representing Tahoe Inn Investment Group and Mi Casa Restaurant, noted that the mid-town area in Tahoe City would lose 27 parking spaces in the restriping from diagonal to parallel parking (7 in front of his building). Parking was at a premium now, and although Grove Street and Jack Pine parking were nice additions, they were not considered "replacement" parking in the vicinity. The condition that TRPA "consider" an increase to 25 spaces of parking at the Tahoe Marina should be worded more strongly. This increase would be acceptable to the mid-town merchants, and he’d like a stronger commitment that no parking would be removed without replacement parking in the vicinity - whether at the Tahoe Marina site or close by.
Mr. Dick Hudgett, an Incline resident, used a wall map to describe the configuration and best use of the Tahoe Marina parking spaces and snow storage area.

Mr. Roger Imsdahl, representing Placer County, noted that the amended conditions were acceptable to the County, although there were still unresolved issues which would be cleared up. Parking was a serious issue on the Tahoe Marina parking lot, and at this point the deeds and CC&Rs indicated the parcel was never part of the subdivision. Although coverage was still an issue, preliminary plot plan drawings suggested there could be 25 to 27 spaces on the lot. Mr. Imsdahl responded to Board member questions regarding condition 18 and the requirement to "consider" installing a force main storm drain pipe.

Ms. Nicolle explained that the condition required demonstration that there had been serious analysis of the storm drain pipe from Jack Pine to Grove Street. The permits would make a commitment of resources to analyze the matter. The Board had previously worded conditions in a similar manner.

Mr. Severson explained that the commercial property owners who would use the force main storm drain pipe would at some point be required to handle water treatment. This condition would tend to bring the property owners sooner to the table to address the issue.

**MOTION** by Mr. Severson, based on the staff summary, to make the findings for the Tahoe City Urban Improvement Project. The motion carried unanimously.

**MOTION** by Mr. Severson to approve the Tahoe City Urban Improvement Project, based on the staff summary, and subject to the conditions as modified. The motion carried unanimously.

**VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS**

A. Amendment of Chapters 2, 4, 13, and 43, and Other Related Amendments, to Limit Subdivisions and Urban Uses to Existing Urban Areas, to Set Criteria for Subdivisions in Preferred Affordable Housing Areas, and to Set Criteria for Adding Multi-Family Residential Uses to Plan Areas

Principal Planner Gordon Barrett distributed a December 19 memo which included the latest APC-recommended draft of the proposed ordinance, a December 13 letter from California Deputy Attorney General Dan Siegel, and a December 16 letter from Mr. Walt Pettit of the California Water Resources Control Board. The objective of the amendments was to clarify the definition of the urban boundary, to clarify the use of existing urban areas, to limit subdivisions in preferred affordable housing areas, and to add findings for expansion of urban boundaries and uses. The goals were to concentrate development in urban areas where transit and other services were more readily available. Mr. Barrett presented more specific detail on the proposed amendments, the APC discussion and action (9 to 5 vote in favor of amendments), public input, and staff's recommendation for approval of the findings and proposed amendments.

Mr. Bradhurst noted that three Plan Areas in Washoe County and 20 parcels
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would be affected by the amendments and expressed concern that property owners had not been adequately notified of the action and anticipated impacts of the amendments.

Mr. Barratt explained that TRPA did not generally send individual property owner notices for amendments that were proposed on an area-wide basis. Legal notice sufficient to meet TRPA rules was provided. Professional consultants, architects, and planners, who had followed the subdivision process previously, were advised of workshops on these amendments.

Ms. Bennett questioned what incentives were available for property owners to provide affordable housing and whether these were considered in Washoe County.

Mr. Barratt explained that incentives included an exemption from the requirement to obtain residential allocations and density bonuses. TRPA had not gotten into the issue of allowing additional coverage as an incentive.

Ms. Nicolle explained that the notice for a Plan Areas Statement amendment included a published notice, as well as the agenda itself. Only with a specific land use change was an individual property owner noticed. The amendments provided that approval of subdivisions after December 31, 1995, of post-1987 residential projects which did not qualify as affordable housing were prohibited until TRPA found that the county with jurisdiction had demonstrated a commitment to assume its fair share to provide low income housing within existing urban areas. The restriction was a temporary one.

Mr. Bradhurst presented results of a study prepared by an affordable housing organization on the economic feasibility of affordable housing in Incline Village. If the counties were being required to take on the responsibility of providing for affordable housing, they should know what the criteria were. Currently, the 20 affected parcels in Incline could be developed with other than affordable housing; come December 31, 1995, unless there was a demonstrable effort by Washoe County, there would be nothing but affordable housing permitted on those 20 parcels. Because the County now had 12 allocations for multiple family dwellings, most likely, only three to four parcels could be developed this year. The bottom line was that the 20 parcels today were somewhat frozen in terms of their development rights because of the restrictions placed in July 1994. These parcels were in Plan Areas where affordable housing was a preferred use. The affordable housing experts felt that 18-20 units per acre were needed for affordable housing to be economically viable. In Incline, six of the parcels were larger than one acre; and according to a study of the six, only one appeared to be economically feasible. In California, on the other hand, there were redevelopment districts and state tax credits which made affordable housing projects more feasible. In Nevada, all that was available were federal tax credits for such housing. At a minimum, he expected staff to see if affordable housing would pencil out before requiring a commitment to it. It was a laudable goal, but if it could not happen, it should not be required. He was also concerned about the adequacy of the notice to property owners of the Board’s intended action and the impact on development rights.

Mr. Cole suggested that the critical aspect of the affordable housing issue
was that local jurisdictions should make every effort to assume their fair share responsibility. It was easy for them to say that because it was not affordable, not practical, and not feasible financially, they would not do it. This resulted in those jurisdictions which had assumed the responsibility being saddled with an even greater level of responsibility and the attendant low income housing impacts. Currently South Lake Tahoe and Placer County had assumed a greater share of the responsibility. It was important to note, too, that the Basin was a service-based job provider, and there was not adequate housing for those providing services. People were needed in the Region to support the services that made the entire area economically viable. It had taken South Lake Tahoe a long time to achieve affordable housing, and the City had to access housing grant funds in order to do it. Such funds were out there, and it required a lot of work to have a successful program. The concept of transit-oriented development made a lot of sense, and housing needed to be concentrated in areas where transit could be provided. He urged the Board to look at the amendments as a way to move local jurisdictions into assuming their fair share responsibility for keeping the long-term economic health of the Tahoe Basin where it ought to be.

Ms. Bennett concurred with Mr. Cole's comments and suggested that the lack of affordable housing in the Basin caused a large number of Tahoe Basin employees to live in the Carson area. Although Carson had little property available for development in the Basin, it, like South Lake Tahoe, had taken the initiative to work with HUD and the State of Nevada to provide affordable housing. It was not an easy process, but it was a necessary one. She favored the staff-proposed amendments and felt TRPA was long overdue in asking the counties to assume their fair share. It was time to get on with the goal adopted by TRPA in 1987 to provide affordable housing in suitable locations for the residents of the Region.

Vice Chairman Upton opened the public hearing.

Mr. Gregg Lien, for the Tahoe Sierra Preservation Council, complimented staff for its efforts on these complex issues but suggested the amendments were not ready for adoption and were in need of more public input. The settlement (in the Douglas County Community Plan case) only required consideration of amendments by the end of the year, not adoption. While he agreed with the basic principle of limiting urban sprawl, TRPA was caving in to the threat from a litigant. The current freeze on subdivisions was sufficient; and there was no need, from a planning standpoint, to amend the code (Section 43.4.A) by adding a limiting date of December 1995. The system worked now, and sufficient safeguards were in place. The proposed Section 13.7.D(2)(a) required that an urban boundary could be expanded only if it was found that there was an error in the initial boundary adoption. This restriction limited the ability to make decisions based on current planning expertise or new information. TRPA needed the ability to revisit judgment calls. The finding required in Section 13.7.D that the amendment was to be consistent with the Plan Area designation would eliminate the ability to consider a range of uses that were not necessarily the same as the Plan Area designation. Under this restriction, a residential use could not be added to a commercial Plan Area. The ability to have a mix of uses in a Plan Area was eliminated; the amendment was too restrictive and rigid. Taken all together, the amendments raised the
bar substantially for any project to jump over. If adopted, the amendments would make it impossible for most of the judgment call issues coming before the Board to receive a favorable recommendation. If there was a true interest in affordable housing, TRPA could not put it solely on the backs of local governments to provide. TRPA involvement and incentives in the process were needed; it should be a joint effort. Washoe County properties were very expensive, and implementation of affordable housing would not occur in Incline without TRPA's assistance. By putting a cloud over the development of infill properties in Incline, TRPA was lowering property values and could be accused of pre-condemnation downzoning. There currently was flexibility, and the amendments would have a real effect on real world property values and interests, particularly those in the pipeline with pending applications. On the issue of urban boundaries, Mr. Lien suggested the amendments would raise the bar to an extraordinarily high level, and he urged the Board not to modify the current regulations. As to affordable housing, he felt it was important to provide it, but it should be done right.

Mr. Waldie suggested that, while the majority of the jobs for low income people were in Nevada, the burden of supporting their needs was relegated to California, particularly South Lake Tahoe. South Lake Tahoe had made a commendable effort to address the problem, and if, as suggested by Mr. Lien, properties in Nevada were too expensive to provide affordable housing, then the housing needs would continue to be provided by the California local governments. He was concerned that, if the accomplishment of the goal adopted in 1987 had not yet occurred, the opportunity to find affordable housing in the Basin in the urban areas of Nevada would be lost.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, suggested the overarching issue was water quality and the impact of development on Lake Tahoe. Expansion of urban boundaries and the addition of new roads and coverage in areas that were currently undisturbed were the underlying concerns. She disagreed that TRPA was rushing into these amendments; they had been in the discussion phase for approximately two years. Ms. Nason cited an example of a Plan Area Statement (Lakeland Village) amendment which expanded a residential area for the purpose of raising the price of the property for Forest Service acquisition. As a result of the amendment, the property size was greatly increased; the Forest Service, however, did not purchase the property. The result was that there was a significant increase in subdivision area, in absolute contradiction to the prohibition in the 208 water quality plan, which encouraged infill of existing areas. This was an example of a bad thing that had happened because of the lack of clarity surrounding the urban boundary rules. On the affordable housing issue, lands were being subdivided to build condominium projects without adequate planning for community needs as a whole (schools, playing fields, housing). If TRPA continued to allow land to be subdivided and developed for condominiums without consideration of where workers and business owners would live, it could be rendering impossible the fulfillment of social needs down the road. All the amendments asked TRPA to do was assure the problem be adequately considered. There was no freeze or moratorium, rather a deadline of December 1995 to come up with the information. While the amendments did not accomplish everything that was needed, the solution should not be to ignore the issue totally and continue on with the current situation. Ms. Nason presented more information on how the
Issue came before TRPA as a result of the League's suit on the Douglas County Community Plan and the subdivision prohibitions in the 208 plan.

XIV. RESOLUTIONS

A. For Roger Imdahl

Mr. Upton read a resolution for Roger Imdahl, who had retired from Placer County after 33 years of service. Mr. Imdahl had been involved extensively in achieving solutions to transportation issues in the Basin.

MOTION by Mr. Severson to adopt Resolution No. 94-21, commending Roger for his contributions to the Tahoe Region. The motion carried unanimously.

In accepting the resolution, Mr. Imdahl thanked TRPA for its support and noted that the Placer County Board of Supervisors had asked him to assist the County until next spring or summer when a vote would be taken on incorporation.

The meeting recessed for a lunch break from 12:20 to 1:30 p.m.

(The public hearing on Chapters 2, 4, 13 and 43 continued after the lunch recess.)

Ms. Nancy Sjursen, with Sierra Planning, suggested the rules did not need to be changed. The proposed Section 13.7.D requiring a Plan Area amendment to be substantially consistent with the Plan Area designation would make any amendment extremely difficult, even those which made good planning sense. She was particularly concerned with how good changes could occur in Plan Areas which were not within community plans where special designations were currently being reevaluated. Of particular interest were areas which may be eligible to receive transferred multi-residential development rights. Instead of referencing the designation criteria, which amplified the ambiguities, she suggested requiring that prior to any Plan Area amendment TRPA must find that the amendment was consistent with Goals and Policies and the Code, pursuant to Subsection 13.3. This was the requirement in the adoption initially of Plan Area Statements.

Mr. Patrick Conway, Housing Coordinator for South Lake Tahoe, noted that, as in California, there were funding sources available in Nevada for affordable housing. He found it hard to believe that similar funding was not available in Nevada. To cut off the process at this point based on high land costs was very premature. Even though land costs may be so significant that they could affect a project, they were not sufficient to completely derail affordable housing. In comparing California with Nevada, the only thing that was missing in Nevada which California had was a commitment by local governments to develop affordable housing. Affordable housing had been successful in South Lake Tahoe because the City Council made a commitment to pursue it. There were funding sources; there were developers to follow through with the effort; and all that was missing was a commitment to pursue it. The problems could be addressed and worked through. He favored additional incentives, including consideration of additional land coverage.
Mr. John Falk, representing the Tahoe Sierra Board of Realtors, questioned the impact of the amendments on Tahoe Basin property values. Because of the ambiguous information, he was not sure what the motivation was to adopt amendments at this time, particularly if they were stand-alone proposals and not linked to the Douglas County Community Plan settlement. He was most interested in affordable housing and supported it completely; fair share was a valid concept. He did not want to see any particular community targeted to provide it or to serve as a bedroom community for adjoining communities. It was not practical to suggest that certain areas be affordable at the expense of other areas. Although having a policy direction for affordable housing was a key, having incentives was a tool to getting the market forces working and getting interested parties involved. He questioned whether the current proposal was raising the bar without providing sufficient incentives in combination to actually encourage construction of affordable housing. If restrictions were being placed on the way property could be utilized, perhaps it would be advantageous prior to implementation of those restrictions to find incentives to provide additional opportunities so projects would pencil out. He encouraged additional study of the issues.

Mr. Paul Kalata, a land use planner, commented that the existing rules were adequate and provided TRPA discretion to review Plan Area Statements. The Plan Areas adopted in 1987 made provision for amendment where warranted; these amendments eliminated the process for fine-tuning the maps. Mr. Kalata cited the Dreyfus property, which had a residential use but which was in a recreation Plan Area. Under the proposed amendments, the urban boundary would be frozen. The property now could transfer in existing residential units. Under the proposal, the transferred-in units could not be under separate ownership in a condominium or townhouse - only single family dwellings conveyed as a single unit. He objected to ownership restrictions on future projects because ownership had nothing to do with environmental impacts. The Code amendments were drafted hastily and did not address all current situations. He would prefer that TRPA retain the existing discretion to review Plan Area amendments and projects based on their merits under the goals and policies. Mr. Kalata described a potential project on 80 acres of high capability land. Because the property now was designated conservation, it could not be considered for inclusion within the urban area under the proposed amendments. He wanted TRPA to have some discretion to consider good project proposals; under the amendments, the Board could not even see these projects. It was impossible now for El Dorado County to have an affordable housing project because there was not sufficient high capability land available. The amendments would also have an impact on Forest Service and other public entity acquisitions.

Agency Special Projects Attorney Susan Scholley explained that any change to a Plan Area Statement required Governing Board action on a Regional Plan amendment. Staff used certain planning principles or policies for guidance in preparing recommendations presented to the Board. What was being proposed in these amendments was to take those policies, considerations, or standards that staff had used in its recommendations and to formalize them in the form of findings for amending Plan Area Statements.

Mr. Robert McDowell, from the Forest Service, commented on discussions with
staff on wording of the amendments and in particular Section 13.7.D. He questioned how staff would interpret the requirement that a Plan Area amendment needed to be "substantially" consistent with the Plan Area designation criteria.

Ms. Mary Gilanfarr, with the Tahoe Sierra Preservation Council, suggested that the entire scope of impacts had not been realized and discussed in the current urban boundary and affordable boundary amendments. The market was not now working for any areas for affordable housing, and the amendments would not change that. The proposal would take very valuable, very attractive land and put brand new affordable housing on it. This would not happen. More than 20% of the current residential for-sale listings in Incline ranged between $65,000 and $150,000; there was affordable housing available now. There was not a crisis situation today. The amendments were not the solution.

Mr. Terry Dyer suggested the proposed amendments missed the point. If TRPA wanted affordable housing, there should be a program in place to achieve it. All the amendments did was adopt unnecessary regulations and restrictions. Defacto affordable housing was occurring around the Basin with monthly rental at $600-$800 per month of second homes.

Mr. Barrett responded to the public testimony and described the types of Plan Area Statement amendments that had been approved in the past and those which were pending. He also addressed the ability under the amendments to continue to consider a mix of uses within a designated Plan Area consistent with the goals and policies. With regard to the Dreyfus property, the idea in the adoption of this particular Plan Area was to allow five additional guest units through use of bonus units; in 1987 the goals and policies explicitly stated the property could not be subdivided. Because the property owner did not expect to subdivide the property, staff did not understand what the concern was here. Mr. Barrett addressed the "substantially consistent" requirement for Plan Area amendments and suggested, as an example, that noncommercial uses could be allowed in a commercial plan area if the use was compatible. Although the transit-oriented development finding was discussed by the APC, the APC had not seen the specific wording proposed today.

Since no one else wished to speak, Vice Chairman John Upton closed the public hearing.

Mr. Bradhurst suggested that the Board act on the affordable housing and urban boundary issues separately.

MOTION by Ms. Bennett to find that the proposed amendments to Chapters 2, 4, 13, 41, and 43 would have no significant environmental effect and to make the findings required by Ordinance No. 87-8 and Chapter 6.

Mr. Upton expressed concern that the December 1995 deadline may have the opposite effect of what the Board was trying to do. Adoption of the affordable housing proposal may set in motion a panic situation where people would try to rush Washoe County apartment projects through the system in order to beat the deadline prohibiting subdivision of those projects after 1995.
Mr. Sevison suggested that the real responsibility for addressing the low cost or affordable housing issue was the employer, not the individual property owner. Major employers, such as the casinos and ski areas, created the problem and also would benefit from low cost housing. He would prefer disassociating the action from the individual land owner and redirecting the effort towards those who were truly causing the problem.

Agency Counsel R. J. Nicolle advised the Board that it could act on the findings in one motion and treat the two issues thereafter separately.

Agency Special Projects Attorney Susan Scholley suggested the Board could also take a straw vote initially to get a feeling of where the Board stood.

A straw vote by raised hands showed that the findings motion would carry.

Ms. Bennett's motion on the findings carried on the following vote:

Aytes: Mr. Cole, Ms. Cavin, Mr. Sevison, Mr. Bradhurst, Ms. Neft, Mr. DeLanoy, Mr. Waldie, Ms. Bennett, Mr. Westergard, Mr. Upton
Mays: Mr. Kanoff
Abstain: None
Absent: Ms. Hagedorn, Mr. Cronk, Mr. Chimarusti

Discussion followed among the Board members on phrasing of a motion to separate action on urban boundaries from affordable housing.

Ms. Nicolle advised of a correction in wording of a sentence in Section 13.7.D((3), as follows: "...Factors in determining suitability for TOD may include but are not limited to areas that have transit and neighborhood services within 10 minute walks, ..."

MOTION by Ms. Bennett to adopt the ordinance amendments leaving out Sections 3.20 (relating to Code Section 43.4.F Affordable Housing) and Section 5.00 (amending Chapter 4 by adding finding 24 regarding demonstration of commitment for affordable housing). The motion carried with Mr. Kanoff voting in opposition.

Mr. Upton suggested that the South Lake Tahoe and Washoe County affordable housing experts get together to discuss the affordable housing issues raised at the meeting.

Mr. Cole concurred with Mr. Upton's concern that the deadline may create a mad dash to construct units to get under the December 1995 wire. While water quality and coverage were important, the real objective here was affordable housing. The first step had to be a local jurisdiction commitment to affordable housing; he was not sure that currently existed. There needed to be some associated incentives for affordable housing to occur, and coverage needed to be considered. He preferred to have the issue come back to the Board with a requirement for local jurisdictions to address the problem but also with some incentives to make it happen.
Mr. Bradhurst suggested that the real issue was to find some incentives, such as coverage and height benefits, to make affordable housing pencil out, particularly in Nevada where there were fewer tax incentives. He did not see a ready solution. If the problem hadn't been solved in the last 20 years, it wouldn't be solved in the next month. His preference was not to approve the affordable housing ordinance but to direct staff, the City and County, TRAG (Tahoe Basin Association of Governments), and appropriate entities to put their heads together to see if there was a way to address the problem. He wanted more than a recognition of the problem; he wanted more specifics on what was a fair share, what was the specific need, and more data in general.

Mr. Waldie questioned whether there was a possibility that, without adoption of the affordable housing provisions, TRPA was risking having all urban areas that might be available for affordable housing developed otherwise. He was concerned that by the time affordable housing issues were resolved there would be no land left and affordable housing would be pushed into areas that now were undeveloped, outside the urban boundaries.

The Board members discussed the consequences of approving the amendments, the December 1995 date as a compromise, whether there was a real interest in affordable housing, a moratorium, having a "doable" housing program, incentives, and whether there was a solution that could be worked out in the next year.

Mr. Upton suggested that the one-year time frame would put a duty on local governments to come up with a solution and a package of incentives that would work.

Mr. Cole concurred and suggested that there had to be a balance; local governments had to assume a responsibility, and TRPA had to look at incentives to facilitate the process. From past experience, he knew that the deadline in the ordinance would make everyone seriously look at affordable housing. If the local jurisdictions and affected entities determined after a year that, even with an incentive package, affordable housing was not possible, then the Board would have to address that. The current situation was that it was unfair and inequitable for certain jurisdictions to assume all the responsibility.

Mr. Westergard suggested that, based on the explanations given on the intent of the amendments, he questioned their purpose. The Board was looking at studying the issue for another year. If the solutions were not apparent at the end of that time, the Board was suggesting it would approve more subdivisions. He had a long-standing concern about the existing two-step subdivision process and did not want in a year's time to see more requests come in for subdivision approvals.

Mr. Cole suggested that, as noted by Mr. Conway, affordable housing did not necessarily need to be new construction; it could be rent subsidies or a variety of rehab programs. It did not necessarily mean building a new building on a vacant piece of land. He had an expectation that every
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jurisdiction in the Basin could meet some affordable housing necessities through a variety of different means.

Ms. Bennett agreed and suggested the deadline of December 1995 was a good incentive for locals to find a solution.

MOTION by Ms. Bennett for the Board to approve Sections 3.20 (amending Subsection 43.4.F) and Section 5.00 (amending Chapter 4 of the Code) as recommended by staff. The motion carried on the following vote:

Ayes: Mr. Cole, Ms. Cavin, Mr. Sevison, Mr. Bradhurst, Ms. Neft, Mr. DeLancy, Mr. Waldie, Ms. Bennett, Mr. Westergard, Mr. Upton
Nays: Mr. Kanoff
Abstain: None
Absent: Ms. Hagedorn, Mr. Cronk, Mr. Chimarusti

X. APPEALS OF IPES SCORES

A. Michael Northcutt, Placer County APN 93-081-14

Senior Planner Joe Pepi noted that staff’s recommendation was to grant the appeal and approve a score of 764.

MOTION by Mr. Sevison to grant the Northcutt appeal and a score of 764. The motion carried unanimously.

B. Dennis Voos, El Dorado County APN 26-580-06

Mr. Pepi asked the Board to deny the appeal of the 710 IPES score. Mr. Kaela, for the appellant, concurred with the recommendation.

MOTION by Mr. Sevison to approve the Voos appeal. The motion failed with all Board members voting in opposition.

C. Frederick Apcar, Douglas County APN 03-172-16

Mr. Pepi noted that staff recommended the Board grant the appeal of the 694 score; this would result in a score of 727. The agent for the property owner concurred with the staff recommendation.

MOTION by Mr. Sevison to grant the Apcar appeal. The motion carried unanimously.

XI. ADMINISTRATIVE MATTERS

A. Election of TRPA Chairman and Vice Chairman for Two-Year Terms (1995-1996)

Mr. Cole nominated John Upton to serve as TRPA’s Chairman for 1995 and 1996.

MOTION by Mr. Sevison to close the nominations. The motion carried unanimously.
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Mr. Cole nominated Drake DeLancy to serve as TRPA’s Vice Chairman for 1995 and 1996.

MOTION by Mr. Westergard to close the nominations. The motion carried unanimously.

MOTION by Mr. Kanoff to elect John Upton and Drake DeLancy as Chairman and Vice Chairman, respectively, for two year terms. The motion carried unanimously.

Mr. Upton left the meeting and passed the gavel to Mr. DeLancy for the remainder of the meeting.

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS (continued)

C. Reaffirmation of TRPA’s Regional Transportation/Air Quality Plan

Associate Planner Bridget Mahern presented the staff recommendation for reaffirmation of the plan. According to the Regional Transportation Plan guidelines, every two years TRPA, as the Regional Transportation Planning Agency, was either to update or reaffirm its transportation plan. A reaffirmation was appropriate if the plan was still adequate and continued to represent the desires of the region. TRPA had determined that the 1992 plan was still adequate. The Tahoe Transportation Coalition and the Tahoe Transportation District Technical Advisory Committee (TTD-TAC) supported this action and an update of the plan in 1997.

No one wished to comment during the hearing. Mr. DeLancy closed the hearing.

MOTION by Mr. Westergard to reaffirm the TRPA’s Regional Transportation Plan/Air Quality Plan with the understanding that the plan would be evaluated and updated over the course of the next two years. The motion carried unanimously.

MOTION by Mr. Westergard to adopt Resolution No. 94-22 reaffirming TRPA’s Regional Transportation Plan/Air Quality Plan. The motion carried unanimously.

D. Amendment of Kingsbury Community Plan Chapter 4 Matrix to Clarify and Modify the Irrevocable Commitment

Principal Planner Gordon Barrett summarized the technical amendments to the matrix adopted by the Board a year ago and advised that the APC had recommended approval. Douglas County proposed to complete sidewalk construction along Kingsbury during the next few years using ISTEA grant monies.

Mr. Kanoff noted that there was a sidewalk along the roadway that led up to the park next to the Sheriff’s office.

No one wished to speak during the public hearing. Mr. DeLancy closed the hearing.
MOTION by Mr. Kanoff to approve the findings to amend the Kingsbury CP as proposed. The motion carried unanimously.

Vice Chairman DeLanoy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Regional Plan of the Tahoe Regional Planning Agency, as Amended; Amending Chapter IV of the Kingsbury Community Plan; and Providing for Other Matters Properly Relating Thereto.

MOTION by Mr. Kanoff to adopt Ordinance No. 94-27. The motion carried unanimously.

E. Amendment of Chapter 33, Allocation of Development, for Distribution of Residential Allocations to Parcels Below the IPELS Line in 1995

Agency Special Projects Attorney Susan Scholley explained her recommendation that the Board adopt an ongoing program to provide for residential allocations to parcels below the IPELS line for transfer. Douglas County already had a random selection process in place and was exempt from the set-aside for 1995. She wanted to make this an ongoing program so the Code would not need to be amended each year. The proposed ordinance would accomplish that. At this point in time, TRPA could not release the residential allocations in the STPUD service area, and there would be no drawing because there was no sewer capacity for the transferred allocations. This issue would come before the Board early in 1995. The APC recommended adoption of the amendment by a vote of 13 to 1; APC lay member Jim Haen voted against approval because he opposed holding allocations for those with low scores who could not build when there were people in line in El Dorado County and South Lake Tahoe with buildable scores who could not get allocations. Ms. Scholley responded to questions about the allocations for the TTSA, STPUD, and TCPUD; reserving allocations for STPUD even though they could not be distributed; and recognition of Douglas County’s program for 1995.

Since no one wished to comment, Mr. DeLanoy closed the hearing.

MOTION by Ms. Neft to make the findings to approve the Chapter 33 amendment as proposed. The motion carried unanimously.

Mr. DeLanoy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency; Amending Chapter 33 of the Code of Ordinances Relating to Distribution of Residential Allocations to Parcels Below the IPELS Line; and Providing for Other Matters Properly Relating Thereto.

MOTION by Ms. Neft to adopt No. Ordinance 94-28. The motion carried unanimously.

Mr. DeLanoy recessed the TRPA Governing Board meeting and convened the Regional Transportation Planning Agency (RTPA).
IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. FY 1994-95 Local Transportation Fund Allocation ($283,235) to Placer County for TART Service/Operations

Associate Planner Bridget Mahern summarized the proposal to allocate funds to Placer County. The audits for each of the funds (Local Transportation Fund and State Transit Assistance fund) served as the mechanism to ensure accountability for distribution of the funds.

MOTION by Ms. Bennett to approve the allocation and adopt Resolution No. 94-18 for distribution of the $283,235 as recommended by the Finance Committee. The motion carried unanimously.

Mr. Delaney adjourned the RTPA meeting and reconvened the TRPA Governing Board meeting.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Report on Committee Meeting

Committee Chairman Bennett reported on the Committee's 8:30 a.m. meeting.

2. Receipt of November Financial Statement and Check Register

MOTION by Mr. Kanoff to receive the November financial statement and check register. The motion carried unanimously.

3. Approval of Salary Increase for Agency Counsel and Special Projects Attorney, as Per Recommendation of the Legal Committee

Ms. Bennett advised that the Committee recommended approval of the salary increases for Agency Counsel and Special Projects Attorney. The Committee in its recommendation noted this was a one-time, annual appropriation. The increase was for fiscal year '95. Agency Counsels would have to return to the Board next year depending on available funding.

MOTION by Mr. Kanoff to approve the increase for Agency Counsels as proposed.

Ms. R. J. Nicolle clarified that the Legal Committee recommended the increase be retroactive to her anniversary date of October 18, 1994. Ms. Scholley noted her anniversary date was December 1.

The motion carried unanimously.
TRPA REGULAR MEETING MINUTES DECEMBER 21, 1994

B. Legal Committee

2. Authorization to File Petition for Writ of Certiorari in TSPC v. TRPA (Ninth Circuit Court of Appeals, 1994)

Agency Special Projects Attorney Susan Scholley presented the Legal Committee’s recommendation to file a petition for a Supreme Court determination on the application of the statute of limitation rule to actions of the TRPA Governing Board. The Compact had a 60-day statute of limitation for filing complaints; the TSPC case was saying that constitutional claims, such as takings claims and inverse condemnation claims, would use the state statutes (one year in California and two years in Nevada). She was concerned this was too long a period of time and was seeking Board authorization, as recommended by the Committee, to seek Supreme Court review of the 1994 Ninth Circuit decision. The legal work would be done in-house, and costs would be primarily publication costs. The California Attorney General’s office had offered to split the cost.

Mr. Westergard noted that the Legal Committee also discussed seeking friend-of-the-court assistance from other jurisdictions regionally and, possibly, nationally.

MOTION by Mr. Westergard to authorize filing a petition for writ of certiorari as proposed and to direct staff to explore the possibility of supporting amicus briefs. The motion carried unanimously.

Ms. Scholley responded to Board member questions about the suit filed by Mr. Hellman and distributed by Mr. Finn earlier in the day. The case was, in part, an inverse condemnation action against Board members, both individually and in their official capacity. TRPA would represent Board members, and in the past, TRPA had been successful in having Board members dismissed in their individual capacity. The States of California and Nevada had not yet been served.

Ms. Bennett urged the Board members to take the suit seriously and noted it could get considerable press coverage because of the people involved.

C. Capital Financing Committee

1. Report on Committee Meeting

Executive Director Jim Baetge advised that the Capital Financing Committee had prepared a legislation and funding package and would be updating the full Board in January on the Committee’s activities and the package. It appeared that California Senator Leslie would be willing to carry the bike and pedestrian facility resolution in California. He would be working on getting someone to carry it in Nevada.

D. Rules Committee - no meeting in December
TRPA REGULAR MEETING MINUTES DECEMBER 21, 1994

XIII. REPORTS

A. Executive Director

Mr. Baetge advised that the Revegetation Report which the Board saw in November had been accepted by the State Water Board. Copies were available if Board members wanted to contact staff.

Mr. Baetge thanked Board members for assistance in obtaining the partnership monies from Nevada through the Interim Finance Committee. Other players who assisted were Mary Gilanfarr, the League, and Steve Teshara.

Mr. Baetge reminded the Board members of the Christmas party after the meeting at Camp Richardson.

Mr. Baetge invited the Board members to attend the all-day shorezone training session at the TRPA office on Thursday, December 22.

B. Agency Counsel


C. Governing Board Members

Ms. Bennett reported on the progress of the east shore plan. On January 9, 1995, representatives from NDOT and the consultant would be meeting with members of TEAM Tahoe and reviewing a number of pull-out/parking areas along the stretch of highway.

Mr. Severson urged all California residents to participate in the Tahoe license plate program to fund Tahoe Conservancy erosion control efforts. He had forms for those wishing to sign up.

Mr. Severson asked staff to reevaluate its rules which treated industrial and commercial uses the same, unlike local governments which treated them differently. This was of particular concern to Placer County which was now updating its zoning regulations.

XV. ADJOURNMENT - The meeting adjourned at 4:20 p.m.

Respectfully submitted,

Julie D. Frame
Clerk to the Governing Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. Written documents submitted at the meeting may be reviewed at TRPA, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as presented on Jan. 25, 1995.