TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe City Council Chamber
South Lake Tahoe, California

February 22, 1995

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular February 22, 1995, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:40 a.m. and asked Jerry Waldie to lead in the Pledge of Allegiance to the Flag.

Mr. Upton noted the following Board member substitutes: Alice Baldrica sitting as Nevada Governor Bob Miller's appointee in Drake DeLamoy's absence; Hal Cole sitting as the City of South Lake Tahoe's representative in Kevin Cole's absence; and Bob Stewart sitting as the Nevada Department of Conservation appointee in Roland Westergard's absence.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Ms. Baldrica, Mr. Waldie, Dr. Miner, Mr. Heller, Mr. Cole, Ms. Bennett, Mr. Stewart, Ms. Neft, Mr. Bradhurst, Ms. Hagedorn, Mr. Wynn, Mr. Upton

Members Absent: Mr. Uhler, Mr. Cronk, Presidential Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS

Mr. Robert McDowell, Forest Service Planner, advised the Board that the Forest Service had issued on February 7 the draft EIS for the management of the California spotted owl. The document was out for a three-month comment period, and TRPA staff had a copy. The area of consideration was the entire Sierra mountain range and covered ten national forests from the Fresno area to the Alturas area. The identified preferred alternative for the Inyo Forest (east side Sierra habitat) and the Lake Tahoe Basin (east side Sierra habitat) was the no-action alternative. No-action for Lake Tahoe meant referring back to the 1988 Land Management Plan and surveying for owls and protecting any identified habitats. Since 1987, the Forest Service had located six protected activity centers. The California spotted owl was not a species of concern in the TRPA Code, but it was of concern for the Forest Service. The Forest Service had scheduled a workshop on the document on March 21 from 2:00 to 7:00 p.m. at the El Dorado County Library.

Mr. Steve Teshara, chair of the Tahoe Truckee Regional Economic Coalition (TTREC), advised the Board of the April 18 and 19 workshop on "Competition & Change: Succeeding as a Resort Community." The program was being put on in conjunction with the Tahoe Center for a Sustainable Future. A significant amount of time would be spent on what was going on in other areas faced with similar problems environmentally and economically and visioning toward the future. He hoped all Board and staff members would participate.
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IV. APPROVAL OF MINUTES

MOTION to approve the January 25, 1995, regular meeting minutes as presented. The motion carried with Ms. Baldrica and Mr. Cole abstaining.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells asked that the presentation on status of conditions of approval on the areawide drainage for the Douglas County Community Plan (VIII.A.) be taken up in the afternoon.

Chairman Upton noted the items on the agenda with a time certain for discussion and/or action. The Tahoe Transportation District was meeting at noon. The Homewood legal settlement (X.B.2.) would be taken up after action on the Consent Calendar.

MOTION by Dr. Miner to approve the agenda as discussed. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Wells noted that staff had distributed a copy of an additional recommended condition for the Red Wolf Lodge (item 3) and additional conditions for Golf Course Villas (item 4). The Board members had been given copies of two letters from land owners whose properties adjoined the golf course (item 4). Mr. Jim Daggett's letter supported the project; the other letter, from a Mr. Robert Marden, contained a series of questions. Staff sent Mr. Marden a staff summary and assumed all his concerns were addressed, since he had not contacted staff again. Mr. Marden knew of the hearing and the availability of the plans for review at the TRPA office.

Finance Committee Chairman Kay Bennett advised that the Committee had recommended approval of calendar item 7 (release of water quality mitigation funds).

No one in the audience wished to speak on any of the consent calendar items.

MOTION by Ms. Neft to approve the consent calendar as proposed. The motion carried unanimously.

(Following are the items approved on the consent calendar: 1. 1995-1999 List of Additional Recreation Facilities Pursuant to Section 33.6 (Resolution No. 95-9); 2. 1995-1999 List of Additional Public Service Facilities Pursuant to Section 33.5 (Resolution No. 95-10); 3. Red Wolf Lodge, Change in Use, Timeshare (Residential Design), Placer County APN 117-140-08; 4. Golf Course Villas, New Multi-Family Dwellings and Condominium Subdivision, Washoe County APN 131-110-01; 5. Athletic Club Limited Partnership, Commercial Addition, 880 Northwood Boulevard, Washoe County APN 124-071-49; 6. Kinsman, Resolution of Enforcement, Washoe County APN 125-511-07; 7. Release of Water Quality Mitigation Funds ($19,000) to Douglas County for Erosion Control Projects)
X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

B. Legal Committee

2. Settlement in Homewood Enforcement Action, Placer County APNs 97-130-018, -019, -020, -021, and -024

Legal Committee member Jerry Waldie reported that the Committee recommended approval of the settlement agreement, although there were questions whether the $25,000 payment set forth in the agreement was a fee or a fine. The response was it varied from case to case.

MOTION by Mr. Waldie to approve the settlement agreement in the Homewood matter as proposed. The motion carried unanimously.

VII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

A. Amendment of Chapter 4, Project Review and Exempt Activities, to Amend Delegation MOU With Placer County Relating to Residential Activities

Deputy Director Jerry Wells reported that the proposed MOU to delegate review of residential projects was similar to the one adopted last month for the City of South Lake Tahoe. Placer County was reviewing single family dwellings now under a similar MOU, and this MOU would expand the review to include remodels and additions to residential projects. This would significantly reduce TRPA staff's work load. TRPA was in its third building season working under an MOU with El Dorado County and was working with Washoe and Douglas Counties on similar MOUs. The Advisory Planning Commission (APC) held a hearing on the MOU and unanimously supported a positive recommendation to the Board. The Placer County Board of Supervisors also approved the MOU. Mr. Wells presented more information on the quarterly audit of the review process.

Since no one wished to speak during the public hearing, Chairman Upton closed the hearing.

MOTION by Ms. Neft to make the findings to amend Chapter 4 to provide for the amended delegation MOU with Placer County. The motion carried unanimously.

Chairman Upton read the ordinance by title:

An Ordinance Amending ordinance No. 87-9, as Amended, by Amending Chapter 4 of the Tahoe Regional Planning Agency Code of Ordinances Relating to Exempt Activities; Amending a Memorandum of Understanding With Placer County to Exempt Certain Residential Activities from TRPA Review; and Providing for Other Matters Properly Relating Thereto.

MOTION by Ms. Neft to adopt Ordinance No. 95-3. The motion carried unanimously.
VIII. PLANNING MATTERS

A. Discussion of Proposed 1996 Threshold Evaluation Process

Principal Planner Gordon Barrett distributed and discussed with the Board a document entitled "The 1996 Threshold Evaluation Program Presentation." This described the history, program organization, schedule, and budget of the 1996 threshold evaluation program. The 1980 amended bi-state compact required TRPA to adopt environmental threshold carrying capacities and a Regional Plan designed to meet the thresholds. All project approvals had to show compliance with attainment of the thresholds. Nine thresholds were adopted in August of 1988 for water quality, air quality, vegetation, recreation, SEZ/soils, noise, wildlife, scenic, and fisheries. The Regional Plan adopted in July of 1987 called for evaluation of the attainment of these thresholds to occur every five years. The first evaluation completed in the fall of 1991 resulted in immediate and in more long-term amendments of the Regional Plan and Code. The next evaluation of thresholds was scheduled for 1995, and staff was now in the process of gearing up staffing and budget needs for the report and its recommendations. Later evaluations were scheduled for 2001 and 2006. Mr. Barrett presented more information on the organization and role of the various technical advisory committees, program managers, partnership groups, and consultants needed for the evaluation effort.

Mr. Barrett responded to questions about how status measurements were done for the thresholds initially, what control and ability TRPA had to change conditions, air quality improvement programs, the selection of technical advisory committees and consultants, the difference between the two, whether as major an effort was needed for the upcoming evaluation as was done initially. Topics discussed by the Board and staff included the following: the thresholds themselves and their attainability; focusing on what could be accomplished realistically; having a training session on the thresholds; whether housing and, in particular, affordable housing fit in TRPA's mandate; changing the makeup of the technical advisory committees to get a fresh look at thresholds; the technical advisory committee as a policy-setting group; the staff's time commitment to evaluation of thresholds and the as-yet incomplete community planning process; the relationship between distribution of commercial square footage allocations and completion of community plans; the role of modeling and indicators and improvement programs; involvement of the private sector on the advisory committees; and budget needs.

Chairman Upton asked the staff to prepare a brief issue paper on each of the nine threshold areas, their current status, what changes were needed, what would happen if thresholds were not attained, and whether thresholds were equal in importance.

Agency Special Projects Attorney Susan Scholley explained that on a project-by-project basis the Board could not trade off thresholds one against the other. On another level, in terms of the Board's funding, lobbying, or plan implementation efforts, the Board could focus its time and attention on specific priority thresholds, such as air and water quality.

Mr. Wells suggested that staff provide a training session for the Board.
members in March on the actual thresholds and on the related non-threshold policies (such as affordable housing). Staff would look at rescheduling the retreat initially planned for March to the April Board meeting. It was important for the Board to be well versed in the thresholds before the retreat. Staff did recognize that the preparation of the information for the Board would take some staff time.

In addition to the issue papers on the thresholds themselves, Chairman Upton asked staff to address the time needed for the process, how much was enough, how much was too much, and what was the range. He was concerned with the availability of funding to handle all the consultant work outlined in staff’s initial analysis of the program. He asked that the training be scheduled for the afternoon of the Wednesday session (March 22).

The Board members noted that the process needed to be focused on what could be done, what was realistic, the importance of allocations and the private sector in the process, and the expiration of commercial allocations in the absence of adopted community plans at the end of 1996.

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

B. South Tahoe Public Utility District (STPUD), Future Facilities Connection Plan Draft EIR/EIS

Mr. Rick Angelocci, Chief of Project Review, noted that he had mailed the draft EIS/EIR to all Board members. The purpose of this discussion was to elicit public and Board member comments on the document, which was half way through its 60-day comment period. A public hearing was held before the APC earlier in the month. At the conclusion of the 60 days (March 20), the consultant would be preparing a response to all the comments. The draft, the comments, and the response would constitute the final EIR/EIS. A final public hearing would be conducted by the APC; a finding would be made on technical adequacy; and the Board would be asked to recognize the revised sewer capacity of STPUD.

Mr. Chris Strohm, member of the STPUD board, explained the District’s purpose in getting comments on the document, described the award given to STPUD, the proposal to provide sewer capacity until 2006, the paper capacity v. actual capacity issue, and the District’s efforts to achieve its goal and leave planning to TRPA.

Through use of overhead projections, Mr. Ross Johnson, manager of STPUD wastewater operations, described the District’s service area from Stateline to Emerald Bay and south to Christmas Valley. The main components of the system included the collection system, the wastewater treatment plant, the Luther Pass pump station, the export line extending out 27 miles to Harvey Place Reservoir, and the land application sites for reclaimed water used for irrigation. The facilities plan was completed in 1993 and provided the technical basis for the STPUD’s plan to accommodate future connections to the sanitary sewer system. The plan evaluated actual capacity of 8.7 million gallons per day (mgd); the current paper capacity was 7.7 mgd. Mr. Johnson presented detailed information on the figures and the definition of a sewer
unit, the plan goals for orderly planning and permitting procedures, and elimination of erroneous sewer unit allocation procedures. The highest measured dry weather flow for the plant was 6.5 mgd; current allocation from the 1989 EIR/EIS was 7.7 mgd; the actual capacity based on engineering studies was 8.7 mgd. The goal was to provide a safe means of re-rating the plant. Mr. Johnson responded to Board member questions about sewer units and the reason for the initial plant rating in 1989 of 7.7 mgd. He also addressed goals, actual flows, treatment plant capacity comparison, plan recommendations, problems with using sewer units for planning, flow vs. precipitation (December 1994 to January 1995), plant performance over the last year, and EPA's award naming the treatment plant #1 in the United States.

Mr. John Thiel, STPUD engineer, presented information on the history of the plant since 1977, various environmental documents and planning efforts over the years, and the 98-measure mitigation program designed to address, in part, water quality, biology, geology and soils, noise, air quality, land use and housing, visual resources, transportation, and environmental thresholds.

Chairman Upton directed that the remaining testimony and discussion on the EIS be taken up after the next agenda item and after the lunch recess.

XII. RESOLUTION

A. For Former TRPA Board Member Bruce Kanoff

Chairman Upton presented Bruce with an engraved plaque and read Resolution No. 95-8 into the record commending Bruce Kanoff for his years on the Board as Douglas County’s representative.

MOTION by Dr. Miner to adopt Resolution No. 95-8 recognizing Bruce Kanoff for his public service. The motion carried unanimously.

In accepting the plaque and resolution, Bruce noted that he would miss the Board members as friends. They had a big job ahead of them and he wished them well.

VII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

B. South Tahoe Public Utility District (STPUD), Future Facilities Connection Plan Draft EIR/EIS (continued)

Mr. Angelocci explained that currently under EPA, Lahontan, and TRPA’s regulations STPUD was restricted to 7.7 mgd capacity. The District did not have available capacity for the 1995 and future building seasons for residential development; the District was close in commercial and public service as well. By recognizing the additional capacity through the engineering recalculations, this particular paper capacity roadblock to TRPA’s issuance of allocations in the STPUD service area would be removed.

Mr. Dale Sara, general counsel for STPUD, explained that the public hearing process was required as a part of the legal process to recognize the plant’s capacity.
Ms. Rochelle Nason, for the League to Save Lake Tahoe, suggested there were serious concerns with the document, and issues were not as clear as they appeared. She would be testifying after the lunch break.

The meeting recessed for a lunch break from 12:10 to 1:40 p.m.

After the lunch recess, Ms. Bennett corrected an earlier statement she had made regarding use of sewer units in Carson City. Carson used "fixture" units as a means of measurement, not sewer units as she had earlier suggested. There was a difference.

Through use of the handout which duplicated the overhead projections, Mr. Bill Ziebron, with EIP Associates, the consultant who prepared the EIR/EIS, presented information on the project objectives, anticipated growth under the sewer connections plan (residential units, commercial space, campground space, hotel rooms, and public service and recreational development), documentation, the project alternatives, impact analysis on key issues, significant impacts, and mitigation measures.

Mr. Sare explained that the District's contract with Alpine County provided for the County to accept effluent up to 8.7 mgd. The contract, entered into as part of a court settlement, called for the District to pay the County $100,000 a year to take the effluent and to pay the farmers to use it.

STPUD staff Diana Noble and other District representatives responded to questions about industry standards in measuring plant usage and capacity and the effort to rely on water flow data instead of sewer units in calculating the plant's capacity and usage. Ms. Noble also reported on the District's low-flow toilet rebate and retrofitting programs.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, noted she would be submitting written comments on the growth-related side of the facilities plan at a later time. Her comments focused on the District's chart showing wastewater treatment plant flow vs. precipitation (slide 13) and a concern with what would happen if there were a large storm event at a time when there were a lot of visitors to the Basin, such as on New Year's eve. She would anticipate that the 7.7 and 8.7 mgd limits would be exceeded, causing a sewage spill into Lake Tahoe. There was not sufficient capacity now for the flows going through the plant. The 7.7 mgd was insufficiently conservative to guard against the worst case that could arise. Adding in the public outdoor recreation reserved capacity to this situation created an even worse problem. The League was impressed with the improvements made by the STPUD since 1986, particularly on infiltration and inflow. As a result of an agreement and recent Board approval of a project, the District had additional pumping capacity and backup systems to handle overflows. This project would significantly decrease the likelihood of another event like the one that occurred in 1986. The League would like to see some attention paid to some of the critical problems presented here and what could actually happen to Lake Tahoe if all questions were not addressed and there was a spill. She was not saying these concerns had not been looked at by STPUD, but they had not been addressed in today's presentation. The League's concern was what to do when there was a big storm on a day when Tahoe was packed. Ms. Nason responded to
Board member comments.

Mr. Ross Johnson, for STPUD, explained that in the event of a large storm and a large visitor population in the Basin resulting in 13 to 14 mgd coming into the plant, the District would use the new 30" line and the diesel-powered pump to pump up to 18 mgd to the emergency retention basin (ERB). This was a separate issue from the plant's capacity.

The Board discussed and asked questions regarding treatment of water and sewage on peak visitor and peak storm days, on backup systems and their adequacy, the 1986 storm event, the capacity of the ERB, and on the process from here on with the environmental document.

Mr. Sare, STPUD counsel, advised that the Lahontan Regional Water Quality Control Board was presently reviewing all the data and the facility plan study. The California Attorney General had agreed to defer to Lahontan's technical staff in this matter, and at the end of the process, Lahontan would be certifying the plant's capacity and the ability to handle the 100-year storm. TRPA was not alone in this.

Agency Special Projects Attorney Susan Scholley explained that an EIR/EIS was being prepared because the completion of an initial environmental check list showed that the project could have potential, significant, and indirect impacts. TRPA would impose mitigation on the sewer plant as appropriate based on its level of impacts, some secondary and some primary. The Utility District most likely would have preferred a shorter version of environmental documentation (an Environmental Assessment), but everyone recognized early on that this issue was a touchy one in the Basin and it would short-cut the process to have a full-blown EIS. The item was on the agenda as an introduction for the Board and to focus on the document and the remainder of the environmental review process. The public comment period remained open to March 20. A "comment opportunity" was perhaps a more precise way to describe what was before the Board today. No Board action was scheduled today.

Mr. Sare for STPUD commented on a suggestion the document was politically driven. He had met with Agency counsel and pertinent staff and determined that recognition of the capacity should be done right, without shortcuts and potential legal challenges. As a tactical decision made between lawyers for legal reasons, a full EIR/EIS was done. It was a joint agreement and a joint document.

VIII. PLANNING MATTERS

C. Presentation by Brian Wallace, Tribal Chairman of the Washoe Tribe of Nevada and California

Mr. Wallace spoke on the prehistoric, natural, and cultural heritage of the Tahoe Basin and the Tribe's efforts to share in the recognition of its significance and to share in preserving cultural and natural values.

Mr. Wallace distributed copies of Wa She Shu: A Washoe Tribal History, written by Jo Ann Nevers, and noted the Tribe members were the original inhabitants of the Basin and Truckee areas dating back 10,000 years. The
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Washoe area encompassed 4,000 square miles in and around the Basin. The real purpose of his presentation was to advise the Board that the Tribe supported TRPA’s mission and effort; the goals were compatible with those of the Tribe. He would do what he could to support legislative initiatives on behalf of TRPA, i.e. the partnership program, erosion control efforts and stream zone and habitat restoration. He also would work with TRPA in strengthening the Agency’s understanding and portrayal of some of the thresholds relating to cultural resource preservation. Specifically, TRPA and the Forest Service had been supportive of the Washoe cultural center near Emerald Bay, a project that initially was proposed ten years ago, and the Basket Festival planned for later in the year. On the subject of the approval granted for a boat ramp extension at Cave Rock, a deeply religious site for the Washoe, stipulations in the approval required the Forest Service and the State of Nevada to develop a long-term management plan for eventual repatriation of the site. This called for compilation of oral histories and interviews of everyone having a memory of the site. He was working on getting President Clinton to issue an executive order for protection of sacred sites on public lands. In addition to cooperative work with governmental agencies, the Tribe had also been meeting with Heavenly Valley and others to design educational programs highlighting the cultural and historical significance of the lands within the Basin. Mr. Wallace presented more information on the Indian contributions to the at-large community and his deep interest in preserving the memory of past events at the Lake and serving as the conscience in the many debates.

B. Status of Conditions of Approval and the Area-wide Drainage Project for the Douglas County Community Plan

Principal Planner Gordon Barrett described the community plan concept, which called for a consensus approach for local citizen, business, and governmental groups to plan for 23 specific commercial areas around the Basin. These complex plans combined future development potential with environmental improvements. Three Community Plans (CPs) were adopted in Douglas County, and this particular report, requested by the Governing Board several months ago, focused on the Stateline casino core area and the surrounding Park Cattle Company land. Completion of specific projects in the Community Plan area as called for in irrevocable commitments would permit the release of allocations for additional commercial square footage. The irrevocable commitments called for a drainage and a sign package before the release of 35,000 square feet of additional commercial coverage. A Plan Area Statement amendment considered at the same time as the CP approved a hotel site. Construction of a 200- to 250-unit hotel was conditioned on a drainage system, the provision of beach access, and stream zone improvements.

Senior Planner Carl Hasty explained that the drainage project in concept would call for a linking of all casino property, loop road and Highway 50 drainage systems. The system would address 85 acres of coverage. Currently each property had an NPDES (non-point discharge elimination system) permit with the Nevada Division of Environmental Protection (NDEP) requiring achievement of discharge requirements when drainage left the individual properties. An advantage of an off-site, combined system was that the discharge point could be relocated, thus providing more opportunity for treatment. NDEP was currently proceeding with individual NPDES permits because there was not
agreement among all parties. All parties were open to an areawide drainage system and group permit if an agreement could be drafted. TRPA in January advised Douglas County that an environmental assessment was required for the areawide drainage project. There also was a bill before the Nevada Assembly Governmental Affairs Committee that, if an agreement were not arrived at, Douglas County would impose an assessment district and implement a project in the area. If agreement was reached by October 1995, the bill went away.

Ms. Bennett expressed concern that the agreement required all parties to achieve an areawide plan, not a plan for each individual property. No projects were to be permitted until all involved entities addressed the drainage system as a whole.

Mr. Gordon DePaoli, representing the Park Cattle Company, presented a history of the casino projects dating back to 1973, with the NTRPA approval of the Park Tahoe (now Caesar's Tahoe), the Harvey's master plan addition, and Harrah's hotel. Mr. DePaoli explained the efforts over the years at achieving a drainage system on an areawide basis and showed on a display board the location and design of the existing, various stormwater facilities. At this time, virtually all the water ended up on the golf course. The draft CP approved in November 1993 suggested an areawide approach to drainage. Certain activities authorized by the CP could not occur unless the requirement for an areawide system was satisfied. There was also a condition on the development of a hotel/conference center regarding completion of the areawide drainage system. This was not an issue. There were existing NPDES permits for some of the existing systems and pending applications for others. NDEP has indicated it would proceed forward with the applications unless there was something else proposed. In January 1994, Park Cattle Company, Douglas County, and TRPA staff decided an EA was needed for the areawide system. In April 1994, he was assigned to draft an agreement among the eight parties (four hotel/casino properties, Park Cattle Company, First Interstate Bank, NDOT, and Douglas County) to get the final design and approvals for the areawide system accomplished, as well as for operation of the system once built. The draft was completed, and meetings ensued during 1994 with the various participants on the agreement. In the meantime, the Edgewood Golf Course began construction of a major SBE restoration project, which involved expansion of pond #10, an element of the areawide system. In January 1995, the Douglas County Commission approved an agreement with NDOT for permitting, design, and construction of drainage improvements, a part of the areawide system. The eight parties were meeting on February 27 to discuss final comments on the agreement and to review the application prepared by Resource Concepts for the areawide permit to be requested of NDEP. Using display boards, Mr. DePaoli described in detail the proposed drainage system improvements and responded, with staff, to the specifics of treatment and the anticipated results from the water treatment system, the specifics of the CP approval regarding drainage, the content of and timing on the agreement among the eight parties, and the inability at this time to guarantee the effectiveness of the drainage system. It was a conceptual plan at this point.

Mr. Gary Midkiff, for Caesar's Tahoe, Horizon, and Harvey's, noted that the casinos had been actively involved in the design of the plan and were continuing to participate. They were targeting on-site facilities to collect,
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pre-treat, and monitor all of the runoff before it left any of the sites. To a concern that the affected properties would not continue to focus on an areawide approach, Mr. Midkiff suggested that each property recognized their on-site responsibility and their part in the bigger overall picture. The February 27 meeting would look at the combined system and one application. His clients did not want to pursue individual permits, because they felt this was a waste of their and the Agency efforts. They would rather focus all efforts on completing the agreement, completing the plans, and putting the money where it needed to be with the project on the ground.

Ms. Rochelle Mason, for the League to Save Lake Tahoe, suggested compliance with the drainage conditions was long overdue. She hoped the Board would continue to monitor the situation and ask for another report in two to three months. This project needed to get done.

The Board took no action on this item.

Mr. Brian Wallace commented on the agenda item regarding appointment of lay members to the Advisory Planning Commission. He would like to see a Washoe Tribe member on the Board in some capacity. On another matter, he thanked Board member Wynn for his previous support in 1993 before the Nevada Senate on the legality of gaming for Indian tribes.

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

C. Amendment of Article IX of the Rules of Procedure, Pertaining to Compliance Procedures

Deputy Director Jerry Wells noted that this matter was to be continued at the request of the Rules Committee.

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION (continued)

D. Rules Committee

Committee Chairman Steve Bradhurst reported that the Committee, which had met at lunch, discussed deletion of the show cause hearing procedure and replacement with a field procedure for a notice of violation. The Committee recommended that the show cause hearing provision not be deleted but that the hearing be conducted by the Legal Committee, not by the full Board. Also the Committee recommended that the rules and procedures for the hearings be enhanced and tightened up. The matter would go back to the Agency Counsel to put together some wording proposals for the Legal Committee to consider and then ultimately the Board for final action.

MOTION by Mr. Waldie to refer the matter to Agency Counsel to prepare language for consideration by the Legal Committee for recommendation to the full Board. The motion carried unanimously. (Members absent: Cronk, Uhler, Bennett (out of the room))
IX. ADMINISTRATIVE MATTERS

A. Appointment of Two California Lay Members to the Advisory Planning Commission

Mr. Wells advised the Board that the two-year terms of lay members Stan Hansen and Leo Popoff expired the end of February. John Upton for El Dorado County and Kevin Cole for South Lake Tahoe had recommended the reappointment of Stan Hansen. Larry Sevison on behalf of Placer County had recommended the reappointment of Leo Popoff. Both individuals were interested in being reappointed.

Mr. Bradhurst asked if these members attended the meetings on a regular basis.

Mr. Wells explained that attendance for Mr. Hansen was excellent. Mr. Popoff had had some family medical problems, but he had assured staff he was on a more regular schedule now. His absences were certainly not from a lack of interest.

NOTION by Ms. Neft to approve the reappointment of California lay members Hansen and Popoff to the APC. The motion carried unanimously. (Ms. Bennett was out of the room.)

(The terms would run through February 1997.)

B. Report on MOUs Delegating Review and Approval to Local Jurisdictions - in the packet material

C. Report on MOUs Regarding Exempt Activities - in the packet material

D. Report on Performance Statistics for the Project Review Division - in the packet material

E. Report on Performance Statistics for the Environmental Compliance Division - in the packet material

F. Resolution Amending Membership of the Shorezone Policy Committee

NOTION by Ms. Baldrica to adopt Resolution No. 95-11 adding Board members Sevison and Wynn to the Shorezone Policy Committee. The motion carried unanimously. (Ms. Bennett was out of the room.)

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION (continued)

A. Finance Committee

1. Report on Committee Meeting

Committee member Neft reported on the Committee's earlier meeting.

2. Receipt of January Financial Statement and Check Register
MOTION by Ms. Neft to receive the January financial statement and check register. The motion carried unanimously. (Members absent: Mr. Cronk, Mr. Uhler)

B. Legal Committee

1. Report on Committee Meeting

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

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

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

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

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

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

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

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

D. Rules Committee

1. Report on Committee Meeting

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

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

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

E. Shorezone Policy Committee

1. Report on Committee Meeting

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

C. Capital Financing Committee

1. Report on Committee Meeting

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

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

XI. REPORTS

A. Executive Director

1. Monthly Status Report

Deputy Director Jerry Wells explained that Executive Director Jim Baetge was not at the meeting because he had the flu.
2. Discussion on Future Retreat to Update Work Program and Three-Year Strategic Plan (July 1995-June 1996)

Given the staff effort needed to prepare for the retreat to update the work program and strategic plan and given the added work load to prepare for the threshold evaluation briefing in March, Mr. Wells suggested that the all-day retreat be bumped to the second day of the April meeting, the 27th. The main focus of the retreat was to assist with development of the work program for 1995-96 and provide direction from the Board to staff as a base for the 1996 threshold evaluation and the strategic plan update.

Mr. Bradhurst asked that the Board not schedule a retreat until the community planning effort was completed.

Principal Planner Gordon Barrett explained that the four Placer County Community Plans (CPs) were drafted and were awaiting completion of the EIS. Because TRPA staff member Andrew Strain was being diverted to the recreation study and to the Heavenly Valley master plan, he had been unable to do any work on the Washoe CP during the last month. Washoe County planner Romany Woodbeck had done little on it and was being shifted to Long Range Planning. The EIS consultant was waiting for the plans to be in their final form. It would likely be two months before the plans and EIS were out.

The Board members discussed the staff's priorities, the staff resources and assignments, and the need to reassign staff to ensure completion of priority work elements.

Mr. Bradhurst urged the staff to focus on the community plans, even if it meant getting a task force dedicated to just that effort. It was taking forever to get these things completed.

Mr. Wells suggested that staff prepare a schedule outline next month for the Board to look at.

Mr. Upton asked the Board members to look at their calendars to see if an April 27 retreat would fit in. In March the Board would make a final determination on whether to have the retreat then or not.

Mr. Wells reminded the Board members that the Nevada legislative schedule called for an 8 a.m. hearing February 23 before the Assembly Governmental Affairs Committee. The Committee would hear three bills: 1) AB 11, banking of development rights; 2) AB 13, the $20 million erosion control/SEZ bond; 3) AB 17, the partnership appropriation for two years; and 4) resolution urging TRPA to set up a procedure for hearing variances.

Mr. Wynn questioned the purpose of a February 22 staff letter to Dennis Crabb regarding support for grant funds for an affordable housing needs study. (The Board members had received copies.)

Mr. Barrett responded that, because TBAG (Tahoe Basin Association of Governments) had not met this month, it was important that TBAG members be ready to take action in March. His letter requested placement of the matter
on the March agenda. It was pointed out to the Board in the discussion on affordable housing several months ago that the statistics available on affordable housing dated from 1983. Staff felt that TRPA as the regional agency responsible for determining fair share efforts should provide updated numbers. The ordinance now provided that local jurisdictions show their commitment to the fair share in 1995. TRPA was eligible for a grant working through local governments, and Placer County had agreed to apply through the state for $35,000 to get census tapes to update the land use maps. A 6% match ($2,100) was required for the grant, and the plan was to have each jurisdiction contribute a share ($350) to get updated information. At that point, TRPA’s role would diminish and the effort would become a local government function. The point of this was to ask TRAG to schedule a meeting to show support for the effort and the contribution. The updated census information would be made available to all the Basin counties. The grant was not for planning but to provide updated statistics.

The Board members discussed this as a local v. regional issue, whether affordable housing was a part of the environmental threshold function, the criteria for a demonstrated commitment to affordable housing, whether to spend money on the study without a definition of demonstrated commitment, and the need for up-to-date statistics.

Board members Hagedorn, Neft, Wynn, Heller, Cole left the meeting at 5:10 p.m.

B. Agency Counsel

Agency Counsel R. J. Nicolle advised the Board that staff had filed an answer on behalf of the Agency and a motion to seek Board member dismissal as individual defendants in the Hellman case. Legal staff also filed a petition in the TSPC case.

C. Governing Board Members

Ms. Bennett reported to the Board on the status of the Highway 28 project. TEAM Tahoe continued to meet and become more a focus of the east shore programs. NDOT shared concerns for developing a coordinated master plan along the 28 corridor.

Chairman Upton noted that the Capital Financing Committee was scheduled to meet upon adjournment of the Board meeting.

XIII. ADJOURNMENT - The meeting adjourned at 5:15 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 (702) 568-4547. In addition, documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as presented 3/22/95.