TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

March 27, 1996

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular March 27, 1996, meeting of the Governing Board of the Tahoe Regional Planning Agency to order at 9:30 a.m. and asked Vice Chairman Drake DeLaney to lead in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLaney, Mr. Waldie, Dr. Miner, Mr. Bloomfield (for Placer County), Ms. Baldrica (for Nevada Secretary of State Dean Heller), Mr. Cole, Ms. Bennett, Mr. Cronk, Mr. Wastergard, Ms. Neft, Mr. Bradhurst, Mr. Hime, Mr. Upton

Members Absent: Mr. Wynn, Mr. Neumann

III. PUBLIC INTEREST COMMENTS

Mr. Don Kornreich distributed a March 26 memo addressing the Basin’s problems and solutions and a March 8 memo to Chairman Upton on home mail delivery. He once again urged the Board to focus more attention on coming up with a new source of funds to solve the Basin’s problems. The money being raised now in mitigation fees and grants was not enough. The Board needed to make up its mind whether it would let things continue as they were going or really solve the problem. Mr. Kornreich presented more information on funding, impact fees, competition for funds, home mail delivery. He had been trying for six and a half years to get a Basin impact fee underway. He was very discouraged and had concluded that because his frustration level was beginning to show he was becoming counter-productive. The Board would see less of him at the podium, and he hoped someone would take up the charge to get an updated report completed on impact fees. On another matter Mr. Kornreich submitted a March 22 memo to Jim Baetzge from him and Norm Rosenberg requesting that action on the North Shore Community Plans be delayed until May because the three days allotted for review of the document was not sufficient. Also, it was more appropriate for the Board’s consideration and action on the document to take place at the North Shore and not at South Shore as now anticipated.

Mr. Cole responded that, from his perspective, Mr. Kornreich in his remarks had never been abrasive or objectionable. He had always been sincere in his promotion of Basin impact fees and he urged him not to back away from his involvement. Even though the struggle was a long one, Mr. Kornreich’s persistent voice was needed.

Chairman Upton agreed that Mr. Kornreich had had good ideas all along. The optimism in California’s economy might reflect the ability for things to come forward as they had not in the past.
Executive Director Jim Baetge agreed with Mr. Kornreich that the 1974 McDonald & Smart financial feasibility report done by TRPA was an excellent report and needed to be updated. The funding of the update would be taken up in the upcoming Capital Financing Committee meeting.

Chairman Upton noted that the Capital Financing Committee would be meeting April 2 with Nevada Senator Richard Bryan to discuss funding for various ongoing programs.

IV. APPROVAL OF MINUTES

MOTION by Dr. Miner to approve the February 28 regular meeting minutes as presented. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells asked that action on VIII.B. (Proposed Alternatives To Be Analyzed For The 1996 Threshold Evaluation Report) be taken up after VII.E. (Public Hearing on Chapter 21 Amendment). Item VII.E. (Policy Direction to California Resources Agency Regarding Abandonment of Open Space Basements) was to be continued.

Agency Special Projects Attorney Susan Scholley noted that item VIII.F. (Amendment of the Agreement Regarding the South Lake Tahoe Demonstration Redevelopment Plan for Ski Run/Stateline Areas) had been pulled off the agenda at the request of KOAR and Embassy Vacation Resorts.

MOTION by Ms. Baldrica to approve the agenda as discussed. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Wells noted that a March 18 letter of concern from Stephen O. Lindquist had been distributed to Board members. The letter set forth concerns relating to item 1 (South Tahoe Area Ground Express maintenance facility). Staff called Mr. Lindquist to explain code provisions regarding allowances for additional coverage for a public service project.

MOTION by Dr. Miner to approve the consent calendar. The motion carried unanimously.

Chairman Upton noted that item 3 on the consent calendar included the first allocation of commercial square footage under adopted community plans.

(Following are items approved on the consent calendar: 1. South Tahoe Area Ground Express (STAGE), Maintenance Facility, Public Service Facility; 2. Vickers, Residential Garage Addition, Special Use Determination, 449 Gonowabie Road, Washoe County APN 123-146-07; 3. Carl Fair, Meyers Station, New Commercial Buildings and Commercial Rebuild, Allocation of Commercial Floor Area, 1341 Highway 50, Meyers, El Dorado County APNs 34-331-16 and -17; 4. Douglas County, Cave Rock/Skyland Water Treatment Facility, 1309 U.S. Highway 50 Douglas County APN 03-141-01)
VII. PUBLIC HEARING

A. Amendment of Chapter 22, Height Standards, to Add Provisions Regarding Additions to Existing Buildings

Associate Planner Kathy Canfield used an overhead projector to describe the proposed amendments which would permit property owners to add on to existing buildings. The amendment responded to problems with the current height ordinance and measurement of structures on steep slopes. The addition of an attached garage at street level was not now permitted because of the resulting height. The current practice of building a detached garage solved the problem but made for poor function of the building. The amendment would allow for a one-time addition with height being calculated based on a separate structure and also a one-time addition for new structures added below an existing structure. Required findings related to permissible use, architectural design, no impact on scenic roadways or the Lake, and the legal creation of the existing structure (prior to May 26, 1996).

Ms. Canfield and Deputy Director Jerry Wells responded to Board member questions regarding the impact on affordable housing, the need for a complete overhaul of the height ordinance in the upcoming year, visibility from scenic roadways, attached v. detached garages, and the negative scenic impact of garages along Highway 28.

Chairman Upton opened the public hearing.

Mr. Mike Thomas, planning consultant, commended staff for the proposal and noted that structures using this new height provision would not be visible from scenic highways. The one-story limitation was a problem, which he hoped would be addressed in the major height ordinance cleanup. It was possible for structures in scenic corridors to be approved if they maintained or improved scenic ratings. By disallowing projects in these areas, TRPA was missing an opportunity for mitigation (new roof, new paint, landscaping). He was looking forward to the full amendment of the height standards.

Mr. Gary Taylor commented on Section 22.9.C(3) requiring that the existing use be permissible in the Plan Area Statement or Community Plan. This limited the number of projects that could comply with the provision. With regard to the requirement that the addition be no more than one story, in Crystal Bay the slopes ranged from 30 to 70 percent. If a property owner wanted to put a garage on an existing parking deck, which itself was already 20 feet off the ground, the resulting height of the structure from the downhill side was almost 37 feet - it was still one story measured at the road height, although technically it was not. Coordinating TRPA's regulations with those of Washoe County in the Crystal Bay area was difficult since the slopes were so steep.

Mr. Wells explained that the support structure underneath the parking deck in this case was not considered a story. The intent was to look at the whole chapter later this year.

Chairman Upton closed the hearing.
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MOTION by Mr. Cole to make the findings to amend Chapter 22 relating to additional height for certain existing buildings. The motion carried with Dr. Miner voting in opposition.

MOTION by Mr. Cole to adopt Ordinance No. 96-4 amending Chapter 22.

Chairman Upton read the ordinance by title:

An Ordinance Amending Ordinance No. 97-9, as Amended, of the Tahoe Regional Planning Agency; Amending Chapter 22 of the Code of Ordinances Relating to Additional Height for Certain Existing Buildings; and Providing for Other Matters Properly Relating Thereto

The motion carried with Dr. Miner voting no.

B. Amendment of PAS 045, Incline Village Commercial (Commercial/Public Service), to Revise Special policies #5 and #6 to Allow Single Family Dwellings as Permissible Use When They Are Part of a Mixed Use Development and When Affordable Housing Units Are Provided as a Part of the Project; Reallocate 10 Residential Bonus Units From PAS 044, Fairway (Residential), to PAS 045

Associate Planner Coleen Shade presented the summary of the amendment which would change special policies language in PAS 045 to allow bonus units to be used when 25 percent of a project was affordable housing. The applicant, who was proposing development of a 6-unit condominium complex, 2 of which would be affordable housing, was requesting that these units be detached and not attached as recommended by staff. The Community Plan for this commercial PAS was looking at transit-oriented development (TODs) which called for mixed uses of commercial and residential, with bonus units to be permitted for vertically oriented buildings. Vehicle miles traveled (VMT) studies showed that a detached single family dwelling had 10 trips associated with it. An attached single family dwelling condominium had 5 trips. Without the requirement for attached units, there was nothing to prevent the construction of detached single family dwellings in the middle of a commercial plan area. The proposal also called for reallocation of bonus units from PAS 044 to 045; staff recommended approval because PAS 044 was not designated as an affordable housing PAS. The APC recommended on a 9 to 8 vote that action on this matter be deferred until there was assurance that the proposal would not conflict with the community plan scheduled for adoption in April and the findings of the ongoing affordable housing study. Some APC members supported the recommendation but were philosophically opposed to using bonus units for single family dwellings.

Mr. Hime suggested that in California the building of attached housing had almost come to a halt because of the owner liability due to construction defects. He questioned if that was the situation in Nevada and the reason for the request that the units be detached.

Mr. Phil Gilanfarr, the architect for the proposed project and amendment proponent, reminded the Board of the October discussion on attached v. detached units and vertically and horizontally oriented units. He preferred there be no restrictions on this but that the amendment state that
it would be "preferred" that the units be vertical or attached. The choice should be left to the applicant. This would give an opportunity for a mix of units - some single family detached condominium units with attached affordable housing or commercial in the front or back with attached or detached units. His proposal was for an adjustment in permissible uses. Mr. Gilanfarr questioned the validity of the increased VMT rates for detached over attached units. The advantage of single family as a mixed use in the area surrounding the core area of Incline Village was that it allowed people to leave their cars where they lived and walk to commercial, recreation, and schools. The other use included with the mixed uses was affordable housing. Some RFC members were concerned that this proposal was being put out in front of the study being conducted by Washoe County on affordable housing. Affordable housing had been a point of discussion for several years, and his client was willing to test the waters. If in the future affordable housing was not appropriate, deed restrictions could be written such that adjustments could be made. His main requests were to remove the requirement that units be attached and use instead language that attached units were "preferred," remove the words "vertically oriented" and use instead language that vertically oriented units were "preferred," also that there be additional incentive that if condominiums or single family dwellings were to be constructed in PAS 045 25 percent of the units would be affordable.

Mr. Gilanfarr responded to questions about affordable housing costs in Incline Village. At this point, without addressing the size of the unit, the preliminary numbers were somewhere in the range of $90,000 to $160,000. With regard to VMT, there was a misunderstanding on the part of TRPA staff in the calculation of trips according to the use. The trip table showed 6.47 trips for an apartment; a single family dwelling showed 10 trips; a multi-family condominium was 5.86 trips. There was some misunderstanding that when a multi-family condominium became a single family dwelling the trips jumped up to 10 trips. That was not necessarily the case. There really was no difference in VMT if the units were attached or detached. In some cases attached was appropriate; in most cases, the units could be detached and positioned around vegetation and existing trees.

Mr. Cole asked Mr. Gilanfarr if it was his intention to request subdivision of the units if the Board approved the units as detached units.

Mr. Gilanfarr explained that he had already submitted an application and would like Board action in April.

Mr. Cole expressed concern that the project proposed use of multi-family bonus units to develop condominiums that subsequently would be subdivided. The end result was single family residences built on a parcel that was not necessarily designated for that purpose. It was in a commercial zone. The big issue was the multi-family bonus units, whose purpose initially was to provide an incentive for transient-oriented development - not to create a windfall for someone who wanted to subdivide into single family residences.

Mr. Gilanfarr responded that since the creation of the 1,600 bonus units for multi-residential development only 11 had been used. In 1993, the Board authorized 200 of those to be subdivided, 80 of which had been utilized and subdivided. These resulted from the retirement of the Bitterbrush units.
Mr. Upton suggested that these units would create a certain niche in the housing market. Sometimes it took different incentives to make things happen. The transfer of units from Bitterbrush kept that project from being built out and also focused the units onto one parcel in a more transit friendly area of Incline.

There was considerable discussion by the Board members and Mr. Gilanfarr on the proposal, condominium ownership, the size of the parcel, subdivision of the units, attached and detached units, whether action on this was premature in view of the upcoming Community Plan action, how the point system worked in transferring bonus units, the size of the parcel, uses in the neighboring area, allowing bonus units for the use requested, and the APC’s request to continue the item.

Mr. Don Kornreich, a member of the Community Planning Team, explained that a majority of the team had voiced a preference for detached over attached units. There was quite a bit of intense development in this area. Attached units were unattractive. Most of the development here was detached and it was preferred, and most of the units were selling in the $300,000 to $500,000 range, not exactly affordable housing. The need for affordable housing in Incline was recognized, and a compromise may be needed to get it. He favored any project that brought affordable housing into the core of the community, even if it was two units. The team had not made an evaluation of specific uses on specific parcels but rather looked at the area wide uses. He saw little likelihood that commercial uses would extend to this parcel. An affordable housing solution would not be available by June.

Mr. Gilanfarr explained that if the project was able to come to the Board in June it would not start construction until the end of July. The building season ended in October. If action was delayed by two months, work would not start until 1997. It would cause an inconvenience. The project was accomplishing the goals of the community plan for this area and would provide high density residential uses including affordable housing adjacent to the commercial downtown area. The APC was not averse to the proposed amendments to the staff proposal; the APC was concerned only with the affordable housing issue and the fact a needs assessment had not been completed.

Ms. Shade explained that Planner Romany Woodbeck, of Washoe County, had suggested that the affordable housing study would be completed in June.

Mr. James Nakada, a member of the Community Planning Team, noted that the Community Plan for the area was almost ready for Board action. He would not like to see an inconsistency between what was being proposed and what the plan may come up with. While he recognized a problem for the developer, in the long run there would be a more consistent product if the Board postponed action.

Mr. Bradhurst explained that if there was some use being proposed that was different from the surrounding area then the Board should not take action at this time. What he was ‘hearing was that what had occurred in this area was residential; it was not likely that commercial would go in here because of the distance from the core.
Mr. Baetge advised that staff's intent was to bring the community plan to the APC and the Board in April.

Chairman Upton closed the public hearing.

Ms. Baldrica explained she was not troubled by staff's recommendation on the 25 percent reservation for affordable housing but was concerned with the request to remove the requirement that units be attached and vertically oriented and the impact on VMT. If the amendment was going to proceed she wanted affordable housing to be a part of it if bonus units were being used.

Mr. Upton suggested that it did not appear there was enough support to proceed with the amendment. He did not want to kill the project, however. Given the location of the parcel, as suggested by Mr. Kornreich, and the feeling of the team to see it developed with detached units, he would not want to go against the team on this point.

Mr. Cronk suggested that the Board was worrying about providing affordable housing for people making $60,000 to $100,000 per year.

Mr. Bradhurst expressed support for getting two affordable housing units as a part of the proposal (compatible with existing land use), transfer of bonus units, and transit-oriented development close in to the commercial core. If there were issues that needed to be addressed by the Community Plan Team which were not evident today, he favored a continuance. He was at this point having a hard time seeing anything coming out of the Community Planning Team that was not known now.

MOTION by Mr. Bradhurst to defer action on this PAS amendment until after Board action on the Community Plan or no later than June. The motion carried on the following vote:

Ayes: Mr. Cole, Mr. Bloomfield, Mr. Bradhurst, Ms. Neft, Mr. Bennett, Mr. Waldie, Ms. Baldrica, Dr. Miner, Mr. Hime, Mr. DelAno, Mr. Upton

Nays: Mr. Cronk, Mr. Westergard

Abstain: None

Absent: Mr. Wynn

Mr. Westergard explained he had voted in opposition because he favored seeing the matter be decided today. In two months he would not be supporting this because of his long-continuing concern about the two-step process to enable subdivisions to occur in the Tahoe Basin. He was concerned with the residential bonus unit concept and how it was being used.

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

D. Amendment of PAS 100, Truckee Marsh (Conservation), Technical Correction to Add Stream Environment Zone Restoration as a Permissible Use

Chairman Upton noted that the purpose of this amendment was to allow the Cove East project to proceed. A staff presentation was not needed.
No one wished to speak during the public hearing.

**MOTION** by Dr. Miner to make the findings to approve the amendment to PAS 100. The motion carried unanimously.

Chairman Upton 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 Plan Area Statement 100 (Truckee Marsh) and Add SEZ Restoration as a Permissible use; and Amending Improvement Programs; and Providing for Other Matters Properly Relating Thereto

**MOTION** by Dr. Miner to adopt Ordinance No. 96-5. The motion carried unanimously.

Mr. Cole noted that the staff's summary described this amendment as allowing a project "which had the potential to be the most comprehensive and significant wetland restoration of water quality improvement project ever undertaken at Lake Tahoe." This was a big step.

Chairman Upton explained that 40% of the inflow to Lake Tahoe came through this area. It was a significant step.

E. Amendment of Chapter 21, Density, Relative to the Kitchen Unit Limitation for Timeshares

Principal Planner Gordon Barrett presented the summary of the proposed amendment to allow increased density for residential design timeshare projects within adopted community and redevelopment plans. The APC recommended approval.

Mr. Gary Midkiff, representing the South Lake Tahoe Redevelopment Agency, advised that he concurred with the staff recommendation.

Since no one else wished to comment, Chairman Upton closed the hearing.

**MOTION** by Dr. Miner to make the findings to amend Chapter 21. The motion carried unanimously.

**MOTION** by Ms. Bennett to adopt Ordinance No. 96-6.

Chairman Upton read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency; Amending Chapter 21 of the Code of Ordinances Relating to Density for Residential Design Timeshare Uses; and Providing for Other matters Properly Relating Thereto

The motion carried unanimously.
VIII. PLANNING MATTERS

B. Discussion on Proposed Alternatives To Be Analyzed for the 1996 Threshold Evaluation Report

Principal Planner Gordon Barrett asked for Governing Board guidance in the scoping of the upcoming environmental threshold report and recommendations. His handout addressed the major assumptions staff was proposing for the April 17, 1996, scoping meeting. It was proposed that the focus of the report and recommendations was to be on the environmental improvement program (EIP) and its implementation. There would be no major changes proposed in regulations or thresholds. There would be recommendations for studies, work programs and schedules for consideration of major plan and threshold amendments. The next ten years of allocations would be within previous EIS estimates and linked to the EIP. Adopted community plan allocations and target dates would be extended for five years. The environmental documentation would be an environmental assessment with three alternatives and recommended mitigation. With regard to the allocations, Mr. Barrett explained that the 10-year time limitations on commercial and tourist allocations expired December 31, 1996. Eight community plans were coming through the process feeling the need to rush through before the expiration of these units. Staff was recommending extending the deadlines out for two to five years to avoid the rush on these units. The total amount of commercial square footage was 400,000 square feet, 40,000 square feet of which was set aside for outside community plans. Of that approximately 15,000 in Placer and 81 Dorado Counties had not been used. The City of South Lake Tahoe and Washoe County put that square footage into the community planning areas. In the next ten-year time period, instead of focusing the allocations on the community plans per se, staff was recommending linking them to the EIP and capital improvements. A list of all the improvements (200-300 projects) needed to accomplish thresholds would be brought to the Board, 50 of which would be targeted for the next five years. Allocations would be linked to getting these projects on the ground; focus would be on the total region and not specific community plans. Allocations would be released as projects were completed and would not be specifically linked to community plans, and it would be up to the local jurisdictions to assign them. This would be done in partnership with local governments and other public entities (Forest Service, California Tahoe Conservancy and others).

Executive Director Jim Baetge explained that the environmental improvement projects were needed and building allocations would follow them. Everyone was operating in partnership on this. The City, for example, could not control all the capital improvement projects within its jurisdiction, but everyone working together on the federal capital program could make the projects happen. There was a lot of coordination required in this effort.

Mr. Barrett presented information on the three proposed alternatives. In 1991 an Environmental Assessment was done, and staff was hoping to repeat that process and not prepare a full EIS. Alternatives included a no growth alternative (no more allocations); a no action alternative (recreation and public service would continue but commercial, tourist and residential would stop); and a continuation of the allocation rates (linking them to capital improvements). Mr. Barrett responded to Board member questions and asked for endorsement of this approach for the April 17 scoping group.
Mr. Barrett explained that currently if there was not compliance with thresholds a package of supplemental compliance measures (A, B, and C lists) was to be implemented. Instead of focusing on changing the Code to create new requirements resulting from the 1996 threshold report, the effort would look at the environmental improvement list -- fix the problem by getting projects on the ground. It was recognized that there were problems with some of the thresholds, but because of the Agency’s low budget and timing constraints, they would not be solved this summer. TRPA would deal with this situation by scheduling studies and seeking additional funding so that by the next evaluation the big issues could be dealt with.

Mr. Cronk noted that at the conclusion of the 1991 threshold evaluation the Board took some pretty drastic steps in response to the snapshot of where the Basin stood in view of the thresholds. Would TRPA be going through that again? He suggested that he recognized the environment had changed and the spirit of cooperation was different. Nonetheless, one of the advantages of taking the snapshot every five years was that it forced the Agency to pause and take a look at the state of the environment and see where there was a need to be more aggressive in addressing environmental needs. The Board was able to make the difficult decisions more easily after the threshold review.

Mr. Baetge responded that the Board would see a similar outcome. The Board would have an evaluation of the past and a forward look that would show attainment of thresholds through a phased approach to getting capital improvements on the ground. Allocations would be keyed to the capital projects. If, in looking at the data, the Board found it was not comfortable with the progress or with issuance of allocations, it could require additional programs. While other things would be brought forward, most of the focus, however, would be on capital projects. Mr. Baetge presented more information on the type of projects being proposed (relocation of Meeks Lumber out of the SEZ, Tahoe City urban improvement project, Park Avenue project, Ski Run project, Highway 28 to Spooner Summit improvements). If for some reason, these projects did not happen, it would be up to the jurisdictions and the rest of the partners to find substitute capital projects to accomplish the same goal. In 1991 TRPA entered into a capital program to achieve thresholds, but it did not have the mechanism to accomplish it.

Chairman Upton suggested that, while the 1991 effort focused on additional regulatory measures, staff was now recommending a more proactive project approach to get improvements implemented in a five-year time frame to achieve projected benefits.

Mr. Baetge explained that as staff approached the 1995 evaluation it was proposing a direct link between allocations and improvements. Along with improvements, there was also a regulatory program. The direct link would provide real-time monitoring to show the status of the environment on an ongoing basis. Once the real-time monitoring was in place he expected there would not be the need for a five-year evaluation. Thresholds would be monitored on an ongoing basis. There would be intense monitoring of three major watersheds (Upper Truckee, Incline/Third Creeks, Edgewood) to show the results of what was occurring.
Mr. Cole suggested the earlier method of achieving thresholds did not work. This approach involved learning as the program progressed. There needed to be a certain amount of faith that it would work.

Mr. Gary Midkiff, from the audience, commented that thousands of hours had been volunteered by the private sector to get the community plans adopted in order to get projects implemented. One of the most important factors for the public sector was having some certainty, knowing that they could proceed. Partnership was a key word, and all needed to look at the process as a way to evaluate the current situation, to give credit, and to plan for the future. It was important to give the private sector the return that it had expected, the ability to implement projects consistent with the community plans. He would like to see allocations given in areas where environmental benefits had been implemented. He would like to see good press coverage on this to make sure that people who had worked so hard in the process knew the allocation process was being looked at, that the five-year 1996 evaluation was about to begin, and that there were alternatives to the environmental document in the works. It was important for people to be involved and have input in the process. He recognized that there were problems with the thresholds, particularly the VMT reduction threshold and scenic standards. Reevaluations may be warranted.

Ms. Bennett asked if there would be a subcommittee of the Board to assist in the development of the 1996 evaluation. She felt this would be an appropriate step.

Mr. Baetge explained that the approach would be easier to set after the April 17 meeting.

VII. PUBLIC HEARING (continued)

F. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

No one wished to address the Board on this matter. Chairman Upton closed the hearing.

VIII. PLANNING MATTERS

D. Presentation on Eurasian Water Milfoil

Associate Planner Kevin Hill, hydrologist in Long Range Planning, noted this presentation was for the purpose of informing the Board so that it would be prepared to make future decisions regarding Eurasian Milfoil. The plant was native to Europe and Asia; by 1985 it had been found in 33 states in the U.S. as well as in Canada. The Tahoe Keys had been harvesting it for several years. DNA testing was required to assure that the plant was Eurasian Milfoil. The plant was found in the western states, irrigation ditches, and in ponds, and it was very prevalent and reproduced rapidly. Dr. Lars Anderson, a researcher at Davis, had prepared extensive information on the plant but was unable to be here today for the discussion. In September 1995 aerial surveys showed the plant to be located not only at Tahoe Keys but in marinas, Emerald Bay, and elsewhere. The focus at this point was to learn as
much as possible about milfoil and to assist in the development of alternatives - from no action to possible use of an aquatic herbicide. This latter option would have conflicts with the 208 water quality plan. Other options included pulling the plant up, harvesting, or doing nothing.

(Mr. Hime left the meeting at 2:20 p.m.)

Ms. Cherie Blatt, engineer with Lahontan, distributed a detailed packet containing information on the plant. She explained that Eurasian Milfoil was introduced into the United States in the 1940s. The Lahontan Regional Board’s research showed that there could be three to four other species of milfoil in Lake Tahoe. In 1995 a technical advisory committee was formed under the direction of Dr. Lars Anderson to conduct surveys and do problem analysis. Ms. Blatt presented overhead slides and discussed problems, possible controls, areas of concern, and optional recommendations. She responded to Board member questions.

Dr. Ranjit Gill, from Lahontan, responded to questions about how Eurasian Milfoil interacted with nutrients in the Lake. The plant sank roots into the Lake’s sediment from which it extracted most of its nutrients, especially nitrogen and phosphorus. Those nutrients were brought up into the submerged part of the plant floating in the water column. When the plant died, the nutrients were released. When a fragment broke off of the plant, the vascular flows moving into the upper part of the plant were released into the water column. Dr. Gill responded to questions about the plant’s interaction with algae and possible treatments.

Ms. Suzanne Pearce, the education and information specialist with the Tahoe Resource Conservation District and the Nevada Tahoe Conservation District, explained the efforts of the technical advisory group investigating the condition inside and out of the Tahoe Keys. She distributed more information prepared by Dr. Anderson and asked that it be transmitted on to the Shorezone Committee. Ms. Pearce showed slides of aerial photographs showing major populations of milfoil, pictures of the plant and the aquanog used to harvest it. At this point all Tahoe plants typewrote the same; with new DNA fingerprinting the exact plant could be identified. The final results were now being compiled. Eurasian Milfoil was an insidious and invasive plant. It had been a problem in the United States for many years. It was not, however, classified in California as an A Class Pest, nor as a noxious weed. It was classified as an exotic introduction. To get the attention it needed, it would have to be in a Class A or noxious weed category. She hoped that through the technical advisory committee and the scientific advisory committee that Lahontan wished to put together there would be more information available about the plant and a management plan for action against it.

Mr. Upton suggested getting on with declaring the plant a Class A Pest.

Mr. Cole suggested that even if the plant was not Eurasian Milfoil something needed to be done about it. It was a problem either way because it was accelerating the process of putting nutrients into the Lake.

Chairman Upton left the meeting at 3:15 p.m. The remainder of the meeting was chaired by Vice Chairman Drake DeLaney.
C. Amendment of PAS 048, Incline Village Tourist (Tourist), to Delete the Existing Special Designations Which Limit the Transfer of Development Right Receiving Area Designation for Multi-Residential Units and the Residential Bonus Unit Incentive Program to Special Area #1; to Reallocate 20 Residential Bonus Units From PAS 044, Fairway (Residential), to PAS 948

Associate Planner Coleen Shade presented the summary of the request to remove the stipulation that bonus units for multi-residential units only be used in Special Area #1 in PAS 048. The two votes in opposition at the APC were based on the feeling that bonus units should not be used for single family dwellings. Staff recommended approval and also recommended that there be discussion about the bonus unit program because of the sunset clause occurring December 31, 1996. This PAS was designated for affordable housing, and headroom or remaining capacity for this use was being diminished because other projects were going in. While this proposal compiled with the 200 bonus units available for subdivision (of the 1,500 total), staff was concerned with the use of these units for that purpose, since housing studies around the Basin were showing there was a need for affordable housing.

Mr. Baetge explained that each local jurisdiction was preparing a plan to address affordable housing. By July, staff would have a consultant-prepared report setting forth what the fair share commitment should be of each jurisdiction. By the end of this year, TRPA expected to know how local governments would address the issue and would likely go through a regulatory revision within TRPA's programs to make sure the affordable housing goals could be accomplished.

Mr. David Atkins, consultant preparing the housing study, explained he was not using HUD guidelines to define affordable housing in the Basin but was looking at any housing unit whose rent fell below the income limits of 50 percent for low income and 30 percent for very low income. If a household's income was 80 percent of the median income, then they could spend 30 percent on rent each month.

Mr. Cronk questioned the sense and practicality of imposing an affordable housing program in Incline similar to what was being looked at in the South Shore. Property values were so much higher in Incline. The solutions may not be the same for all areas in the Region.

Mr. Cole suggested there were more issues involved. As discussed earlier in the day, it was a question of using multi-family residential bonus units for the creation of single family condominiums. The question was whether to transfer the bonus units originally set aside as an incentive for multi-family housing for single family residences. Those were expensive homes which were later going to be subdivided. It did not appear that there was any value in defining a unit as multi-family if it could be converted into single family units. In the process, land identified as preferred affordable housing was being gobbled up.
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Ms. Bennett suggested that the study may show that Incline Village had quite a bit of affordable housing. This was not known for sure right now. The perception was that most of the affordable housing was in Kings Beach, in South Lake Tahoe, and Timberland. Effort was underway now to get some kind of objective information through the study so the local jurisdictions would know what to do.

Dr. Miner questioned the assessment of all local jurisdictions within the Region without recognition of the varying economic situations of the residents of the various separate areas.

Mr. Baetge explained that the study was attempting to separate the local issue from the regional issue. The report would gather information on a regional basis for the Local Government Committee's consideration. What the Board was now discussing was the fair share. That was not known yet.

Ms. Scholley advised the Board that it was getting far afield from the agenda item.

Mr. Phil Gilanfarr, applicant for the amendment, spoke in favor of the staff and APC recommendation. The Crystal Bay Planning Team had acknowledged the need to realign some of the bonus units out of 044 and into 049 and 045. There was no development potential left in PAS 044. The Team also recommended allowing use of bonus units throughout the plan area and not restricting them to special area #1, which consisted of only one parcel not owned by the Forest Service. Mr. Gilanfarr distributed and explained a colored map showing land uses in the Plan Area Statement. He explained the ultimate proposal to construct a detached 33-unit condominium complex utilizing transferred development rights and bonus units. His client had an option on the property and an option on the units from Bitterbrush, both of which expired March 31, 1996. There was no other high capability land in Incline of this size that could accommodate the rest of the Bitterbrush units.

Mr. Cole again expressed concern that the proposal would take multi-family residential bonus units for use as single family condominium units to be subdivided. There was no talk of affordable housing. This flew in the face of creating bonus units to begin with. It effectively eliminated the multi-family designation.

Mr. Gilanfarr suggested that his proposal responded to the Code section which created an incentive to reduce development on sensitive land. By denying this proposal, an opportunity to do a small change in the bonus unit system for a great reduction in impact caused by Bitterbrush would be lost.

Since no one else wished to comment, Vice Chairman DeLancy closed the public hearing.

The Board members discussed the environmental and safety benefits of the transfer of units off the Bitterbrush site.
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MOTION by Dr. Miner to make the findings to approve the amendment to PAS 048 and 044 as proposed. The motion carried on the following vote:

Ayes: Mr. Bloomfield, Mr. Bradhurst, Ms. Neft, Ms. Bennett, Mr. Waldie, Ms. Baldrica, Mr. Cronk, Dr. Miner, Mr. DeLanoy

Nays: Mr. Westergard, Mr. Cole

Abstain: None

Absent: Mr. Wynn, Mr. Hime, Mr. Upton

MOTION by Dr. Miner to adopt Ordinance No. 96-7.

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 Plan Area Statements 044, Fairway, and 048, Incline Village Tourist, by Deleting Special Designations and Reallocating Multi-Residential Bonus Units; and Providing for Other Matters Properly Relating Thereto

The motion carried with Mr. Westergard and Mr. Cole voting in opposition.

VIII. PLANNING MATTERS (continued)

A. Report on Status of Ski Run Marina Inner Harbor

Agency Special Projects Attorney Susan Scholley advised the Board that the California Attorney General’s office had filed a motion to compel enforcement of the stipulated judgment with Lake Tahoe Cruises. It was set for hearing on April 19. Staff would continue to monitor this and had set in motion information gathering. The matter would be brought back when action by the Board was appropriate.

C. Direction to the Local Government Committee to Consider Effect of Project or Regional Plan Amendment Approvals on Affordable Housing

Consultant David Atkins explained that, while the fair share report was being prepared, the Local Government Committee had expressed concern that in the interim certain parcels within the Basin might be used for purposes other than affordable housing. The Committee wished to have the Board authorize a procedure for staff in those cases to seek guidance from the Committee. If a project was using land that otherwise might be used for affordable housing, a letter would be requested from the affected jurisdiction confirming that the proposed project did not contradict the efforts of the local affordable housing program.

Mr. Baetge presented more information on this requested action. When the Local Government Committee was established the Board wanted any assignments for the committee to be set forth by the Governing Board. What was being asked was that the Board agree that when an issue came up on affordable housing the staff was authorized to go to the Local Government Committee for guidance.
MOTION by Ms. Bennett to approve staff working with the Local Government Committee for guidance on affordable housing issues. The motion carried unanimously.

IX. ADMINISTRATIVE MATTERS


X. COMMITTEE RECOMMENDATIONS

A. Finance Committee Report

1. Receipt of February Financial Statement and Check Register

MOTION by Ms. Neft to receive the statement and check register as recommended by the committee. The motion carried unanimously.

B. Legal Committee Report

1. Mediation in TSPC v. TRPA

Agency Special Projects Attorney Susan Scholley reminded the Board that she had distributed a memo to the Board requesting authorization to continue mediation for five or six more sessions - probably through the end of June. Progress was being made. The Committee did not want this to drag on much longer if progress was not being made.

MOTION by Ms. Bennett to approve the recommendation of the Legal Committee. The motion carried unanimously.

C. Capital Financing Committee Report

Committee Chairman Kevin Cole reported that the committee would be meeting on April 2 from 9 to 11:30 a.m. at Harrah's. Mr. Baetge explained that Senator Richard Bryan would be in attendance and was interested in defining clearly what actions from the legislative package he would be working on in Washington. The committee would also be discussing recommendations for the upcoming April 12 Nevada Oversight Committee meeting.

D. Rules Committee Report - no meeting

E. Shorezone Policy Committee Report

Committee Chairman Roland Westergard advised that the committee had met with the Partnership Committee in a consensus effort on March 26. There was a lot of brainstorming among all the participants representing a broad range of shorezone interests. Approximately 110 to 120 issues were identified; and through the consensus process facilitated by a Forest Service employee, the issues were narrowed to four general topics. The group was going to continue to meet. The question for the Board was to determine what role the Board's Policy Committee should play in the process. Some felt that Board members could contribute a lot to the process. Others felt that the process would
ultimately come down to nitty-gritty discussions and perhaps disagreements. Hopefully issues not resolved in consensus would be limited, but in the event they were not the Board would have to make the decisions. The issue then surfaced whether or not a Board member's participation in the process could taint their decision-making process when the matter came before the Board. He was not sure what the middle ground was. Time constraints were also an issue.

Mr. Walde explained that he had raised the point yesterday that if all members of the Policy Committee had shown up it would have been an impossible situation. He did not see any way that the consensus participants would have been able to work whatever magic they needed to come to consensus with the Board members present and dominating the discussion. His personal view was that the Policy Committee should be more passive; the Partnership group should be working out all their disputes and giving the consensus results to the Policy Committee. He recognized also that there could be a need for at least a presence of the Policy Committee in case some sort of hassle might arise. A compromise would be to have the chair or his designee be present at the meetings. He would not be inclined to attend future meetings.

Agency Counsel R. J. Nicolle advised that if a quorum of the Policy Committee attended a Partnership meeting a meeting notice would be required.

Mr. Cole explained that his reading of yesterday's meeting was a little different. He did not feel that the Policy Committee members needed to be at every meeting of the Partnership consensus meeting. But he did feel that in order to be able to understand how the consensus group arrived at conclusions on the various and sometimes contentious issues there needed to be a presence of the Policy Committee. He had participated yesterday as one of the group, not so much as a Policy Committee member.

Mr. DeLancy asked that minutes of the Partnership meetings be sent to the Board members.

Mr. Baetge suggested that it might be well if a member of the Policy Committee, whether the Chair or a member, attend the meetings each time. This would reinforce the Board's interest and put pressure on moving the process along.

Mr. Westergard suggested that Partnership minutes and periodic reports would keep the Policy Committee and Board informed of the progress. The main thing was to keep the committee's feet to the fire so they produced a product within a year. This would take some real effort because of the many diverse interests and varying points of view. The issues were very complicated. One of the main concerns with the facilitation was whether the Forest Service would continue to allow one of its employees to serve as facilitator. One of Forest Supervisor Bob Harris's concerns was whether at some point in the future the Forest Service participation as a member of consensus would come in conflict with the Forest Service facilitation. The facilitator made it very clear yesterday that she was not expressing any advocacy positions in her role as facilitator. She had done a very effective job. He did not think the group had a concern that her role would in any way be interpreted as a Forest Service position.
Mr. Cronk asked that the full Board get copies of past minutes.

Mr. Westergard indicated that the Policy Committee would take the discussion as direction and participate accordingly.

F. Local Government Committee Report - no meeting until April 19

XI. REPORTS

A. Executive Director Monthly Status Report

Mr. Baetge advised that a press release photograph was taken during the noon recess with Mr. Herschel Deardorff, President of the Tahoe Sierra Board of Realtors, submitting a $750 check to TRPA to help with the printing of the legislative packet. This was a big step and the kind of a thing he would like to see happen more often.

Ms. Bennett asked that a letter be sent on behalf of the Board thanking for the contribution. Next time something like this happened she asked that it be put on the agenda so the Board could express its thanks.

Mr. Baetge advised the Board that it was his intent to bring the North Shore Community Plans to the Board in April, in spite of some requests that they be held up. The APC meeting at the North Shore would also be taking them up.

Mr. Wells explained that the agenda in April would be a heavy one, since the Heavenly Resort and Park Avenue RIS drafts were also scheduled for comment and presentation. The Board may wish to look at a two-day meeting.

Continuing on with his report, Mr. Baetge advised that he was going to have an update for the Board on the $20 million Nevada bond act. Mr. Wynn, through Ms. Vicki Gonzales, was providing a lot of assistance in educating people on what the bond issue was.

B. Legal Division Monthly Status Report

Agency Counsel R. J. Nicolle updated the Board on Hellman v. TRPA, TRPA v. Barbieri, and in TSEP v. TRPA.

C. Governing Board Members

Mr. Waldie commended Carl Hasty and staff for the legislative packet. It was a very good job.

Mr. Cole added his compliments to the effort. The brochure was very effective; it was short and sweet. He also commented on the excellent efforts of Susan Scholley and Rick Angelocci on the Ski Run redevelopment project. He would be happy to add his name as Redevelopment Chairman to Jim Baetge's letter of appreciation. On another issue, he had learned that in much of the Tahoe Basin and certainly in South Lake Tahoe outside the redevelopment area, there were a number of motels that had outlived their useful life. In a normal, unregulated community one would look to the highest and best use of the land, and the motels would be torn out and the land used for other
purposes. Here at Tahoe there was a commodity called TAU$s$ (tourist accommodation units) which essentially locked those structures into being motels forever. Unfortunately since they were no longer desirable as motels they would continue to deteriorate. He would like to explore the opportunity of figuring a way to regard them as commercial so the land could be used for the highest and best use. If an office or apartment was more appropriate, he would like to see these things occur. He asked the Board and staff to think about this.

Ms. Bennett announced that the Tahoe West Area Management Unit (TEAM Tahoe) had met last month to write the RFP for the corridor management plan. Another meeting was scheduled for April 3. In conjunction with that, staff member Pam Drum was preparing a public information program on the parking management study. This would be integrated into the corridor management plan. On another matter, Carson received $208,000 of Burton Santini funds to be passed along to NDOT to be used for erosion control projects as part of highway overlays. Finally, she thanked staff member Carl Hasty for his enormously helpful efforts in developing the Carson River master plan.

XII. ADJOURNMENT - The meeting adjourned at 4:35 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) 598-4547. In addition written materials submitted at the meeting are available for review at the TRPA office, 308 Doria Court, Zephyr Cove, Nevada.

These minutes were approved as amended (see pg. 4, 5 & 6) on April 24, 1996.