TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

May 22, 1996

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular May 22, 1996, meeting of the Governing Board of the Tahoe Regional Planning Agency to order at 9:35 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. Sevison,
Mr. Heller, Mr. Cole, Ms. Bennett, Mr. Stewart, Ms. Neft,
Mr. Bradhurst, Mr. Hime (present at 9:50 during item
XI.B.1.), Mr. Wynn, Mr. Upton

Members Absent: Mr. Cronk, Mr. Neumann

Chairman Upton noted that Mr. Bob Stewart was sitting in as the Designee for the Director of the Nevada Department of Conservation and Natural Resources in Mr. Westergard’s absence.

III. PUBLIC INTEREST COMMENTS

Mr. Don Kornreich urged the Board to place on an agenda for discussion the Basin Impact Fee. He was pursuing environmental improvement funding for the Incline Village/Crystal Bay communities, and he urged the Board again to seek funding to accomplish the bistate Compact's goals. Less than 20 percent of the funds were available to address increasing traffic and decreasing water quality and visibility. Money was the solution, and the probability of accomplishing the goals with federal funds was extremely low. If something was not done soon, TRPA's impact on the Basin in the future would continue to decrease. This was a serious problem, and he urged the Board to discuss it.

IV. APPROVAL OF MINUTES

MOTION by Mr. Sevison to approve the April 24, 1996, regular meeting minutes. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells advised the Board of the following: 1) item XI.B.1. (Bitterbrush Settlement Fund) to be moved up after the consent calendar; 2) item X.C. (1996 Threshold Evaluation Status Report) to be taken up after Bitterbrush; and 3) item VII.A. ($700,000 Corporation, Pier Extension and Modifications, Anchorage Marina, Camp Richardson, 1900 Jameson Beach Road, El Dorado County APN 32-110-01) to be continued at the request of the applicant.
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MOTION by Mr. Wynn to approve the agenda as discussed. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Cole questioned staff's continual reference to the "Y" in South Lake Tahoe as the "Wye." It was his understanding that the South Y intersection in South Lake Tahoe was called the Y because at one time Lake Tahoe Boulevard going west did not exist; it was a three-legged intersection. Staff, however, continued to refer incorrectly in the minutes and staff summaries to the Wye.

Mr. Wells noted that amended conditions of approval had been distributed to the Board members for consent calendar item 7. (Nevada Division of State Lands, memorial point comfort station and viewing deck). The project proponent was agreeable to the amendments.

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

(See pg. 11 and 12 for further action on the consent calendar.)


XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

B. Legal Committee Report


Legal Committee Chairman Drake DeLanoy advised that the Committee earlier in the day had recommended approval of the proposal by Agency Counsel.

Agency Special Projects Attorney Susan Scholley explained that the Committee recommended that up to $105,000 be released for the construction of emergency access improvements subject to the condition that final agreement be worked out with the Unit 2 Homeowners Association and there be a submittal with proof of cost. The Committee also recommended that $337,000 be committed to the Ski Way erosion control project and that staff work with Bitterbrush and the County on proposing additional revegetation work along Ski Way below the
Bitterbrush project. The attorney for Bitterbrush was tentatively amenable to the proposed resolution relating to the securities released during the appeal and which had not been reposted. This was really a matter between the original developer, Leroy Land, and the current owner, Cy Yehros.

Mr. DeLanoy explained there was also a commitment from the developer and the homeowners association to give TRPA a rendering of what the project would look like upon completion.

Mr. Tom Hall, for Mr. Yehros and Bitterbrush Ltd. Developers, noted that the $105,000 commitment was approved by the TRPA Board in March 22, 1995. He was coming back basically after accomplishing the work (fire improvements had been completed and some painting and striping was needed). If Mr. Yehros had a problem with the Board’s agreement today, he would be returning. On the matter of a visual display, he had talked with a representative of the homeowners association, and he would like to be cooperative and responsive to the request for a visualization. There probably would be some sharing of the interest to harmonize the efforts of the developer and the homeowners.

Ms. Scholley commented that the approval of the fire department would also be a condition to release of the funds.

MOTION by Mr. DeLanoy in the Bitterbrush matter to approve the recommendation of the staff with the exception that the amount was $337,000, instead of $452,000. The motion carried unanimously.

VIII. PUBLIC HEARING

A. Amendment to Chapter 97, Employer-Based Trip Reduction Program Relative to Credits Given for Membership in Transportation Management Associations (TMA)

Senior Planner Richard Wiggins explained that Chapter 97 established various levels of program requirements. Level 1 applied to all employers; level 2 applied to those with more than 100 employees. The proposed amendment applied to level 2 employers. Staff felt that the proposed amendment would reduce some of the regulatory burden on employers in the Region by allowing them to gain 15 credits outright for membership in a TMA. This would also strengthen the TMAs and assist with program funding. Employers with 100-200 employees were required, in addition to having an employee transportation coordinator, to choose from a list of options that would include ride sharing or car pool programs to reduce vehicle miles.

Mr. Hime noted that in California employers with fewer than 100 employees were exempt from employer trip reduction programs. The California Legislature last year eliminated the whole employer trip reduction program. The same thing had occurred at the federal level. The environmental and business communities had agreed, along with air quality management districts, that the program was the least effective trip reduction option and had no noticeable return.

Mr. Wiggins agreed that California had adopted a statute that said the program was not a requirement. According to Agency counsel, this action did not apply to the Basin. Some studies had shown that some of the mandatory programs were

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not as effective as what was anticipated. The ordinance would allow people to
get involved with TMAs and through that mechanism help achieve some of the
trip reduction goals. If the program was being implemented as the Tahoe Basin
employers indicated it was, there were real trip reductions.

**MOTION** by Mr. Wynn to make the findings to approve the amendment to Chapter
97 as proposed.

**SUBSTITUTE MOTION** by Mr. Hime that employers with fewer than 50 employees not
be required to participate in the employer trip reduction program, that the
program be a voluntary one.

Agency Counsel R. J. Nicolle advised that such a proposal would need to be
placed on a future agenda, since this action was not currently noticed. The
motion before the Board was on the findings.

Mr. Hime withdrew his substitute motion and asked that his proposal be placed
on a future meeting agenda.

Mr. Wynn's motion on the findings carried unanimously.

**MOTION** by Mr. Wynn to adopt Ordinance No. 96-10.

Chairman Upton read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe
Regional Planning Agency; Amending Chapter 97 of the Code of
Ordinances Relating to the Employer Based Trip Reduction Program;
and Providing for Other Matters Properly Relating Thereto

The motion carried with Mr. Hime voting in opposition.

Mr. Steve Teshara, for the TMAs, noted that it had been the experience of the
TMAs and community employers that the program as implemented was not
considered a regulatory burden. The process was relatively straightforward,
and the TMA was able to work with employers in a rather expeditious, painless
fashion. It was too early to quantify a lot of the trip reduction benefits,
but one benefit certainly was that all employers had agreed to participate in
the TMA. This had borne fruit in many ways, i.e., support for transit
enhancements and cooperative problem solving. The ordinance had sparked this
kind of effort; and, while he appreciated Mr. Hime's concern about the impact
on the business community, it was a streamlined process. He would be prepared
to come back to TRPA with any further amendments should problems be
identified.

**IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (TRPA)**

A. Allocation of FY 1995-96 State Transit Assistance Funds ($43,308) to
   Placer County for TART Operating Assistance

B. Allocation of FY 1995-96 State Transit Assistance Funds ($43,308) to
   South Lake Tahoe for STAGA Operating Assistance
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Associate Planner Bridget Mahern presented the summary of the proposal to allocate STA funds to Placer County and to South Lake Tahoe.

Ms. Bennett noted that the Finance Committee earlier in the day recommended approval of all RTPA items.

MOTION by Mr. Sevison to adopt RTPA Resolution Nos. 96-3 and 96-4 for the STA funds ($43,308) to Placer County for TART and $43,308 to South Lake Tahoe for STAGE. The motion carried unanimously.

C. Allocation of Excess Local Transportation Funds ($11,403 Plus Accrued Interest to Date) to the City of South Lake Tahoe for STAGE Operating Assistance

Ms. Mahern explained that earlier in the year the El Dorado County Controller had notified TRPA there was a small amount of funds that had been carried for a number of years. This action was to allocate the excess funds to South Lake Tahoe and clear out the account.

MOTION by Mr. Hime to adopt RTPA Resolution No. 96-5. The motion carried unanimously.

D. Resolution Approving Programming of FY 1995-96 Section 18 Funds to the Tahoe Transportation District (TTD) for Trolley Service in South Lake Tahoe and Tahoe City

B. Resolution Approving the Reprogramming of FY 1993-94 Section 18 Funds to the Tahoe Transportation District (TTD) for STAGE Service in South Lake Tahoe

Senior Planner Richard Wiggins explained that item D. was to program $29,994 in Section 18 funds for the North and South Shore trolley operations. Item E. was to reprogram previous year's funding for STAGE.

MOTION by Ms. Bennett to adopt RTPA Resolution Nos. 96-6 and 96-7. The motion carried unanimously.

X. PLANNING MATTERS

C. 1996 Threshold Evaluation Status Report and Environmental Assessment (EA) Scope of Work

Principal Planner Gordon Barrett explained that for the nine adopted thresholds there were 33 indicators, 26 of which had 1996 interim targets. Targets were set out in five-year increments with progress reports conducted throughout the process. The status of attainment by percentage had been calculated for the various targets. Of the 33 indicators, seven would need minor amendments, perhaps in the fall. Nine indicators needed major study with a view toward possible amendment. Attainment of the VMT threshold, as an example, fell into this latter category. Study and possible amendment of the more major indicators would take five to ten years to complete.
Mr. Wynn questioned how the Board was supposed to make findings and act on projects when so many of the threshold indicators were in need of amendment or more study. This could lead to the Board making decisions based on faulty assumptions. The questionable indicators should be flagged for the Board.

Mr. Barrett responded that the program managers responsible for evaluating each of the thresholds could present the status of indicators to the Board members at the next meeting. The Board’s consideration last month of the scoping of the Environmental Assessment was based on the assumption that there would be no major amendment of thresholds in this evaluation. Executive Director Jim Baetge’s plan and direction to staff was he wanted to focus on getting environmental improvements on the ground. Diversion from this to take on amendments could lead to a repeat of the long discussions and potential litigation of the 1980s. Because the State of California did not fund TRPA to the requested extent for the threshold review, staff was focusing on getting improvements on the ground and working in the long term to correct the thresholds. They would not be amended this year.

Mr. Wynn asked that staff advise the Board on which thresholds were subject to revision or were questionable. Were scenic quality or fish habitat in this group? If so, it would be difficult for the Shoresone Partnership group, which was meeting twice a month, to simplify and make recommendations on shoresone regulations if the technical data was not reliable.

Mr. DeLancy suggested outside funding sources may be available to aid TRPA staff in the updating of the thresholds, where appropriate.

Mr. Waldie asked that in staff’s breakdown on suggested minor and major threshold amendments staff include whether the present information included whether present thresholds were too weak and therefore more stringent regulations were required - or whether present information suggested the thresholds were too strong and regulatory requirement should be weakened.

Chairman Upton asked that staff prepare a list of the thresholds needing major or minor amendment along with a cost to resolve them.

Mr. Cole asked for an estimated cost along with a prioritization. This was pretty critical, since TRPA was making decisions based on assumptions that may or may not be correct at this point. If TRPA had an opportunity to correct the situation, it should do so. Obviously the amendments that were the cheapest and simplest would be the ones to get out of the way first.

Mr. Barrett explained this would fit with the current focus on an environmental improvement program (EIP). The EIP, which concentrated on getting the top 50 or so projects on the ground, also would address new regulation changes, studies, and new programs. Staff had just prepared a draft of needed studies, and each program manager was putting together cost and scheduling details. At the next Board meeting, staff should be able to provide an A list (things to be done this fall), a B list (things to be done in the next five years), and a C list (things to be done by 2007). This was a fundamental part of the EIP.
Mr. Upton suggested that when the thresholds were established they were done so without necessarily having all the technical data in hand. One threshold he was particularly concerned about was the SEZ restoration requirement and the reality of the target to restore 1,100 acres. Currently about 110 acres had been restored. Was the 1,100 acre target a reasonable one and was it financially feasible?

Dr. Miner suggested that he would like to see staff come back to the Board with criteria for what was minor and what was major for agreement by the Board. This would help in prioritizing the issues.

Mr. Barrett responded that as discussed he would be bringing an A, B, and C list to the Board in terms of threshold amendments and studies.

Ms. Bennett asked that the Board members also be provided with copies of the 1991 threshold evaluation summary so they could get an idea of the status of the thresholds back in 1991.

Mr. Barrett explained that approximately 20 people attended the May 17 environmental scoping meeting. Staff sent out information on the meeting to the APC, the Governing Board, interested agencies, and the general EIS mailing list. The focus of the meeting was to discuss the intent to prepare an Environmental Assessment (EA) rather than an EIS for the evaluation. The thought was that if staff stayed within the scope of the EISs for the 1987 Regional Plan and the Regional Transportation Plan, an EA would be sufficient to analyze the impacts. Staff did not envision any impacts that could not be mitigated. Staff was planning on following the format of the 1991 threshold evaluation document. What would be different would be the alternatives.

Mr. Barrett described Alternatives 1 (no action on future allocations), 2 (redirection of development), and 3 (allocations linked to environmental improvements) and how each proposed to handle commercial, tourist, recreation, and residential allocations. Staff was planning on conducting an informal workshop on June 14 with local entities and others to assist staff in generating a preferred alternative to bring to the APC and Board. He would be inviting approximately 15 people to the workshop to get the pulse of the community on residential and commercial alternatives and to assist in the design of a preferred alternative. The first workshop would likely focus on process.

The Board members discussed whether allocations should be set at all, the need to look at the way allocations were distributed around the Lake, whether the setting of allocations actually encouraged development, using allocations as a tool to achieve the Compact mandate for orderly growth, using project approvals as a means of achieving environmental improvements, and removing restrictions and using mitigation fees to achieve orderly growth and rehabilitation of deteriorated areas. The Board also addressed maintaining a lottery system in some jurisdictions for consistency, whether to assign commercial allocations by jurisdictions or to make them available in a pool to be assigned to whichever projects provided environmental improvements, and the artificial demand for commercial and residential allocations because of the limitations over the last ten years.
Mr. Don Kornreich suggested that if the Board provided the same direction to meet threshold goals as it had in 1991 the plan would be worse this time than last time. There needed to be a realistic job this time on the threshold evaluation and the subsequent Regional Plan. He had given Mr. Upton a copy of a document outlining the May 17 scoping meeting. The amount of work to be done between now and August was tremendous, and there were not dollars available to spend on consultants. Staff had to do most of the work, and he did not see how it would all get done. He would like to see more use made of the team to relieve the burden on TRPA staff. Mr. Kornreich suggested the Board should modify the VMT (vehicle miles traveled) reduction threshold because there was no way that the 10 percent reduction in VMT levels could possibly be reached by 2007. While VMT was a good measure of individual project impacts, this measure was unnecessary in view of the other thresholds relating to water, air, and scenic quality and wildlife habitats and forest health. He would like to see the Board get rid of VMT so that planning documents were drafted so they could be realized.

Mr. Cole suggested that VMTs were originally created as a measure of air quality, but the fact was that air quality had improved and VMT had also gone up. The correlation did not exist. If there were other reasons for VMT reduction, these needed to be defined.

Mr. Wynn suggested that VMT was irrelevant to the advantages of mass transit. Mass transit was a good thing for the environment. The idea of trying to discourage cars in and of itself could not be done. There were, however, ways to encourage the use of mass transit in and of itself. They were unrelated events. What he saw again and again in these broad Board discussions was staff's attempt to deal with very complex alternatives. To get where it wanted to be by 2007, TRPA needed to grossly simplify its agenda.

Ms. Bennett suggested that there was a correlation between enjoyment of a recreation experience and vehicle congestion. Such an experience should be enjoyed without the intrusion of automobiles.

Mr. Kornreich commented on the effect of high water level on the Lake's clarity. He asked the Board to consider the effect of leakage from sewage lines and leakage of fuel from service station tanks. These could potentially be very serious problems. He also asked that TRPA focus on eliminating Eurasian water milfoil in the Tahoe City area, because some of this plant had flowed down into the Truckee River and was headed for Pyramid Lake. He liked the idea suggested by Mr. Cole of having all commercial allocations put into a pool and competed for. Assigning allocations by community made no sense.

Ms. Rochelle Mason, for the League to Save Lake Tahoe, suggested it would be beneficial to have planning workshops where experts could be brought in to talk about why slow growth was a beneficial thing for a community and how transferable development rights programs had worked in other places to achieve desired goals. The League agreed with the general direction to stay within the parameters of what was covered in the EIR five years ago in the first evaluation and thereby avoid doing an EIR/EIS. If the Board was looking at modifying thresholds, the League would insist that a full EIR/EIS be done. These were fundamental questions going to the heart of the regional plan and were part of environmental protection. On the VMT threshold in particular, it
was wrong to say there was nothing that could be done to improve the traffic situation. More fundamentally, it was wrong to say there was no good in trying to improve the traffic situation. At Tahoe, traffic levels were going up and economic prosperity was not going up. Some in the business community felt that increasing traffic levels was in fact damaging their ability to prosper. There was a fundamental tension between residential development and the function of this area as a vacation tourist town. As residential traffic increased, visitors were discouraged from coming. The only way to reconcile the two goals of permitting the orderly growth and development of vacant lots while permitting and encouraging a flourishing vacation community was to find alternatives to the private automobile. This was recognized in the Compact negotiations and why the Compact charged the Agency with the primary mission of reducing reliance on the private automobile. The system now profoundly subsidized the automobile while not giving equivalent subsidies to other forms of transit. If as much money was spent on alternatives as was spent on roads, people would be much more willing to take the alternatives. There was no justification for abandoning this goal before trying to achieve it. TRPA still did not have a parking management plan, a mechanism recognized nationally as an underpinning of a successful mass transit program.

Chairman Upton responded that TRPA was not suggesting it abandon this effort or the need to address VMTs. The question was how much time was spent chasing around on a particular goal that may or may not be achievable as opposed to focusing on programs to deal with the problem.

Ms. Bennett explained that much had been done by the Tahoe Transportation District (TTD). It had been reformed and refinanced and was making marvelous progress. The lake lepper and water borne transit were set forth in a five-year program. The problem with the VMT standard was that it was linked to air quality. The circumstances had changed. VMT as related to the issues raised by Ms. Nason was appropriate; it should not, however, be linked to air quality.

Ms. Nason agreed much was happening positively on the CO (carbon monoxide) portion of the standard. But the whole notion of the thresholds was that the different environmental and economic issues were interrelated. While VMT may no longer be as directly related to CO attainment as it was ten years ago, VMT was still tied to water quality, to coverage impacts created by increased parking needs, to increased velocity of water over covered areas, to increased erosion. VMT was also tied to the economy. In terms of the process, Ms. Nason noted that the League would resist in the strongest possible way any effort to change any thresholds at this time. The League supported staff approach to doing the evaluation in a relatively efficient and simple way through an EA by staying within the parameters of what was decided five years ago for what was then the prospective ten year period. In terms of scoping and the process, what was before the Board was the staff proposal to do an EA rather than an EIR/SIS. The League supported that but only inasmuch as it was limited to the action that the EA was scoped to cover. Outside of that, the League would want a full scale document. The same was true for the allocation system.

Mr. Steve Teshara, for the Lake Tahoe Gaming Alliance, commented that in addition to the Board's consideration of the appropriateness of an EA the
Board was also giving staff some direction on the alternatives. Alternative 2 (Redirection) was not the alleged middle ground that was suggested. What the Board was doing was setting up a narrow range of alternatives and not giving enough substance particularly to Alternative 2. The proposal for commercial was 50,000 square feet/5 years linked to transfer incentives. If this proposed 50,000 square feet for five years, there would be no redirection. The whole notion of commercial allocation limits should be looked at. There were many areas in the Basin inside and outside of Community Plan areas in major need of rehabilitation, and there were no existing programs to address that problem. The one way to address it was to look at commercial allocations as an incentive for small property owners. There were coverage limits on areas zoned for commercial use, and the notion that easing restrictions on commercial would somehow create a mass rush of commercial development was simply erroneous. Serious consideration should be given to having a commercial allocation pool and having it be as flexible and as broad as possible. It should be applied in a regional fashion and allow the TRPA project review process and the link to environmental improvements to be the driving forces behind it. If this approach was not taken, what the Board would find would be some improvement in redevelopment areas and improvement in community plan areas. There would be no improvement in areas outside of these zones and no way to get improvement. There was no mechanism for these to take place. Workshops to discuss this further would be helpful - not in an effort to undo the thresholds but in an effort to really get at what the problem was. The Board needed to look seriously at whether Alternative 2 as presently drafted was really a middle ground or substantial enough to redirect development. In his opinion, it was not.

Mr. Cole agreed with Mr. Teshara and objected to the characterization of Alternative 2 as "middle ground," because he found Alternative 3 (allocations linked to environmental improvements) to be middle ground. He had a problem with Alternative 2. If TRPA wanted an incentive program that provided financial incentive for people to really make necessary incremental improvements, the small amounts of proposed commercial square footage would not stimulate that kind of effort.

Mr. Barrett asked today that the Board give concurrence that the proposed scoping document was the right approach. What had come up today that staff had not anticipated was the concern over possible threshold amendments, scheduling, the EIR program. At this time and also because of the June 14 workshop, it might be premature to ask the Board to vote on the scoping document. What he wanted from the Board was a statement that staff was in the ballpark and should stay with the document. After the June 14 meeting, staff would start a process to get a preferred alternative. There were many permutations coming from today’s discussion, and alternatives were numerous. But within the budget and time, staff would like to keep the alternatives to three and possibly four. He would like to see the fourth alternative be the preferred alternative resulting from all the input.

Mr. Wynn asked if the Board today could give staff direction not to spend time on alternatives 1 and 2 and to focus its efforts on alternative 3. It appeared there was a consensus on what the staff should not spend a lot of time on. It might be helpful to give staff some direction instead of turning staff loose to engage in metaphysical speculation.
Chairman Upton explained that in fairness to the process the Board needed to give staff an opportunity to work with the affected communities and interests to work toward a reasonable resolution and also to talk about what may go in place and how it would affect and address existing problems. He believed Alternative 3 would move in that direction, but more work was needed. He would like staff to come back with a suggestion on how to deal with the interrelated thresholds issue.

Deputy Director Jerry Wells advised the Board that TRPA was required under its regulations to look at a reasonable range of alternatives. The no project alternative was one that TRPA legally had to consider - even though all may agree it was not something that staff should spend a lot of time on. As far as the EA, this alternative had to at least be evaluated for a determination on whether it was a viable alternative. He recommended that after the June 14 meeting staff come back to the Board with a preferred alternative - maybe even a refinement to the range of alternatives.

Mr. Bradhurst asked that the evaluation analyze the existing situation as an alternative.

Mr. Barrett explained that the existing situation was a continuation of the existing pattern, i.e. a continuation of the community plan process. Staff felt that the Board's earlier direction, however, was to focus on the environmental improvement program (EIP) which would provide the mechanism to distribute the allocations. In essence, the Board had already given the staff some direction.

Mr. Wynn responded that the Board generally liked the idea of incentives coupled with what was proposed. The Board members would like to have staff show them how people would be encouraged to make improvements.

Mr. Cole suggested Alternative 3 was a continuation of what was going on now. The only difference was that the criteria for distribution of allocations were being changed. The numbers really were the same.

Mr. Sevison suggested that if TRPA was considering a pooling of commercial allocations he would like to see as a part of alternative 3 how that would function and who would make the decision and on what basis the decisions would be made. He wanted everyone on the same playing field if this was the approach taken. He did not want to see some having advantages over others. This would kill some communities and help others that did not need it. This approach would have to be well thought out.

The following discussion came up in the middle of the threshold discussion and was acted on upon completion of the threshold item.

VI. CONSENT CALENDAR (continued)

Mr. Sevison advised the Board that he had intended to abstain on one of the consent calendar items earlier in the meeting.
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Agency Counsel R. J. Nicolle explained that Mr. Hime was not present at the morning's consent calendar vote and there would not have been a California quorum present to act on California projects without Mr. Sevison's vote. Mr. Hime was now present. It was important to get the vote specifically on the record. (See below.)

Ms. Monique Urza distributed a handout to the Board members and suggested that ordinance requirements for the content of the five-year threshold evaluation was not the same as what was required for the BIR for a project. Under the ordinance for the five-year evaluation, the evaluation contents were to set forth factual information on how the Basin stood on attaining thresholds. Recommendations based on those facts were then to be made. The ordinance did not require exploration of various alternatives. In her opinion, the Board had full authority to come up with its own recommendation based on information resulting from the five-year evaluation.

Mr. Wells agreed that the evaluation itself did not require an environmental document. What did require one were any changes to the Regional Plan. One of the changes that ultimately would occur was amendment of the allocation schedule. At the end of 1996, that allocation schedule ended except in Community Plan areas where it had been extended for three years, and there were no allocations scheduled to go beyond that date. There may also be other Code amendments which would require some form of environmental documentation. Staff was simply trying to couple the process all into one. Staff felt that everything would be in place by December 1996, and there would be no gap in available allocations.

Dr. Miner suggested that staff think about a continuation of the present situation, as in Alternative 3, so that there would be bridges and no gaps - in anticipation of being late.

At the conclusion of this agenda item discussion, Ms. Nicolle reminded the Board that it needed to take a new vote on the consent calendar.

MOTION by Dr. Miner to approve the consent calendar. The motion carried with Mr. Sevison abstaining on item 5 (Agate Bay Water Company, new pump house, special use determination, Placer County APN 116-040-01). (Members present: Cole, Wynn, Sevison, Bradhurst, Neft, Bennett, Waldie, Heller, Miner, Hime, DeLacey, Stewart, Upton)

The meeting recessed for a lunch break from 12:05 p.m. to 1:45 p.m. The Governing Board's Shorezone Policy Committee met during the lunch break.

VIII. PUBLIC HEARING

B. Amendment of PAS 041, Incline Village #3 (Residential), to Permit Multiple Family Dwellings as a Permissible Use on Certain Parcels on Which the Use is Presently Not Permitted

Senior Planner Andrew Strain noted that a May 16 letter from Mr. Dan Siegel, of the California Attorney General's Office, had been distributed earlier to the Board members. The owner of a 7.2 acre parcel had applied for an
amendment to allow multiple family dwellings on the parcel at a density of 4 units to the acre. Presently multiple family dwellings were not permitted on the parcel. The stated intent was to ultimately gain approval to develop somewhere between 24 and 28 residential units on the parcel; the project once approved would be subdivided. Action on the project and subdivision were not before the Board today. To accomplish the multi-family use, a Special Area would be created on Village Boulevard with multiple family to be permitted as a special use, recognizing the units would end up as single family if the Board approved the subdivision down the line. The Special Area would also be classified as a transfer of development rights receiving area. The proposed 4 units per acre density was more similar to a single family; the typical multiple family dwelling density was 15 units to the acre. Along with the proposal, the applicant planned to restore one acre of disturbed stream zone by removing fill from Third Creek. The applicant would contribute $100,000 of the $200,000 needed for the effort and would be working with the Resource Conservation District to obtain a grant for the remainder of the cost. This was the first time TRPA had applied the Board-adopted rules setting out specific criteria against which to evaluate multiple family zone changes.

Mr. Strain explained that the three primary issues discussed with the APC related to special findings on amendments which proposed multi-residential uses in areas where they were not permitted. These were: 1) the development would be transit-oriented (transit and neighborhood services within ten-minute walk, good pedestrian and bike connections, opportunities for residential infill at densities greater than 8 units per acre, ability to infill with mixed residential and commercial uses, adequate public facilities); 2) the need to offset the potential for an additional 275 to 300 new vehicle trips to a nonattainment situation (1,100 - 1,200 new VMT); and 3) whether it was good policy for TRPA to be adding new subdivisions on vacant undeveloped land. The APC was concerned that this was an end-run to the plan’s prohibition on subdivisions. To alleviate concerns regarding the ability to make the transit-oriented findings, staff was proposing recommendations related to pedestrian access, home mail delivery, transit shelters, ski shuttle service, and bicycle trails. The property was approximately one mile from downtown Incline Village.

Mr. Wynn suggested that the proposal did not meet even remotely any of the standards established in the past. The Attorney General’s letter raised the issue of density, and the proposal did not respond to the need for high density development near buses. With regard to drainage, the property was a hillside site, and there was a lot of energy coming off the hill.

Mr. Strain explained that to address the VMT increase staff had drafted a condition with the applicant to transfer units of use to the site which, on an average length, would be from places that were further out and perhaps on more sensitive lots. The development would propose to buy existing units of use as well as use some allocations and development rights to bring the package together for 24 to 28 units. There was a chance the applicant would bring units in from another jurisdiction. To address the concern about level of service and air quality, the development would maintain one point of access, ingress and egress. There was a way to work with the fire department to provide an emergency access. The APC voted 12 to 2 to grant the amendment with discussion on the policy of end-running the subdivision prohibition. The
APC asked staff to place on an upcoming agenda the policy issues and how to deal with them. Mr. Strain presented more information on current permitted uses on the property and the Corps of Engineer intent to look at the whole of Third Creek as a system in need of rehabilitation.

Mr. Jim Borelli, with Borelli/Smith Architects in Incline, architects for and partners in the project, explained his firm’s past 17 years of experience at Tahoe. Early meetings with Washoe County and TRPA staffs were conducted to see if the project was feasible and whether the developers could achieve a level of comfort to proceed. The property for the last 25 years had been owned by the Washoe County School District and was intended for a school. The site was basically an island with uses occurring around it. The County had determined that the site not been owned by the School District it most certainly would have been zoned multi-family, like all surrounding properties. Allowed uses for the area included a single family home with a guest house, golf course expansion, sports facilities, Sierra Nevada College expansion. What was proposed would have less of an impact than these other uses. What was proposed was 24 to 28 old Tahoe style dwelling units, an extensive win/win stream zone restoration project, transit shelters along Village Boulevard, 680 linear feet of bike path to connect with the college campus, individual mail boxes at individual residences. The project would not increase the urban boundary and proposed an orderly residential infill in an existing neighborhood. In addition to the APC vote to approve (12 to 2 vote), Washoe County approved a land use designation change allowing an increase to 50 units. Just above the property to the northeast was the Tahoe Palisades 22 unit detached residential project and common area, similar to what was proposed here. A January public forum in the community saw generally positive acceptance of the project. No new development would result from the project since it would use existing allocations retired from elsewhere in town. An additional burden was placed on the applicant trying to find transfer units from further out to transfer in to meet the VMT threshold requirement.

Mr. Borelli asked for one change in the staff report regarding the requirement for one point of access. The project’s consultant felt that was the worst case scenario. Because of the site topography, the best design would be to have one access to serve six or seven units in one part of the site, with the remainder to be served by a secondary access. Using a display map, Mr. Borelli responded to Board member questions about the site’s topography and the location and condition of the stream.

Applicant Dale Smith explained he had talked with some of the Board members (Bennett, Cole, Bradhurst, Upton, DeLanoy, Wynn) and had faxed information as well. Using the display and photographs, Mr. Smith described and responded to questions about the project’s proposed layout, the stream and slope configuration, and proposed restoration. The total cost for the restoration was estimated by Joe Thompson of the Resource Conservation Service to be $196,000; $150,000 of that was hard cost, and the remaining $47,000 was soft (engineering) costs. By bidding as a larger part of the Third Creek project proposed by Incline Village GID downstream, the total costs would come down.

Mr. Cole suggested that one of the major mitigations for the project was the stream zone restoration. He was concerned that the project was committed to undertaking a part of the restoration in the form of a $100,000 contribution. If the grants were already available, then he would feel secure that the work
would take place. Without knowing if grants would be successful, there was no guarantee the restoration work would occur.

Agency Special Projects Attorney Susan Scholley suggested the Board was getting into discussing the specifics of the project. To the extent the Board was talking about transit-oriented development findings, it was appropriate for the Board to get into some preliminary level of project layout.

Mr. Smith presented more information about the proposal to remove 338 cubic yards of asphalt contaminated soil from the SEZ, to remove 4,300 square feet of hard coverage from the SEZ, to remove 15,000 square feet of soft coverage from the SEZ, 6,500 square feet of soft coverage from the SEZ setback, and to revegetate over one acre in the SEZ. The parcel had been in its existing condition since the mid-1960s. What was being requested today was approval to allow multi-family dwellings on the property. The applicants would be back before the Board should the amendment be approved with a proposal to subdivide under the condominium provisions of the Code.

Ms. Scholley explained that the issue before the Board was the Plan Area Statement (PAS) amendment to allow multi-family uses. The Board should not look at the next step (single family use), because the whole premise of the subdivision ordinance was that subdivisions were only permitted in plan areas where multi-family dwellings were appropriate - infill of existing urban areas. It was not ultimately what the project may become but whether this would be an appropriate multi-family area for infill.

Ms. Bennett explained that in Carson City any kind of zoning change of this magnitude needed to be tied to the project and looked at simultaneously. This had been a good process and one TRPA may wish to consider. In her capacity as a member of the Nevada Tahoe Conservation District (NTCD), one of her priorities was to see restoration of Third Creek. The NTCD would likely be overseeing the restoration project and was aggressively seeking funds for its completion. She did not believe TRPA could make an informed decision about the benefit or non-benefit of a zone change without being able to see the project.

Mr. Wynn asked if the applicant would be willing to commit to an irrevocable deposit of the $100,000 into a stream restoration mitigation fund regardless of any subsequent event and regardless of whether the amendment of project occurred or not.

Ms. Scholley explained that the SEZ restoration was not really a component of the Plan Area Statement amendment; this would be an appropriate request in the context of a project. It was not part of the findings on the amendment. This discussion on the stream restoration was way off the pertinent subject. The issue was the Plan Area Statement question - a zoning question.

Agency Counsel R. J. Nicolle advised the Board that the finding required by the Board in approving the amendment was that the parcel was suitable for transit-oriented development (TOD). The finding stated that the factors to be included in determining suitability for TOD may include, but not be limited to, the earlier discussed items regarding transit and neighborhood services, pedestrian/bike connections, residential infill, and adequate public.
facilities. The Board needed to make a finding that the parcel was suitable for transit-oriented development. Components of that were set forth as examples.

Mr. Wynn suggested that the rationale behind the examples in the TOD finding was to allow higher density development near commercial areas which had mass transit capability. Mr. Siegel's letter suggested that such higher density amendments should be made only when the property was in a commercial core area that was mass transit sensitive and where there was high density. It wasn't supposed to be a catchall for more development. That was not the purpose of the criteria.

Mr. Severson suggested that reclassification of the property to multi-family residential assumed there were similar units in the plan area or within the Region that were transferable onto the parcel. To make this economically feasible, these would need to be high-end, expensive units. Also, there was the question of sacrificing the bed base of employee housing and other types of uses that were already in short supply to accomplish the project. Even though the conversion to subdivision would not come up until the next phase, the Board was being asked in this amendment to assume that there were units available and that using them here would not affect the existing housing shortage in the Region. The units, in fact, would have to be transferred off of some other property in order to accommodate the project.

Ms. Scholley explained that the location of the sending units was not determined until the project stage. Identification of the sending parcels would come in at the project review stage. One should assume at this point that there would be suitable sending sources for a project zoned multi-family. TRPA would favor transfer of development rights from sensitive parcels or parcels in paper subdivisions. As part of the project, it was appropriate to know where the units were coming from. Staff had already set the stage for that in the findings by saying it wanted to know where the units were coming from because of the concern with VMT.

Mr. Borelli explained that the project would not be bringing allocations from the core area. The applicant would be searching for allocations from the outskirts so as to show TRPA that VMT would be reduced. Employee housing did not require allocations. The use of allocations on this project would not affect the future development potential of employee housing projects. The uses set forth in the Code relative to transit-oriented development findings were examples only. The project could provide alternate means of achieving the finding, i.e. bike path, home mail delivery, on-site pedestrian circulation, two bus shelters, and a Diamond Peak ski shuttle. There was a menu of options. Washoe County currently permitted a maximum of 50 units on the property.

Mr. Bradhurst explained that pedestrian and bike facilities were nearby on College Drive, 15 small parcels away. The call for densities greater than 8 units in the TOD code language would mean a minimum of 56 units. The County land use plan would allow 50 units.

Incline resident Don Kornreich expressed support for the project. Although the project proposed a pedestrian path of only one-tenth or so of a mile, it
would leave three-tenths of a mile gap to where the real pedestrian path was in existence, starting at College Drive and going to Lakeshore Drive. This whole section was important, and funding was being sought to complete it. The project would save about $15,000. This project proposal was very compatible with local plans for pedestrian paths and bike lanes and would hopefully tie in with the local transportation system that he was working on getting implemented next year. One of the things he liked about this project was that home mail delivery boxes would likely be away from Village Drive so that they would not be knocked down in the winter. Home mail delivery would eliminate at least 100 VMT per day. IVGID was now designing a $717,000 project for restoration of Third Creek downstream from this site. Whatever could be done to stop the terrible sediment flow from Third Creek would be worthwhile. The area in question was now high density, and the proposed project was compatible with what existed today. He recommended approval of the amendment.

Mr. Dan Siegel, from the California Attorney General’s office, explained this item raised concerns expressed by his office two years ago - the lot and block subdivision prohibition in the 208 water quality plan. In 1994 TRPA engaged in a process to address that issue. One resulting code amendment related to a transit-oriented development requirement. The purpose of the requirement was that transit-oriented developments were by their very nature not lot and block subdivisions. The plan and code now were clear that, de facto, lot and block subdivisions were not permitted. Yet, according to the staff report, that was what was being considered for this property. The proposal was for a 24 to 28 unit single family home subdivision. Staff acknowledged that, while not technically a lot and block subdivision because of the proposed method of common area open space ownership, the proposed layout resembled a lot and block subdivision. The rationale behind the prohibition on lot and block subdivisions related to water quality, not VMT. The layout of such development required a lot more road surface, and road surfaces caused more erosion and sediment than other kinds of coverage. A lot and block subdivision would look like a lot and block subdivision no matter what the type of ownership. The 208 plan listed only limited kinds of permissible subdivisions. TRPA’s intent was to avoid the impact of new lot and block subdivisions while using mechanisms like resubdivision to lessen the potential impact of existing, approved but unbuilt subdivisions. The plan also noted that creation of new subdivisions on raw land should be avoided. TRPA’s code implemented this. In California, the Water Resources Control Board modified its basin plan to say if it looked like a lot and block subdivision, it was one. To further implement the 208 prohibition, TRPA amended its code in December 1994 to prohibit the addition of multi-family as a permissible plan area use unless the plan area was found suitable for transit-oriented development. Now the Board was seeing a tremendous loophole.

Mr. Siegel presented more information on TOD and noted that staff’s report candidly addressed the requirements and concluded it was difficult to demonstrate that the parcel was suitable for TOD. What ultimately was involved here was the integrity of TRPA’s code and 208 plan. He did not feel the Board had the latitude to find in favor of the proposal. A concentrated, apartment- or condominium-like structure with fewer rooms would fit within the intent of the 208 plan.
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Ms. Scholley noted another issue was coming up in the context of the subdivision ordinance; that was attached and detached units and whether they were spread out on the site. Mr. Siegel had touched on both of those issues. She urged the Board to stick with the transit-oriented issue and whether this PAS was an appropriate one for multiple-family dwellings - which admittedly would make a future project eligible for subdivision. Without the amendment, the proponents could not get a subdivision. Ms. Scholley presented more information on the two-step process.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, agreed with the comment that this clearly was not transit-oriented development and did not even come close. She urged the Board to maintain the integrity of the TOD standard. If the Board wished to approve or reconsider the project, it should be done on the basis of an amendment to Section 13.7(d) involving when multi-residential could be added to a PAS, rather than on the basis of finding this to be transit-oriented development. If this were considered TOD, anything in the Basin proposing addition of a bus stop could be considered TOD. Considering the level of controversy around the subdivision ordinance, the two-step process, and now the multi-family residential issues, this was exactly the kind of subject that should be returned to the staff with other threshold review issues for a code improvement.

Mr. Lynn Fetterly, an applicant and one of 13 owners of the proposal, suggested that PAS 041 was almost all multi-family. Properties in the surrounding areas, including the Woodminster and Glenrock Condominiums, were multi-family. The proponents were not in violation of any code in requesting the PAS amendment. Staff had done a diligent and substantial job reviewing the proposal and all alternatives. The TOD findings and conditions would be met based on the approval recommended by staff. The applicant agreed with staff on the findings and conditions and suggested that one additional driveway access would be more conducive to this particular site. The ultimate development of the site was a condominium as defined by Nevada Revised Statutes and was consistent with TRPA regulations for multi-home condominium units. A lot and block subdivision currently was not permitted. The site development of up to 20 dwelling units would be consistent with the legal structure of approximately ten other similar condominium developments in Incline Village; these had delivered approximately 151 living units since 1993. All but one of these was designed and built as free standing, because the buying community did not particularly want stacked up, attached, high density units. The proposed housing density was less than what Washoe County had approved. The housing stock in the Basin would not increase through the amendment, inasmuch as development rights would be transferred from other parcels in the Basin. Transfer of development rights provided a wonderful opportunity for other parcels that did not have buildable IPES scores or that were SEZ sensitive parcels to market their development right. Public monies were not currently available to retire those parcels. The amendment would insure that development would not increase VMT, and it had the support of many surrounding neighbors and local entities. Mr. Fetterly presented more information on the benefits of the Third Creek restoration and on the previous approvals. He concluded by stating that this proposal was a classic example of how a private interest could work with the public sector to achieve environmental goals and enhance lake water quality.
Mr. Borelli described the property in relation to its surroundings, the TOD findings, the multi-family request, potential uses, discussions with staff on alternatives, and similar situations on neighboring properties.

Ms. Monique Urza commented on Ms. Scholley’s advice that the Board confine itself to discussing whether it was appropriate to add multi-family uses in this PAS. The PAS itself contained Planning Considerations and Special Policies language which would seem to suggest that the concerns raised in the discussion, including those relating to wildlife, a healthy forest, and SEZ protection, would be appropriate in the discussion of density allocation or changing the PAS. If the TOD conditions and SEZ restoration commitments that the applicant was agreeing to were not reflected in the PAS itself, the applicant could sell the project to another developer without any record that there were restrictions other than the density requirements.

Ms. Scholley responded that the amendment would include Special Policies regarding TOD and reference the adopting ordinance; the ordinance would include the key components regarding TOD findings. There was a tie, and a future developer would be bound in the PAS to at least meet the minimum requirements.

Mr. Sevison suggested that he would consider voting for the project if he was convinced it would be multi-family residential. In fact what the Board would end up voting for was single family residential in a different configuration. He could not support it for this reason. It was not right to approach this in that manner. He could not tune out the fact that the future intent for the property was single family.

Ms. Scholley responded that the Board could choose to vote in favor of the PAS amendment and not on the subdivision project. If the PAS amendment was an appropriate zone change, then the Board should vote for it. If the Board felt that diverting the multiple family use to single family was inappropriate, then the Board should vote no on the subdivision. The Board was not precommitting itself on the second vote.

Mr. Cole asked if the Board would have grounds later to deny the subdivision if it approved the amendment today.

Ms. Scholley suggested that if the Board felt this PAS was more appropriately multiple family than single family it may want to reconsider the fact that single family was an allowed use in this special area. Maybe single family should be changed to a special use. If the Board amended the PAS to allow multiple family, there would be grounds if the Board wished to deny the subdivision later on. Without the project, this would not be known.

Mr. Cole suggested that the Board did not at this time know for sure what the project would be or how it would end up. The developer could change his mind or someone else might bring in a completely different project. The Board would have already made the amendment. Justifying the amendment by calling it a transit-oriented development was a real stretch; this was not the way TOD should look. Single family homes on quarter acre lots a good hike away from town was not transit-oriented development. What was proposed was a means to get to a lot and block subdivision, and he was concerned about that.
Discussion followed on the definition of multiple family and multiple family dwellings, the economics of the project, the extensive community input and local approvals, the appropriateness of the use for the parcel, the ability to make TOD findings, the legality of the Board's acting on the subdivision question, the criteria for increasing density, the source of the transfer units, and project benefits and uncertainties.

**MOTION** by Mr. Hime to approve the staff recommendation for the PAS 041 amendment as set forth in the staff summary.

Ms. Bennett noted the local support for the proposal as described by Mr. Bradhurst but expressed concern that if an intense increase in density could be approved here it likely could be approved on other vacant lots or in other areas.

Mr. Severson asked Agency Counsel if the applicant would have the ability to request a continuance on the amendment and to resubmit it in conjunction with a project.

Ms. Nicolle advised that this was possible. Mr. Hime's consent to such an amendment would be required.

Chairman Upton urged the Board to get to resolution on the matter today, particularly since there had been so much deliberation and testimony. The two issues in his mind related to Mr. Siegel's suggestion that progress had been made on subdivision discussions although some conflict remained. This was an open question. The other related to a larger solution for the whole watershed. That would not be addressed with the project by itself. The first finding was a finding of No Significant Effect and the second would be the code findings.

Ms. Nicolle advised that a vote in favor of the motion would mean that the Board agreed that the findings could be made as set forth in the staff report.

Mr. Upton suggested that the first vote was on the Finding of No Significant Effect based on the information contained in the Initial Environmental Checklist.

Mr. Hime's motion failed on the following vote:

**Ayes:**
Mr. Bradhurst, Ms. Neft, Mr. Hime

**Nays:**
Mr. Wynn, Mr. Severson, Ms. Bennett, Mr. Waldie, Mr. Heller, Dr. Miner, Mr. DeLancy, Mr. Stewart, Mr. Cole, Mr. Upton

**Abstain:**
None

**Absent:**
Mr. Cronk

(Mr. Hime left the meeting at 4:20 p.m.)
XII. RESOLUTIONS

A. For Russ Wickwire, California Fish and Game Biologist

Mr. Waldie suggested that Russ Wickwire's move out of the Tahoe Basin was an extraordinary loss and one TRPA and others would not be fully conscious of for a long time. It seemed to demonstrate, unhappily, a belief on the part of the California Department of Fish and Game that there was less concern about what was happening in the Tahoe Basin. He had become acquainted with Russ because of his interest in pier issues. Russ was a wonderful person to work with. His expertise and he as a person would be missed.

Associate Planner Coleen Shade read the resolution into the record.

MOTION by Mr. Waldie to adopt Resolution No. 96-8 commending Russ Wickwire for his dedication and fisheries work in the Tahoe Basin over the last 26 years. The motion carried unanimously.

VIII. PUBLIC HEARING

C. Draft BIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

No one wished to comment during the public hearing.

Deputy Director Jerry Wells noted that the Shorezone Policy Committee met during the lunch recess and agreed to extend the deadline for the comment period on the document from June to the October 23 Governing Board meeting. He would like concurrence from the Board on that approach.

Mr. Waldie explained he had chaired the committee meeting in Chairman Westergard's absence. The committee was unanimous in support of staff's request for the extension. The committee members expressed some concern with the progress being made by the Partnership Committee. The Policy Committee accepted Mr. Wells' recommendation that the Policy Committee members be provided with minutes subsequent to each Partnership meeting. The most important decision made at the noon meeting was that the Partnership consensus group should send any issue on which agreement could not be reached on to the Governing Board Policy Committee, rather than setting it aside and thus holding up progress. The Governing Board Shorezone Committee would then decide whether the matter was one it could resolve at the committee level or whether Board discussion and resolution were needed. The participation at this point by the Governing Board Committee would continue to be very limited; the Partnership participants would continue to work through the issues and make recommendations on agreements to the Governing Board Committee. The Board Committee then would discuss these and make recommendations to the full Board. Mr. Waldie noted that starting in July the Board's committee would be meeting for a half day the day before the regular Board meeting.

Mr. Wynn noted that some of the Partnership Committee members had agreed that they would try and deliver the consensus items in regulation form for the consideration of the Board Committee.
Chairman Upton directed that the comment period on the EIS be extended to the October 23 Board meeting.

Mr. Wells explained that the Partnership Committee met two times a month - the Tuesday before the AFC meeting and the Tuesday before the Board meeting.

Mr. Wynn commented that one of the thorniest issues that the Partnership was addressing was public access, what it meant, how it related to public trust lands, and what types of recreational uses and access were permitted on public land. These were very provocative, complex issues.

Mr. Wells advised the Board that California Deputy Attorney General Dan Siegel and a public trust attorney on the private side would be present at one of the shorezone committee meetings in July to discuss public trust and public access issues.

X. PLANNING MATTERS

A. Update on Postal Service Action Plan Relative to Home Mail Delivery

Senior Planner Richard Wiggins described recent meetings on the North and South Shores with postal representatives. He had learned recently that the Postal Service may have plans to construct another postal facility on the North Shore. Staff had tentatively scheduled a June 20 meeting with the facilities manager from Las Vegas to discuss facilities issues in the Basin. He hoped to have postmasters and regional managers involved in planning for Tahoe at the meeting to discuss TRPA’s planning concerns. The postal officials needed to understand the importance of doing more than simply building new facilities with more postal boxes. In the South Shore, through a consolidation of some facilities, there would be a net reduction in the number of boxes. There was a positive effort in the South Shore, at least, to look at coordination among the post office’s five year facility construction plan, TRPA’s community plans and postal action plan, and other plans. Staff had learned that the facility at Fallen Leaf Lake may be closed; this was counter to TRPA’s effort to reduce trips into and out of the Fallen Leaf Lake area.

B. City of South Lake Tahoe, Five-Year List of Water and Air Quality Improvement Projects

Senior Planner Carl Hasty distributed a May 21 memo to the Board outlining the City’s proposal for capital improvement projects for erosion control, SEZ restoration, and air quality. Staff recommended adoption of the FY 95-96 list of projects. The list would be updated and other projects would be integrated as they related to the environmental improvement program. The total cost for FY 95-96 for water quality projects out of water quality mitigation funds was $130,000. Staff would be back in July with the FY 96-97 list of projects for Board approval. Approval of this list would eliminate the need for the City to come to the Board for approval of the funding release each time money was needed.

Mr. Wiggins responded to Board questions about the air quality list.
MOTION by Mr. Wynn to approve the water and air quality project list for South Lake Tahoe. The motion carried unanimously.

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report

1. Receipt of April Financial Statement and Check Register

Committee Chairman Bennett reported on the committee's discussions and actions earlier in the day.

MOTION by Mr. Sevison to receive the statement and register as recommended by the Finance Committee. The motion carried unanimously.

3. Policy on Use of Air Quality Mitigation Funds Outside the Tahoe Basin

MOTION by Ms. Bennett to approve the recommendation of the Finance Committee regarding use of air quality mitigation funds outside the Basin. The motion carried unanimously.

2. Revisions to FY 1995-96 Operating Budget

MOTION by Ms. Bennett to approve the operating budget revisions as recommended by the Finance Committee. The motion carried unanimously.

C. Capital Financing Committee Report

Although there was no meeting of the committee, Ms. Nason, for the League to Save Lake Tahoe, brought the Board up to date on what had been happening in this area. One piece of bad news from Washington was that the Santini-Burton funds for FY 96 ($500,000 for acquisition and stream zone work) were eliminated without knowledge of the Nevada delegation. Senator Reid and Congresswoman Vucanovich would be working to restore the funds in FY 97. It would be helpful if Board members who were in touch with their representative could call or write in support of Santini-Burton funds. Other issues being worked on related to transit, watershed restoration funds, and having park bond language appear on both California and Nevada ballots this fall.

D. Rules Committee Report - meeting scheduled for June on personnel rule amendments

F. Local Government Committee Report - meeting on May 24

XII. RESOLUTIONS

B. Urging Nevada Public Utility Commission Exemption for Tahoe Transportation District

MOTION by Dr. Miner to adopt Resolution No. 96-9 as set forth in the packet material. The motion carried unanimously.
XIII. REPORTS

A. Executive Director Monthly Status Report

Deputy Director Jerry Wells advised the Board the Executive Director Jim Baetge was on vacation this week.

1. Status of Lay Memberships on Advisory Planning Commission

Mr. Wells advised that with California lay member Stan Hansen's resignation and the expiration of Nevada lay member Dick Mudgett's term (end of May) the lay memberships were balanced as required in the Compact. There were four remaining lay members by state. There was no urgency to fill the two vacancies, although once there were replacements, they would be moved forward. The recommendations for members normally came from local governments.

Mr. Cole asked how long Stan Hansen would have a conflict of interest and not be able to serve on the APC; it was his understanding that Mr. Hansen would like to resume his membership on the APC in the future.

Mr. Wells responded that Mr. Hansen had indicated that the Heavenly Master Plan and Park Avenue processes would take up much of his time and would present a conflict of interest. His involvement in these projects would last at least several months.

2. Status of Meeks Lumber Company Relocation, South Lake Tahoe

Senior Planner Lyn Barnett presented a status report on staff's proactive efforts with the City of South Lake Tahoe and the California Tahoe Conservancy to get Meeks located out of the SEZ. The existing site was a high quality SEZ and scenic area. Eight different alternative locations were looked at, and a site currently owned by the Conservancy near the "Y" received the highest score for the relocation. The City Planning Commission and Council had both conducted meetings on the relocation. He hoped that an application could be submitted for the relocation in 1996. Lahontan had agreed to postpone required improvements at the existing site in order to focus efforts on the new site.

Mr. Cole explained that one of the advantages to Meeks in the relocation was that it would end up in a new facility. Meeks had been at its current location for many years, and the land was owned free and clear. The business was a successful one. Meeks' property taxes would go up dramatically in the move. This was a big step and Meeks was being very cooperative.

Mr. Barnett presented more information on site costs, what needed to be done to relocate the building, site restoration, and relocation of the bike path. The City was pleased that TRPA was facilitating the move.

B. Legal Division Monthly Status Report

Agency Counsel R. J. Nicolle advised that Mr. Westergard was instrumental in getting the Nevada Interim Finance Committee approval of the $104,000 infusion into the legal budget to assist in the TSPC case.
Ms. Nicolle reported on the status of TRPA v. Barbieri, Suitum, and Hellman v. TRPA.

C. Governing Board Members

Ms. Bennett advised the Board that on Thursday, May 23, she would be escorting Senator Reid's assistant on a tour of the Highway 28/Highway 50 corridor to discuss issues and proposal updates. Board members were invited to attend if they wished. She urged Chairman Upton to write both the California and Nevada delegations on behalf of the full Board urging them to open up the Santini-Burton funding question again. Ms. Bennett asked that a future agenda contain discussion and possible action on the whole issue of being able to more appropriately tie a project with a request for a zone change. Had the Board been able to see the PAS 041 project in terms of the compatibility issue with the neighborhood and other related issues, the decision may have been different. She wanted the Board to discuss the conditions under which the Board would look at a project in conjunction with a zone change.

Chairman Upton asked that there be an issues paper on this first, because it would cut a couple of ways. On one hand the applicant should not be forced to go to a lot of soft costs unnecessarily if there was no way of getting an approval. An issue paper was a starting point.

Mr. Bradhurst asked that a future agenda contain a discussion on the Basin Impact Fee. Executive Director Jim Baetge had referenced an impact fee previously, and he would like it scheduled when the agenda wasn't too heavy.

Chairman Upton noted that Mr. Kornreich wanted this discussion scheduled when the Board met on North Shore; staff should look at the July agenda.

Dr. Miner noted that he would like the issue of interstate commerce addressed in the context of the fee.

Chairman Upton advised that the Regreen program was up and running now. The effort was going well and would move in the direction of forest management and fire protection. He would be in Washington June 19-21, and staff should let him know if there were capital financing issues to be discussed.

XIV. ADJOURNMENT - The meeting adjourned at 5:20 p.m.

Respectfully submitted,

[Signature]
Julie D. Frame
Clerk to the Governing Board

These minutes were approved as presented on June 26, 1996.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 586-4547. Documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.