TAHOE REGIONAL PLANNING AGENCY
GOVEMING BOARD

North Tahoe Conference Center
Kings Beach, California

May 28, 1997

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Drake DeLanoy called the regular May 28, 1997, meeting of the
Governing Board of the Tahoe Regional Planning Agency to order at 9:30 a.m. and
led in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanoy, Mr. Walldie, Dr. Miner, Mr. Sevison, Mr. Heller
(present at 10:45 a.m. during discussion on the noise
threshold), Mr. Cole, Ms. Bennett, Mr. Perock, Mr. Upton,
Mr. Galloway, Ms. Breanick, Mr. Wynn, Mr. Neumann

Members Absent: Mr. Cronk, Ms. Neft

Chairman DeLanoy noted that he had a letter from the director of the Nevada
Department of Conservation appointing Mr. Perock to sit for Mr. Westergard.

III. PUBLIC INTEREST COMMENTS

Attorney Treva Hearne, on behalf of Bal Bijou homeowners in South Lake Tahoe,
addressed the Board on the need for a permanent solution in locating the Lake
Tahoe Cruises Hornblower operation and avoiding the cycle of being forced to
locate a business activity prior to all necessary reviews. She submitted a
copy of a May 9 letter to the South Lake Tahoe City Council inquiring about
the status of the activity and the May 21 City response.

Mr. Bill Chernock, representing Travel Systems, Ltd., noted he had earlier
inquired of the Board and staff about the disposition of the tour boat
industry at Tahoe and had yet to receive a response. His concerns stemmed
from Hornblower Cruises' ability to continue operation of a tour boat with no
review of the backshore facilities at Ski Run Marina. The fact the operation
was allowed to continue without any sort of review was of concern, and it
appeared that Hornblower was treated differently from other tour boat
operators and was not required to provide mitigation for its impacts.

Executive Director Jim Baetge noted this item was not on the agenda for
discussion; staff would present a status report on the June agenda.

IV. APPROVAL OF MINUTES

MOTION by Dr. Miner to approve the April 23, 1997, regular meeting minutes as
presented. The motion carried unanimously.
V. APPROVAL OF AGENDA

MOTION by Dr. Miner to approve the agenda with changes proposed by the Legal Committee, as follows: 1) continuation of the Meadville appeal (item VIII.A.) to June and 2) continuation of the Tonnesmacher show cause hearing (IX.A.) to June. The motion carried unanimously.

VI. CONSENT CALENDAR

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

(Legal Committee Chairman Waldie noted that the Legal Committee, which met earlier in the day, concurred with staff’s recommendation on items 6 and 7 on the consent calendar.)


VII. PUBLIC HEARING

A. Amendment of Chapter 2, Definitions, and Chapter 10, Permissible Uses, Related to Secondary Residential Units; Amendment of Chapter 34 (Transfers) Relating to Verification of Existing Units of Use

Associate Planner Melissa Joyce presented the staff summary of the proposal to clarify the definition of secondary residences, to limit living area and facilities to residential accessory structures other than secondary residences, and to add provisions for verifying existing residential units of use. The Advisory Planning Commission (APC) conducted a public hearing and recommended approval of the amendments.
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No one wished to speak during the public hearing

**MOTION** by Mr. Sevison to make the required findings to amend Chapters 2, 18, and 34 as proposed. The motion carried unanimously.

**MOTION** by Mr. Sevison to adopt Ordinance No. 97-8.

Chairman DeLancy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency; Amending Chapter 2, Chapter 18, and Chapter 34 of the Tahoe Regional Planning Agency Code of Ordinances Relating to Secondary Residences, Residential Accessory Structures, and Existing Residential Units of Use; and Providing for Other Matters Properly Relating Thereto

The motion carried unanimously.

B. Resolution Issuing the 1996 Evaluation Report and Adopting Targets, Indicators, Factors, Compliance Measures, Attainment Schedules, and Related Items Pursuant to Chapter 32 of the Code (see page 14 for Board action on this item)

C. Proposed Environmental Threshold Amendments Resulting From the 1996 Threshold Evaluation (see page 14 for Board action)

1. Amendment of Resolution 82-11 to Amend the Noise Threshold as Follows:
   i. Amendment of Community Noise Equivalent Level (CNEL) (N-3) to Change Wilderness and Roadless Areas and Critical Wildlife Habitat to 45 CNEL
   ii. Amendment of the Tourist CNEL Category from 55 to 60 CNEL
   iii. Amendment of the Commercial CNEL Category from 65 to 60
   iv. Amendment to Add an Industrial Area CNEL of 65
   v. Amendment of Community Noise Equivalent Level (CNEL) to Delete the Use of Existing Noise Levels as a CNEL Standard

2. Amendment of Resolution 82-11 and Related Goals and Policies Plan and Code to Amend the Fishery Threshold as Follows
   i. Amendment of Instream Fish Habitat Ratings and Map to Update for Rerating Amendment
   ii. Amendment of Chapter 12 Maps, Prime Fish Habitat Overlay, to Amend In-Lake Fish Habitat Map to Reflect New Mapping and Restoration
iii. Amendment of Chapter 12 Maps, Stream Habitat Quality Overlay, to Reflect Rezoning

3. Amendment of Resolution 82-11 to Adopt a Late Successional/Old Growth (LSOG) Threshold

D. Proposed Code of Ordinances and Goals and Policies Amendments Resulting From the 1996 Threshold Evaluation (see page 15 for Board action)

1. Amendment of Chapter 93 (Traffic and Air Quality Mitigation Program) to Make Adjustments to the Air Quality and Transportation Mitigation Requirements

2. Amendment of Chapter 82 (Water Quality Mitigation) to Make Adjustments to the Water Quality Mitigation Requirements

3. Amendment of Chapter 74 (Remedial Vegetation Management); Amendment of Chapter 55 (Development Standards in the Backshore); Amendment of Chapter 20 (Land Coverage Standards) to Include Standards for Management of Stream Environment Zone and Backshore Vegetation to Achieve and Maintain Thresholds for Vegetation, Wildlife, and Fisheries; Amendment of Chapter 4 (Project Review and Exempt Activities); Amendment of Chapter 2 (Definitions); Amendment of Chapter 77 (Revegetation)

4. Amendment of Chapter 6 (Findings Required) to Ensure Additional Resource Capacities Remain Available to Meet the Recreation Goals and Policies of the Regional Plan When Approving Significant Non-Recreation Projects

5. Amendments for Future Residential, Tourist, Recreation, and Commercial Development

i. Amendment of Chapters II and VII of the Goals and Policies and Chapter 33 (Allocation of Development) to Adopt a Five-Year System of Allocations of Additional Residential Development and a Ten-Year System of Allocations of Additional Commercial and Tourist Development

ii. Amendment of Chapter 33 (Allocation of Development) to Permit Conversion of Use Between Tourist and Residential

iii. Amendment of Chapter 34 (Transfer of Development) to Permit Transfers of Existing Uses Into Sensitive Lands in Special Circumstances

iv. Amendment of Chapter 13 (Plan Area Statements Plan Area Maps) to Create Preferred Industrial Areas

v. Amendment of Plan Area Statements 072, 111, and 173 and Kingsbury Community Plan 076 to Reduce and Relocate the Number of Permissible Residential Bonus Units
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6. Amendments to Adopt the Environmental Improvement Program

   i. Adoption of Chapter 31 (Environmental Improvement Program), Including Linked Project Concept

   ii. Amendment of Chapter 33 (Allocation of Development) to Delete the Public Service Five-Year List and Recreation Five-Year List and Amendment to Chapter 6 of the Goals and Policies to Delete the Public Service List

7. Amendment of Chapter 25 (Best Management Practice Requirements) Related to Extending Program to Accomplish Retrofit of Best Management Practices

8. Amendment of Chapter 26 (Sign Standards) to Require Conformance with Certain Permit Actions to Adjust the Amortization Schedule and to Limit Exemption Policies

Mr. Gordon Barrett, Chief of Long Range Planning, noted that the Board was being asked to take several actions, including approval of a resolution adopting the 1996 Threshold Evaluation Report and adopting targets, indicators, factors, compliance measures, attainment schedules and related items. The Board packet contained only the changes from what previously had been distributed in December 1996. The focus of the presentations would be on the proposed changes from earlier workshops with the Board in the fall and spring. The new Appendix B set forth the schedule of things to be accomplished: the A List contained the programs to be done today; the B and C Lists set forth activities to be accomplished in five years, the difference between them being that the C List contained activities that needed funding or cooperation from other agencies. The packet material contained an updated overview of the status of thresholds and updated recommendations. The Board was being asked to adopt the Threshold Report and appendices. Other Board actions related to adoption of a resolution amending/adapting three threshold modifications (noise, fishery maps, and old growth threshold) and an ordinance amending the pertinent Code, Plan Area Statement, and Goals and Policies amendments. The program manager presentations would focus separately on each threshold, the status, the proposed changes in compliance forms, Appendix B, and proposed Code amendments. Public hearings would follow each threshold discussion.

(Mr. Barrett distributed a document setting forth the order of staff presentations.)

Executive Director Jim Baetge acknowledged the numerous workshops on the threshold-related items and the significance of the package in the successful implementation of the Board-directed Environmental Improvement Program (EIP). The Advisory Planning Commission met for two days to review the information and was comfortable with what was before the Board; he urged the Board to rely on the AFC's recommendation. There was a certain level of trust involved here. The package was complex, and numerous partnerships with many players had worked hard to put it together. In the review of particularly the allocations and EIP portions of the package, there may be a tendency to want to tighten things up; he encouraged the Board to keep things in a more general
framework to allow more creativity and flexibility in designing projects to achieve solutions. The safeguard was that the projects and agreements would be coming back to the Board. He was comfortable with the package and had worked with staff to reorganize assignments to accomplish it. He asked for the Board’s favorable action this month, in view of upcoming workloads.

Chairman Delancy noted in his eight years on the Board there was a general acknowledgement of the importance of thresholds and the constant search for funding to reach attainment. What was before the Board in the EIP was a series of programs which if implemented would get to attainment. This was a big step forward for the Board and a healthy change in methodology.

Associate Planner Bridget Cornell summarized the status of air quality thresholds, the air quality compliance forms, Appendix B (Schedule of Implementation - A, B, and C Lists) items, and proposed Code amendments related to air quality. Ms. Cornell responded to Board member questions on federal v. state differences in standards, monitoring of data, and the importance of public education in the wood stove retrofit program.

No one wished to speak during the public hearing on the air quality threshold proposal.

Associate Planner Kevin Hill summarized the status of the water quality thresholds; APC-recommended changes; the A, B, and C Lists; proposed amendment to Chapter 82; and compliance forms. The Board and staff discussed the possibility of moving the computerized modeling program up from the B to the A List should funding be obtained, the status of other lakes in the Region, the need for funding sources other than local governments for capital improvements, and the next step of identifying funding sources in the EIP for each listed project.

No one wished to speak during the public hearing on the water quality threshold proposal.

Chief of Project Review Rick Angelocci summarized the findings of the 1996 evaluation report related to noise and the proposal to modify the hotel/motel area CNEL from 55 to 60, the commercial area CNEL from 65 to 60, adoption of a new industrial area standard at 65 CNEL, and the amendment of the wilderness and roadless area CNEL and the critical wildlife habitat area CNEL from 25 to 45.

Mr. Jeff Cutler, for the League to Save Lake Tahoe, objected to the raising of the wilderness and roadless area CNEL. Because a threshold could not be attained was no reason to increase it. No measurements were taken in 1996, and the report relied on 1991 tests. He favored leaving the threshold as it currently was stated but using a weighted system for nighttime noise and applying it only to manmade noise sources. Another option was to use the actual noise levels in wilderness areas rather than using the nighttime average. It was not clear when the wilderness area noise testing was done - whether in summer or winter.

Mr. Angelocci explained the testing methods, the weighted average procedure, and the fact that the current 25 CNEL could never technically be achieved. He
discussed with the Board the relevancy of the threshold in a natural setting, the noise of various human activities, recognizing the need to minimize human activity noise in wilderness areas and controlling types of human activity through other regulations, and separating the measurement of attainment from the method of attainment. Mr. Angelocci noted that the proposed 45 CNEL for wilderness, roadless and critical wildlife habitat areas would maintain the existing ambient levels absent human intervention. This was a technically achievable standard.

No one else wished to comment on the noise thresholds.

Mr. Steve Chilton, Chief of the Environmental Compliance Division and program manager for the vegetation threshold, presented the changes in recommendations to achieve the threshold, summarized C and B list items, and the Forest Health Consensus recommendation to adopt a new Late Successional Old Growth (LSOG) Threshold. He responded to Board member questions about competing thresholds and how to treat land coverage and siting restrictions which, if adhered to, required removal of large trees; allowing the transfer in of coverage in order to save large trees; treatment of forest areas v. backyards; revegetation of historical areas; and trends in old growth standards.

Ms. Pamela Repp, wildlife biologist with the U.S. Fish and Wildlife Service and member of the Forest Health Consensus Group, spoke in support of the LSOG threshold. The Consensus Group had committed to working hard in the next six months to address questions raised in the discussion and urged Board approval of the LSOG threshold. Old growth was an issue that crossed many boundaries - from economic to aesthetic to recreation. It related to why people wanted to be in the Basin and to the ecological value of what had been lost since the Comstock mining era.

Ms. Linda Blum, biological scientist and urban planner, on behalf of the League to Save Lake Tahoe as a member of the Forest Health Consensus Group, expressed support for adoption of the LSOG threshold. All of the science that had come out in recent decades indicated that particularly for the pines seen on the south and east shores of Lake Tahoe frequent low intensity fire was what made the old growth.

Mr. Robert McDowell, with the Forest Service, echoed previous speakers and urged Board adoption of the LSOG threshold. The Forest Service was committed to the Forest Health Consensus Group effort.

Mr. Rex Harold, State Lands Forester with the Nevada Division of State Lands and a member of the Forest Health Consensus Group, spoke on the concerted effort of the Group to carefully scrutinize all issues related to forest health. He managed the Nevada parcels purchased under the 1986 Tahoe bond act; these parcels were being set aside as old growth areas. He urged support for the new threshold.

Since no one else wished to comment, the hearing on the vegetation threshold was closed.

Associate Planner Coleen Shade, program manager for the fisheries and wildlife thresholds, discussed with the Board the status of thresholds, the recommended
changes, compliance forms, the proposal to develop a program for the facilitation of water exchanges from stream diversions to lake uptake, and the updated fishery maps proposed for adoption.

Ms. Jan Brisco, for the Tahoe Lakefront Owners Association, commented on the efforts of the shoresome partnership group, the status of the fishery maps and how they related to new pier construction and prohibitions, the effect of the maps’ adoption on the review process, the maps as a planning tool, the effect of the lake’s fluctuating level on the fish habitat and shoreline restoration.

Since no one else wished to comment, Chairman DeLaunoy closed the hearing on the fisheries and wildlife threshold.

Chairman DeLaunoy asked Board members to participate in a New York Times photo session prior to the lunch break. The meeting recessed for lunch from 11:55 a.m. to 1:30 p.m.

Program Manager Andrew Strain discussed the recreation and scenic thresholds, proposed A List Code changes, a new project finding to ensure remaining capacity for recreation development, and code amendments relating to sign provisions. The APC discussed these changes, and there were no outstanding points of disagreement on what was being proposed.

Mr. Steve Tesch, for the Lake Tahoe Gaming Alliance, commented that the Tahoe Coalition of Recreation Providers (TCORP) would still like to be involved in the preparation of a Basin recreation plan. He was disappointed that such a plan addressing PACTs and other recreation-related issues was not prepared prior to completion of this evaluation. With regard to scenic issues, a lot of work was done in conjunction with local governments to develop sign standards and to delegate implementation responsibility to local governments. Unfortunately for budgetary reasons, there was a lack of local resources to carry through with the ordinances. From the standpoint of a project applicant, the maze of signs and scenic issues was very confusing. He hoped there would be some clarity. From an investment standpoint, consistency and clarity were important for success, and in this area there was much uncertainty. Mr. Tesch submitted for the record a May 27 letter from the Tahoe Douglas Chamber of Commerce on the threshold evaluation report.

The Board members discussed recommendations in the evaluation relating to low density recreation and the scenic and recreation status of Highway 28 related to the A and B Lists.

Soils Program Manager Carl Hasty discussed the status and recommendations relating to the soils threshold (coverage and SSZ restoration), the A, B, and C Lists, the compliance forms and control measures. He responded to Board member questions on the coverage modeling, economic impact to local governments with retirement of private lands by public agencies, and public agency awareness of restoration requirements.

Mr. Hasty distributed and discussed further amendments to an amended Chapter 74 proposal (Vegetation Protection and Management).
Ms. Jan Brisco, for the Tahoe Lakefront Owners Association, suggested there be more of a distinction between the definition of backshore and Stream Environment Zones (SEZ) because of the difference in application of project review and compliance regulations.

Mr. Hasty explained that it was not necessary to separate out the backshore from SEZs, since there was crossover between the backshore and SEZs and similarity in riparian vegetation and habitat. The goal was to protect backshore vegetation and not to encourage conversion to ornamental landscapes. The concerns relating to professionally maintained landscaping in the backshore could be addressed in responsive procedures relating to design standards and spelling out what kind of landscaping was acceptable.

The Board discussed the extent of regulation in the backshore; educating the public on the importance of indigenous plants in the backshore for water quality purposes; the extent of the backshore on a parcel and the resulting coverage restrictions; the importance of procedures, process and guidance for the homeowners; and the intent of the vegetation provisions.

Mr. Mike Harper, from the Washoe County Community Development Department, suggested that the concerns raised by Ms. Brisco on the definition problems (backshore and SEZ) should be understood by all in the process. He had faith in staff that it would fairly execute the vegetation provisions; as currently written they were sufficient. The Board should be careful in listening to concerns about over-utilizing or over-regulating through the provisions. The Board should take on faith the fact that the staff would recognize the differences that were expressed and would deal with them appropriately. The risk was acceptable, in his opinion.

Mr. Hasty distributed and highlighted further changes to the new Chapter 31 (Environmental Improvement Program). He discussed with the Board the status of development agreements prior to project application filing, TRPA’s proactive role as a facilitator in project implementation, and development agreements as a part of the linked project concept.

No one wished to speak during the public hearing on this item.

Mr. Gordon Barrett discussed the allocation program and noted that Board adoption was not being requested today on the specific commercial and residential agreements. These agreements were included in the meeting materials for the Board’s information; they were the result of 20 to 30 meetings conducted by widely diverse residential and commercial groups. Mr. Barrett commented that staff was also not recommending designation of Preferred Industrial Areas at this time; the APC recommended staff proceed with the National Avenue Preferred Industrial Status in July or August.

Mr. Barrett explained the recommendations set forth in a May 27 letter from California Deputy Attorney General Dan Siegel on the commercial and residential agreements. These related to the need for a definition of eligible parcels in the sensitive parcel retirement program and adding back in a sentence agreed to by the allocation group stating that "public projects that would happen without private assistance would not be counted for credit." Mr. Siegel also wanted a sentence added back in that the group had
agreed to which authorized the distribution of the 150,000 square feet of commercial held in reserve "based on the success of the program." After discussion, the Board directed that Mr. Siegel's proposal relative to public projects not getting credit be excluded.

Mr. Barrett distributed and summarized a 5/26/97 sheet entitled, "APC and Staff Recommended Changes" on residential allocation performance criteria, commercial special project changes, and changes to industrial commercial allocation. He described the function, responsibility, and membership of the allocation performance review committee.

With regard to the new permit tracking language (page 33-9) and Compliance Review Guidelines, the Board agreed that Section (a)(i) be further modified from the handout to add a sentence, "Delays caused by TRPA shall not require a reduction in allocations for the City and counties."

(Mr. Wynn left the meeting at 2:50 p.m. during this discussion.)

Mr. Barrett described the industrial commercial allocation proposal and rules regarding transfer of commercial floor area into or out of a preferred industrial area. If a person had an allocation from a program or coverage was transferred in on a 1:1 ratio, the 1:1 ratio would be retained if coverage was transferred out of a preferred industrial area. An example of how the transfer would work: if Placer County gave 5,000 square feet of its allocated commercial floor area to a project in a preferred industrial area, that coverage would be doubled to 10,000 square feet. The debit to Placer County would be reflected as 5,000, not 10,000. Mr. Barrett explained the APC's recommendation to be involved in the performance review committee review of special project allocations. He noted that Appendix B provided that TRPA would consider improvements and cleanup provisions to the threshold-related package in January 1998. He asked that Appendix B Schedule of Implementation for 1997-2001 (B List) A, Water Quality/Soil Conservation, 2. be further amended to read, "Amend Chapter 20 and 208 Plan to create a [SG] land coverage transfer exemption for residential uses [residential/developed land coverage] [residential/developed land coverage] provided appropriate mitigation can be demonstrated. (Completion date: June 30, 1998)"

Mr. Cole noted that, in some cases where additional coverage was needed, 200 square feet would not be sufficient. He agreed with staff to delete the 200 square foot limitation. Leaving this open left more room for creativity.

Executive Director Jim Baetge concurred and noted that the environmental document for 208 plan amendments would contain several alternatives for the Board's consideration.

Mr. Galloway questioned the land coverage transfer exemption and whether the county regulations regarding lot coverage would stay in effect.

Mr. Barrett agreed that local codes would still apply in this area.

Mr. Barrett explained that economics was not on the list of items to be discussed; no changes in the report were proposed. While a Tribune editorial criticized TRPA for putting economic programs on the C List, it was important
to note that the only differences between the B and C Lists were that there was no funding available now for C List programs or multiple jurisdictions were involved. There was no difference in importance. The cleanup discussion to be undertaken in January 1998 would include Mr. Cole's request to analyze and allow for conversion of tourist/motel uses to other commercial use.

Mr. Steve Teshara, for the Lake Tahoe Gaming Alliance, commented on the recent Tribune editorial and relegation of economics to the C List. The perception was a negative one, although that was not the case. He would be willing to work with TRPA and others to identify and move forward with priority recommendations as set forth in the 1996 evaluation summary. TRPA needed to send the proper signal that economics was intertwined with the environment.

The Board members discussed whether to move economic items from the C List to the B List since, as staff pointed out, TRPA was intending to accomplish them when resources became available. Mr. Upton suggested that staff come back with C List priority items so that funding and partners could be sought to accomplish them. Obtaining economic data and updating Origin and Destination figures were important programs to be done. If state funding was being requested in the budget cycles, perhaps the private sector could be asked to put some money up in partnership. This data was vitally important, both on a private and public sector level.

Mr. Galloway suggested that moving C List items to the B List may not be a problem; moving B items to the A List may be more problematic because of related Code amendments which had been carefully crafted.

Mr. Baetge suggested that the Board may wish to direct staff to pursue a partnership with the various players in the Basin including the Gaming Alliance to find funding for needed studies on updated economic data and origin and destination statistics.

Mr. Upton suggested the C List did denote those programs which needed either funding or partners. A more important focus at this point was to look at the overall comprehensive list of C items and get a sense of which should be focused on so that funding could be obtained and the item moved to the B List. He did not think that the Board needed to or should arbitrarily change the lists now.

MOTION by Mr. Waldie to direct staff to pursue a partnership with the various players in the Basin including the Gaming Alliance to put a proposal together to address the economic analysis - particularly Origin and Destination and a transportation study.

Chairman DeLanoy directed that staff pursue this. (No vote was taken on this motion.)

Agency Counsel Nicolle noted that this particular item was not on the agenda for action as required by the Nevada Open Meeting Law. She would want any action taken by the Board to be in the context of what was on the agenda.

Executive Director Baetge noted that he would consider this Board discussion as direction to staff. It was strongly stated.
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Mr. Mike Harper, with Washoe County Community Development, noted that the changes outlined in the Staff/APC Recommended Changes list were also changes on the County's A List. Section 33.2.B(5)(b)(i) required that "prior to October 1, 1997, each county and City shall submit a five-year water quality CIP list...." On May 27, the Washoe County Board of Commissioners put its budget to bed, and it was irresponsible to ask the County to reopen the budget. He requested that the date in this section be modified to October 1, 1998, to give the County more time for reaction. If the Board wished to change the date to July 31, 1998, that would be acceptable also. By that date, the County would have done its CIP package and it would be part of the budget package.

Mr. Barrett noted this timing issue also came up at the APC meeting, and staff recognized that every local jurisdiction for the next year had its budget and projects pretty well set. What would be submitted to the Agency this fall (by October 1, 1997,) would be acceptable to staff. The outer years would be more important for the RIP and water quality projects. It was a negotiated process. Staff realized the problem with the date in the Code and budget implications. Staff represented to the APC that whatever the counties had in the way of a list was acceptable for the coming year.

Mr. Harper asked for more clarification of the requirement that local jurisdictions submit a five-year water quality CIP list by October 1997 consistent with the EIP project list and the 1996 water quality threshold interim target. What if there was not consistency?

Mr. Barrett responded that the list of projects needed to be submitted; in reviewing the projects to be done next year, however, staff would modify the RIP if there was conflict. Staff recognized that in the next year or two there would not be major changes for local governments. For projects five years out, however, there would be a negotiating process. This proposed wording was discussed in the agreements drawn up by the group which included local government representation; it was also reviewed by the APC, which contained local government members. Staff had advised the APC that TRPA would accept the CIP plans submitted by local jurisdictions for the next year. What TRPA was looking for was making the link between allocations and new development with water quality improvements, the goal being to have a commitment by local governments to implement these water quality improvements through the EIP project list. The hope was to get each jurisdiction to think and plan five years out into the future with its projects and to integrate water quality improvements into those projects. The list of CIP projects would be updated on an annual basis to meet interim threshold targets.

Mr. Harper responded that, based on staff's explanation and representation, he was satisfied with the Code language as proposed and it was clear that the local jurisdictions would not be penalized if the project lists this year did not totally comply with the RIP lists.

Mr. Harper questioned the definition of the irrevocable commitment required prior to release of commercial floor area, as referred to in Section 33.3.D. He suggested that the definition be a commitment made through the allocation distribution process adopted by each local government. It was important to avoid any disputes over what exactly was an irrevocable commitment.
Mr. Harper also asked for clarification in section 33.3.D(1)(a) and disposition of allocations which were not allocated by December 31, 1998. He questioned whether a commitment to assign an allocation to a particular property qualified as making the allocation.

Agency Special Projects Attorney Susan Scholley noted that the record should reflect that Mr. Barrett did concur in Mr. Harper's remarks with respect to the definition of the irrevocable commitment.

Mr. Severson questioned whether a local jurisdiction should retain its commercial allocations for two years instead of one if not allocated within the one year.

Mr. Baetge explained that this was drafted so that local governments would not sit on their allocations once they were available. The intent was to get people moving once the allocations were available; if not used they would go to special projects for something else. Local governments could apply for the coverage out of the special projects pool; the criteria for doing so were different, however.

Mr. Upton suggested that the way to address this was for a local government to assign its allocation for the projects it knew were coming; this would reserve the allocation.

Mr. Barrett responded to Mr. Harper's earlier comments on the irrevocable commitment; he agreed with Mr. Harper's definition and would incorporate it into the draft. The draft would also be modified to read, "Allocations not assigned by December 31, 1998, shall be reassigned to the Special projects..."

Ms. Mary Gilanfarr, for the Tahoe Sierra Preservation Council and Tahoe Truckee Regional Economic Coalition, expressed pleasure that she was able to sit on various threshold committees, including the allocation committee. Staff had gone to a lot of effort to solicit comment from a lot of people in the mix. With regard to the economic threshold, no money was no excuse; money had to be found. It was a big leap for TRPA to recognize that proactive steps for environmental restoration and projects had an economic impact for the good. The next step was for TRPA to be proactive in achieving economic diversity and in rehabilitation and redevelopment of older areas. TTREC was actively involved in achieving economic thresholds; economic targets and information were being developed all the time and there was a coordinated regional effort to get this information - from lodging nights to real estate sales to sales tax revenue information. If TRPA would commit to being a partner in the process, the private sector and other agencies and organizations would help in putting the data together. On the subject of residential development rights and allocations, Ms. Gilanfarr noted the linkage to the Preservation Council's concern that there had not been movement of the IPES line in Placer and El Dorado Counties. One factor in that equation was the amount of development that needed to be retired. The deadlock could possibly be broken if development rights could be more freely transferred across county lines or be put into a pool. With regard to the special projects pool, she would like to see streamlining of processing or approval time. There needed to be some reasonable time limits within which a
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project proponent could expect a project to be evaluated. Much of this would not be necessary if there were a variance process.

Mr. Barrett responded that the proposed Code language in Chapter 33 contained a time limit and provided that TRPA each year would consider applications for available special project allocations.

Since no one else wished to comment on the threshold items, Chairman DeLany closed the public hearing.

Agency Special Projects Attorney Susan Scholley advised the Board on actions to be taken to adopt the various documents before the Board.

MOTION by Dr. Miner to adopt Resolution No. 97-7 (agenda item VII.B.).

Chairman DeLany read the resolution by title:

Resolution Issuing the 1996 Evaluation Report and Adopting Targets, Indicators, Factors, Compliance Measures, Attainment of Schedules, and Related Items Pursuant to Chapter 32 of the TRPA Code of Ordinances

Ms. Scholley commented that she knew of no discussed Board changes to the resolution. Deputy Director Jerry Wells noted that any changes favored by the Board in the course of the discussion would be incorporated into the motions unless otherwise stated.

The motion carried unanimously.

Ms. Scholley referred the Board next to the resolution amending certain thresholds (agenda item VII.C.).

MOTION by Ms. Bennett to adopt Resolution No. 97-8.

Chairman DeLany read the title of the resolution:

Resolution of the Governing Board of the Tahoe Regional Planning Agency Amending Community Noise (CNEL) for Certain Land Uses, Fisheries Threshold for Instream Habitat and Lake Habitat; and Adopting an Old Growth Vegetation Threshold

Ms. Scholley noted that the title of the resolution in the packet contained adoption of an amended air quality threshold for visibility standards; this was not being amended. (The packet resolution also contained wording that the water quality threshold for tributaries was being amended; this was an error.)

The motion carried unanimously.

Ms. Scholley referred the Board next to the ordinance (page 353 - 357 of the packet) which would amend the Code, the Goals and Policies, the Kingsbury Community Plan, and other items. She read into the record the following additional changes:
1. In the adopting ordinance: a) reference to Chapter 12 to be deleted in both the heading and in finding 1.10; b) Section 22, Effective Date, should refer to Sections 2.00 through 16.00 (not 2.00 through 20.00) as being effective in 60 days.

2. In Chapter 13, Subsection 13.6 J both references to "residential" should be "multi-residential."

3. a) page 427 of packet, Chapter 33 subparagraph (d) change "or" to "of" in third line from bottom of subsection. b) page 436 of packet, a comma after "transferred." c) page 444 of packet (page 33-22) delete one of the two "restored" in subparagraph (3). d) page 453 of the packet, section iii, add a comma after "concessions." e) page 452 and page 455 because of renumbering, reference to 33.6.b should be changed to 33.6.c.

4. Chapter 6, page 6-3, page 511 of the packet, delete extra paragraph at bottom of page (a duplicate of (6)) and add "for" in top line of (6), "Other than recreation projects in the EIP for a project for which an environmental..."

5. Page 435 of the packet, Chapter 33, page 33-13, subparagraph (3)(a) to read, "The allocation is matched by a transfer from IIK\#$ sensitive/lands/an equal or more sensitive land capability district at a ratio of..."

6. Page 462, Chapter 34 amendments, subsection (8)(ii) to read, "The transfer of commercial or tourist units of use is from sensitive IIK\#$ sensitive/lands/lands to an equal or less sensitive land capability district inside..."

Ms. Scholley commented that in the course of the discussion there also were changes to Chapters 31, 74, 55, 33 (page handout discussed with the Board), and other changes directed by the Board.

MOTION by Mr. Sevison, with regard to the 1996 threshold evaluation amendments related to the Code of Ordinances and Goals and Policies (agenda item VII.D.), to make the required Chapter 6 and Ordinance 87-8 findings as set forth in the packet material. The motion carried unanimously. (Members present: Cole, Upton, Sevison, Galloway, Bennett, Waldie, Heller, Minor, Bresnick, Perock, DeLancy)

MOTION by Mr. Galloway to adopt Ordinance No. 97-9 amending the Code of Ordinances and Goals and Policies resulting from the 1996 Threshold Evaluation. The motion carried unanimously.

Chairman DeLancy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Regional Plan Package, as Amended, to Implement the 1996 Evaluation Report; Amending Chapters 2, 4, 6, 13, 20, 25, 26, 33, 34, 55, 74, 77, 82, and 93 of the Code of Ordinances of the Tahoe Regional Planning Agency Relating to Definitions; Exempt Activities; Coverage
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Relocation; BMP Retrofit; Commercial, Tourist, Recreation, and Residential Allocations; SEZ Vegetation Protection; Industrial Use Incentives; Land Use; Air Quality Mitigation Fees; by Adopting Chapter 31 of the Code Relating to the Environmental Improvement Program; by Amending Chapters II, IV, VI and VII of the 1986 Goals and Policies Plan, as Amended, Relating to Commercial, Tourist, Recreation, and Residential Allocations; Deletion of the Five-Year Public Service List; and by Amending the Stream Habitat Quality and Prime Fish Habitat Maps; and Other Matters Properly Related Thereto

(Mr. Heller left the meeting at 4:00 p.m.)

X. ADMINISTRATIVE MATTERS

A. Assignment to Local Government Committee to Make Recommendation on Coordination of Enforcement on Shoreszone Regulations

Deputy Director Jerry Wells reminded the Board that assignments for the Local Government Committee were to be established by the Governing Board. Staff was recommending that, based on the Board's direction in February for staff to prepare ordinances related to watercraft limitations, the Committee be asked to evaluate and make recommendations on the feasibility of utilizing local enforcement authorities to assist in the enforcement of these potential ordinances. The ordinance provisions would set forth a prohibition on the use of carburetted two-stroke engines after June 1999, a requirement for up to a 1,000 foot no-wake zone for boat operation, and a limitation on hours of operation for watercraft at Lake Tahoe.

Executive Director Jim Baetge explained that the Committee was being asked to evaluate and make a recommendation on the feasibility of utilizing local enforcement authorities to assist in the enforcement of the potential ordinances. The Committee would not be dealing with the specific content of the ordinances; that responsibility was going first to the APC and then to the full Board in June.

The Board members discussed the extent of environmental review for the ordinance, options for the ordinance, emission standards, what would be coming to the Board in June, the previously completed environmental impact study, and enforcement of resulting regulations.

MOTION by Mr. Upton to approve the staff recommendation regarding the assignment to the Local Government Committee to study feasibility of utilizing local enforcement authorities to assist in enforcement of watercraft ordinances. The motion carried with Dr. Miner voting in opposition. (Members in favor: Sevison, Galloway, Bennett, Waldie, Bresnick, Upton, Perock, Cole, DeLancy)

B. Status Report on Audit of Residential Delegation MOUs

Mr. Waldie complimented staff for the excellence and thoroughness of the report in the packet material. It was very helpful. He questioned what procedure was followed where performance by local jurisdictions was less than desired.
Mr. Baetge explained that TRPA's role was to work with local governments to identify problems and make the process work smoothly. Under the recently adopted package, the performance review committee would be reviewing problem areas, with the potential of attaching allocations if performance was unsatisfactory.

The Board members discussed MOU procedures and implementation.

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report

Committee Chairman Bennett reported on the earlier meeting of the committee and noted those items which were approved on the consent calendar.

MOTION by Mr. Upton to accept the report. The motion carried unanimously.

B. Legal Committee

Committee Chairman Waldie reported on the four items discussed earlier in the day, two of which were continued (Tonnesacher and Meadville) and two of which were approved on the consent calendar (Scott and Owens).

C. Capital Financing Committee Report - no meeting

D. Rules Committee Report - no meeting

E. Shorezone Policy Committee Report - meeting May 29

F. Local Government Committee Report - meeting May 29

XII. REPORTS

A. Executive Director Monthly Status Report

Mr. Baetge updated the Board on the status of the budget hearings in both states. He would be looking to California members to assist in getting matching funds in California for Nevada's streamlining funds.

1. Status Report on Project Applications

Mr. Wells explained that the applications listed in the staff memo were those which exceeded the required 120 day processing time. These were all land capability or IFES land capability applications which were delayed because the sites could not be reviewed in the field due to winter snow conditions.

B. Legal Division Monthly Status Report

Agency Counsel Rachelle Nicolle noted that copies of the the U.S. Supreme Court's May 27 decision on Suitum v. TRPA were distributed to Board members. She was pleased that the court declined Suitum's request to declare TRPA's transfer of development rights provisions unconstitutional. The majority opinion issued a narrow procedural issue on going to court. The decision
would have no effect on ongoing programs.

Ms. Nicolle reported also on the Barbieri and Cook cases.

Agency Special Projects Attorney Susan Scholley reported on the status of the Tahoe Sierra Preservation Council case.

C. Governing Board Members

Chairman DeLancy thanked the Board for its cooperation and patience in the lengthy discussions and presentations on the 1996 threshold evaluation material.

Deputy Director Jerry Wells reminded the Board that the June meeting would be at the Horizon Casino Resort in Stateline. The more routine items would come up in the morning; the afternoon would be devoted to the discussion on watercraft ordinances.

Mr. Neumann asked for clarification on carburetted watercraft.

Mr. Scholley reminded Nevada Board members that signups were being taken for the new Nevada license plate program.

Mr. Baetge reminded the Board members of the Wednesday and Thursday evening public workshop sessions which were being conducted in preparation for the President’s visit in July.

Mr. Sevison asked if it was possible to come up with a short form to deal with projects which, when completed, had a slight variance from what was approved but which still were basically in compliance with coverage and other requirements - without having to come back in with a refiled application.

Mr. Wells responded that the Compliance staff tried to deal with these minor plan deviations and corrections in the field. It depended on the extent of the deviation. He would appreciate having some examples so he could have a better understanding of the request. This may be something that could be looked at in the context of streamlining.

XIII. ADJOURNMENT - The meeting adjourned at 4:50 p.m.

Respectfully submitted,

[Signature]

Julie D. Frame
Clerk to the Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, written materials submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as submitted on June 25, 1997.