TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

July 26, 1995

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Board Chairman John Upton called the regular July 26, 1995, meeting of the Governing Board to order at 9:45 a.m. and asked Vice Chairman Drake DeLancy to lead in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLancy, Mr. Waldie, Mr. Sevison, Mr. Heller, Mr. Cole, Ms. Bennett, Mr. Westergard, Ms. Neft, Mr. Bradhurst, Ms. Hagedorn, Mr. Wynn, Mr. Neumann (present after lunch recess), Mr. Upton

Members Absent: Dr. Miner, Mr. Cronk

III. PUBLIC INTEREST COMMENTS

Mr. Hugh Harris, a Homewood resident, noted that the historical uses of the properties on the lake side of Highway 89 in Homewood were residential with one restaurant and motel and cabin rentals. The homes were built with the understanding that the area would remain residential. TRPA's plan area maps for the area showed the southerly half of the west side of the block as commercial, unlike Placer County zoning and the historic uses. Placer County was now on a fast track to conform its plans with TRPA's and recently cited an illegal manufacturing business. The County in June gave the property owner a one-year temporary permit with a requirement for 14 parking spaces. He was concerned with the appearance of the block with the 14 parking spaces and the effect on the residential uses. On behalf of the property owners on his block, Mr. Harris expressed concern that the TRPA plan area map had not had local input and was drawn up after homes had been purchased. He submitted a letter requesting that TRPA staff conduct a review immediately with respect to the cutting of the trees for the parking spaces and allow public input.

Chairman Upton acknowledged Mr. Harris's comments and asked that the letter be submitted to staff.

Mr. James Nakada, an Incline Village resident, member of the Incline Village General Improvement District (IVGID) board, and member of the Nevada Tahoe Conservation District, explained that in 1988 he had asked for a review of some of the TRPA regulations to see if they could be updated and enhanced to make them more workable. In particular, he wished to see child care centers considered as a public service use and not commercial. This was considered. Other issues related to treatment of gravel as impervious coverage, having a good definition of indigenous plants, and scenic impacts of ski area facilities. He proposed that representatives from each county review the regulations and make proposals to TRPA to modify the regulations so they would be more understandable and still meet TRPA's goals.
Mr. Don Kornreich, an Incline resident, spoke on waterborne transportation and the December receipt of a proposal from Pacific Transit Management Corporation to do a 22-week study at a cost of $57,000. The result a few weeks ago showed there was a need for $7 million in capital to get waterborne transit going with a minimum subsidy of $500,000 per year. The intent was to reduce VMT by 10%. The findings were similar to those outlined in a report several years ago. In his opinion, TRPA would have to be more careful in the future about spending money on studies when it was known in advance that money to implement the studies was not available and the findings were known in advance.

Mr. Matt Walter, a Kings Beach resident and owner of Timeless Sculptures Studio Gallery in Kings Beach, commented on Jeff DeLong’s recent article on dead trees in the Basin and spoke in opposition to controlled burns. A substantial number of these burns turned into uncontrolled burns. He also wished to have addressed the question of soot from the burns and where it ended up. The soot, which ended up in the lake, involved tons of pollutants. A better approach was to ease up on logging industry regulations and allow the free enterprise system to work so that logging roads could be cut.

IV. APPROVAL OF MINUTES

MOTION by Mr. DeLanoy to approve the June 28, 1995, regular meeting minutes. The motion carried unanimously.

V. APPROVAL OF AGENDA

Executive Director Jim Baetge noted the following: 1) withdrawal of the Stugen appeal (item X.B.); and 2) receipt of letters pertaining to consent calendar items 1. and 3.

MOTION by Mr. DeLanoy to approve the agenda as discussed. The motion carried unanimously.

VI. CONSENT CALENDAR

Because public comments had been received on items 1. and 3., Chairman Upton asked for action first on consent calendar item 2 by itself.

MOTION by Mr. Severson to approve item 2. (Stuart Yount/Fortifiber Corporation, New Professional Office Building, 1001 Tahoe Boulevard, Washoe County APN 130-163-32). The motion carried unanimously.

Camp Galilee Rebuild and Additions, Douglas County
APN 01-130-15 (consent calendar item 1)

Associate Planner Jim Allison explained that this application proposed a retrofit and modernization of the group facilities at Camp Galilee. A July 24, 1995, letter from Mark Sweetland and Ruth Reed expressed concern with scenic impacts, and staff had worked closely with Camp Galilee in the review process to provide scenic quality benefits through vegetation screening and removal of unsightly structures. Many of the concerns would be addressed.
Mr. Peter Sweetland, an owner of the property directly to the north of Camp Galilee, suggested there was not agreement with Camp Galilee on the results of the recent survey of boundary lines dividing the two properties. The stakes on the site infringed 4 feet onto the Sweetland property, and this discrepancy should be resolved before proceeding with an approval.

Agency Legal Counsel R. J. Nicolle stated that TRPA's position regarding property line considerations was that it was incumbent upon the alleged affected property owner to seek an injunction prohibiting TRPA from going forward with the permit. Otherwise, TRPA was under a mandate to go forward and process permits within 180 days.

Mr. Allison noted that, if the property line was drawn incorrectly, the effect would be that the project area was larger or smaller than represented. This was not a question TRPA staff had the expertise to resolve. The size of the project area did not inherently affect this project, since it was being built using existing coverage. It would only affect the excess coverage mitigation fee.

Mr. Waldie suggested that the applicant was also concerned with the adequacy of the notice and a request for more time to resolve the question. This was not unreasonable. While the boundary line was not an issue of great merit in his mind, Mr. Sweetland had raised relevant concerns regarding railroad tracks going into the lake and the decrepit buildings on the beach.

Mr. Allison explained that the TRPA noticing procedures were followed, and the legal requirement was met. It was staff's understanding that there were two different surveys which did not agree with each other.

Mr. Milton Sharp, a consulting engineer representing the Episcopal Diocese of Nevada, explained the project was proposed to upgrade the facility, to make it a more usable and attractive place. There was no intent to increase the capacity or intensity of use. The Diocese would rather not have a continuance, because it wanted to begin construction this year so that work could continue through the winter for a 1996 occupation. With regard to other issues in the letter, he agreed this was not the correct forum for resolving the land survey issue, and he was willing to work with the property owner through the process. On the question of coverage and land capability, the staff had responded to these issues in the staff report. Rather than conditioning approval on removal of the railroad ties extending into the Lake, he would prefer to have staff review this issue. This could be a complicated situation because the rails may be historic and may cause more harm in the removal. He would rather refer the matter to staff and other appropriate agencies to see if their removal was necessary or desirable. Treatment of the pipes extending into the Lake were addressed in the Best Management Practices conditions. The life guard station on the beach was necessary and could not be removed. Douglas County was the proper entity to take up the issue of setbacks. On the issue of Quonset huts at the rear of the property, he would urge the Camp management to clean up this area.

Mr. Allison and Mr. Rick Angelocci, Chief of Project Review, responded to Board member questions about land coverage and mitigation of excess land coverage. Mr. Angelocci explained that if the Board approved the project
today and the boundary line was later determined to be 4 feet off, it would not significantly affect the approval granted, because the Church was dealing with historic coverage. No coverage was proposed within the disputed area.

Mr. Cole suggested there were no issues that could not be resolved outside the approval of the proposal. The two property owners should be able to resolve the issues, with the possible exception of the cleanup of the Quonset hut area and further investigation of the railroad tracks. He would not like to see this matter continued.

MOTION by Mr. Cole to make the findings and approve the Camp Galilee proposal with a condition requiring cleanup of the area outside the Quonset hut.

Chairman Upton asked that, in the general context of the Agency's rules, staff research the notice issue and the adequacy of the two-week notice timeframe.

Mr. Wynn suggested that the approval should include a condition requiring removal of the railroad track, provided removal was not prohibited for historical or other reasons. There was no reason to leave railroad ties under the surface of the water.

Mr. Cole added into the motion a condition that the railroad tracks be removed.

Mr. Bradhurst suggested that the Coast Guard make the determination whether the railroad tracks were a navigational hazard.

Mr. Angelocci explained that Army Corps of Engineers, State Lands Commission, and Coast Guard review would be required for removal of the railroad tracks. At that time the questions of environmental impact and navigational hazard could be addressed. He suggested that the determination on whether the tracks could be removed be made at staff level.

The motion carried unanimously.

Vogel Subdivision of Existing Structure, 214 Robin Drive, Washoe County APN 132-212-03 (consent calendar item 3.)

Associate Planner Paul Nielsen presented the summary of the proposal to subdivide a duplex currently under construction. A neighboring property owner opposed the project because the Incline Village trend was to build single family dwellings. Duplexes were permitted under the Code.

Mr. Westergard explained he would vote in opposition based on his continuing concern with the two-step subdivision process which, in his view, was not authorized by the Agency's rules.

Mr. Cole noted he objected to subdivision of units in areas where there was a potential for affordable housing. This was one more example of this particular area and jurisdiction trying to slide in under the December 31 deadline. He opposed the project.
Mr. Bradhurst suggested this December 31 deadline should be discussed because he did not know what the status of the affordable housing study was. It was his understanding that nothing had been done other than to submit a grant requesting funding of an affordable housing study. The Code permitted the two-step process to occur and the proposal was allowed. What the Tahoe Basin Association of Governments (TBAG) was trying to do in the study was determine the need in the Basin for affordable housing. He did not think progress had been made on this determination.

Chairman Upton asked that staff report to him in the next month on the status of the study and the affordable housing question.

Mr. Westergard explained that the December 31 deadline was part of a comprehensive settlement agreement that should not be modified. He voted for the settlement because of the time constraints. The affordable housing guidelines were to be in place, and he was not interested in any efforts to extend the deadline. The Board collectively and individually needed to honor settlement commitments.

**MOTION** by Mr. Bradhurst to make the findings and approve the Vogel Subdivision. The motion failed on the following vote:

**Ayes:** Mr. Wynn, Mr. Severson, Mr. Bradhurst, Ms. Neft, Mr. Haller, Ms. Hagedorn, Mr. DeLaney, Mr. Upton

**Nays:** Mr. Westergard, Mr. Cole, Ms. Bennett, Mr. Waldie

**Abstain:** None

**Absent:** Dr. Miner, Mr. Cronk

Agency Legal Counsel R. J. Nicolle asked the Board members who voted in opposition to explain for the record the reason for their votes.

Mr. Cole explained his vote was based on his continuing concern about a lack of taking the ordinance and settlement seriously in the community of Incline Village as they related to affordable housing. It seemed that there was always some project coming before the Board that was trying, essentially, to come in under the deadline, and he was fearful that in December of 1995 Incline would say affordable housing just couldn’t be done in Washoe County. He did not feel that a reasonable attempt had been made.

Mr. Westergard expressed concern with the procedure and with the discussion. The Board took a vote and the matter was over. He felt any further consideration was inappropriate.

Ms. Nicolle responded that the Agency was previously involved in a lawsuit which was the result of a similar vote; lack of discussion on the record did become problematic in that litigation.

Mr. Westergard suggested that if this was litigated the court would make a decision whether staff’s interpretation of the ordinances was appropriate. TRPA would be bound by any court decision that was made. Nothing would be accomplished if the Board was asked to establish a record on every vote that was taken. Procedurally, he felt the request was out of order.
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After a recess, Mr. Cole suggested there was substantial evidence that single family homes, especially those that ended up as luxury homes, had a tendency to create more vehicle trips and air quality problems than properties used for employees in the immediate area. Air quality would decrease if employees were forced to live out of the area and to drive into the Basin to work. There was a nexus between denial of the project and environmental concerns.

VII. PROJECT REVIEW

A. Echo Creek Ranch, Special Use Determination, New Group Recreation Facility Requiring Allocation of FACTs (Persons At One Time), 2478 Meyers Road, El Dorado County APN 35-010-23

Associate Planner Jim Lawrence presented the summary of the recreational group facility designed to accommodate 200 individuals. He distributed a July 21 staff memo modifying two conditions of approval and a letter of opposition to the project. He presented information on three issues involving traffic/air quality, land use, and allocation of recreational FACTs. He also responded to questions regarding the sewer line, shuttle requirements, parking spaces, recreational activities, and types of groups that would use the facility.

Mr. Cole and Mr. Upton noted they had both talked to Mr. Graf, the applicant. The discussion was consistent with what was in the staff material.

Mr. Paul Kaleta, representing the Echo Creek Ranch, described the project in more detail, comparing it to the 4-H Camp facilities in the Stateline area with its group-oriented recreation activities for children and others.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, opposed the project and noted that the Advisory Planning Commission two years ago expressed concern that this project, which was placed on the recreation facilities list, was not a bona fide recreation project. Staff indicated the APC, if it wished, would have the opportunity to review the project before it came to the Board to determine whether it was or was not a recreational use. That had not been followed through with. The APC had not seen the project. Never had TRPA approved a project of this size based on an environmental check list without asking for an Environmental Assessment (EA). There were legal and practical reasons why this project should be sent through the normal environmental review process. There was potential for a significant impact on traffic, but there was no quantitative analysis and no traffic analysis in the packet. The concern expressed earlier by the APC was that this would not be a recreation facility for children but a high class convention center for executives. The price scale for the rental was likely far beyond the financial means of children's groups. There were no floor plans available to verify the proposed dormitory-style accommodations, and there needed to be more certainty that this facility would in fact be a place for boy scouts and girl scouts, or whether it was to be essentially a tourist-oriented place for executive conferences. There was not sufficient information available to determine what kind of environmental impact the project would have or whether it was, indeed, a recreational facility.

Ms. Nason suggested this was another example of creeping development without adequate attention to the transportation impacts. There was no serious effort
to mitigate transportation impacts. Encouraging buses was a nice idea, but there was nothing to make sure it would work. The other environmental impact involved sewage. The South Tahoe PUD was to serve all development approved by TRPA during the next two years. There was nothing here if the project were approved to indicate whether the District had the ability to serve it consistent with environmental protection. The project’s impact clearly required an Environmental Assessment, at a minimum.

Ms. Lee Anna Harrison, an owner of a residential lot near the project, explained that Echo Creek was the water supply for her home. As cabins were developed, there had been incursions into the pool area where people fished and walked, causing silt and sediment to filter into her pump. The current owners of the property had dug a well for a continuing water supply, and she did not know how 200 people would be able to use this well. She was dependent on the creek for her water, and she worried that increasing use of the groundwater would eventually affect her supply. Another concern related to the narrowness of the road going into the area and the required improvements for the anticipated levels of traffic. If a new sewer line were put in, it would tear out and kill more trees. There had also been problems in this area previously with sewage spills. She had camped previously with school children and keeping them on designated trails was difficult. The impact of large numbers of children on a camping trip was significant. She was also concerned about the placement of the parking, since it would abut her property. The numbers of anticipated guests and the employees necessary to serve them would mean there would be more than 200 people on the site. Was this the first step in a project that would ultimately serve 400 people? The mitigation fees were only a stop gap measure to address the significant long-term problems.

Associate Planner Jim Lawrence explained why the Initial Environmental Checklist (IEC), instead of an EA, was used to assess impacts. Soil conservation and water quality were possible impacts. Extensive soil reports were prepared by the applicant as part of a previously processed land capability challenge, and the Board approved a change for portions of the site. All development was to be in Class 5 areas. There was to be no development in stream zones or sensitive areas. The applicant had prepared a traffic analysis to address traffic and air quality impacts. The project was considered to be a positive impact for the recreation threshold, because PAOTs were to be allocated, and assignment of these went towards meeting the threshold. Mr. Lawrence presented more detail about the factors that were analyzed in the IEC process, namely, aesthetics, visibility, noise, use of lights, sensitive plants, wildlife. Because staff felt that many of the concerns were already addressed in earlier reports, it did not request an EA. A modified condition as set forth in staff’s July 21, 1995, memo would have the water quality mitigation fee set at $19,966, calculated at $.29 per square foot of additional land coverage. The original application came in in 1991 and involved a land capability challenge and a change in the application from 400 guests to 200. Staff did have floor plans of the eight detached dormitory-style cabins.

Ms. Hagedorn spoke in support of a moderately priced, youth-oriented facility and especially one that would increase public access but expressed concern that this may be considered phase one of a larger project. She would like to see the project conditioned on required deed restriction prohibiting
development in open spaces. She also questioned how the project would fit in with the community plans, how the 35-space parking limitation would foster and ensure transit and air quality improvements, and how the year-around, heated, indoor swimming pool fit the definition of a recreational use. Was this more of a year-around conference facility than a camp?

Mr. Lawrence responded the project was in a recreation plan area statement and was not in a community planning area. New single family residences were not permitted, although summer homes were. This proposal did fit the group facility residential use definition under the Code.

Mr. Wynn questioned whether, in view of the anticipated numbers of people, vehicles, sewage needs, and outdoor activity, there would be no environmental impact and whether there would be no impact on the neighboring properties. This was a large installation.

Mr. Lawrence explained the project met the Code provisions. It was within permitted land coverage requirements; it was a recreation project. All development, support needs, and organized recreation would be on land capable of accommodating people. As far as light and noise impacts on neighbors, there would be no outdoor lighting on courts, no loudspeakers, and no late or early bus arrivals.

Agency Counsel R. J. Nicolle reminded the Board that it had earlier recognized that the Presbyterian Conference Center and cabins were a recreation use because they served groups; the facility was not considered a tourist accommodation use. This was a similar situation.

Ms. Neft asked for clarification of the well and water situation and whether one well was going to supply the needs of the anticipated levels of people.

Mr. Lawrence responded the water source would be hooked up to the municipal water system.

Ms. Nicolle commented that the Project Review Division had made the determination that the environmental document for the project was adequate; she relied on staff to evaluate the impacts and to determine the level of appropriate environmental review. It appeared that, in the process of developing the project and through the land capability study and analysis of the IEC, staff felt there was sufficient analysis to determine there would be no significant environmental impacts from the project. There was no necessity for an EA or an EIS if that determination was made. Either the project could have no environmental impacts or the impacts could be mitigated to the level that they were not significant. Either finding could be made with an IEC.

Agency Special Projects Attorney Susan Scholley noted that, although staff was recommending a finding of no significant effect based on the checklist, it was the Board that made the ultimate determination. If the Board felt the analysis was inadequate, it could make that call.

Mr. Wynn noted there were very few projects of this size proposed in unimproved areas. The Board needed to be careful in its action, and he would have a greater level of comfort in voting for the project if he knew more
about it and if staff could reinforce its conclusions regarding the insignificance of the impacts. As an example, to restrict the parking on site to 35 cars and to expect there never to be more than 35 cars on site was unrealistic and illogical. There would likely be more than 35 cars on site on numerous occasions. Would this create a significant environmental impact?

Mr. Cole responded he did not have the same concerns, since the project had been in the planning stages for a long time; it had been scaled back significantly from the original request. He did not feel uncomfortable about a lack of specific information. Parking barriers would restrict the vehicles.

Ms. Harrison expressed concern with the fire hazard, protection of the water source, and the narrowness of the road in an emergency situation.

Ms. Bennett suggested there needed to be a method for the applicant to mitigate the effect of the project’s water usage on neighboring property owners and their water supply. She also felt there should be a vegetative screen between the parking lot and Ms. Harrison’s property.

Chairman Upton suggested that a 30-day continuance would provide time for the applicant to respond to all the questions raised in the testimony.

Mr. Paul Gardner, a project proponent, explained the project had been in the process for 47 months. The plans had been at TRPA for a long time, and the League had never asked to view them. He had attempted to address every issue relating to land capability, water, sewer, gas, electricity in his application, and he was ready to respond today.

Chairman Upton recessed the meeting for a lunch break and directed that the matter be brought back after lunch.

The meeting recessed for a lunch break from 12:40 until 2:20 p.m.

(Mr. Neumann was present for the afternoon session.)

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES, RESOLUTIONS, AND PLANS

A. Certification of the Final EIR/EIS for the South Tahoe Public Utility District A-Line Relocation Project

Mr. Rick Angelocci, Chief of the Project Review Division, explained that staff had come before the Board in May with the Draft EIR/EIS for this project for public comment. The 60-day comment period ended in early June, and the consultant had prepared the final document, which included the response to comments from the APC, the Board, and the public. On July 12, the APC conducted a public hearing on the document, at which time there was no public comment. The APC unanimously recommended certification. Alternative 4, which went through county streets, was selected as the favored alternative and was also the recommendation of Lahontan staff and the League to Save Lake Tahoe. All other alternatives included some form of disturbance in undisturbed stream environment zones.
The STPUD certified the document under CEQA on July 6. The A-Line project would be before the Board in August, likely on the consent calendar.

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

**MOTION** by Mr. Sevison to certify the Final EIR/BIS for the STPUD A-Line Project. The motion carried unanimously.

**VII. PROJECT REVIEW**

A. Echo Creek Ranch, Special Use Determination, New Group Recreation Facility (continued)

Mr. Paul Kaleta, with Basin Strategies on behalf of the project, described the history of the 16-acre property, its proximity to nearby campgrounds, the permitted campground and group facility uses, use of PAOTs for private recreation projects, the specific proposal, the need for recreational group facilities, the need for additional amenities to cover costs and keep the campers on the site, how the parking and transportation facilities worked at the 4-H Camp, how this proposal would assist in achieving the adopted TRPA goal to reserve capacity for recreation-oriented activities, and employee needs. Mr. Kaleta explained the plan to purchase a shuttle van and a 25-passenger bus as required in the conditions of approval. There was remaining allowable land coverage for construction of a larger parking area, if TRPA determined that more than the 35 parking spaces was needed. Existing air quality and transportation reports indicated this was not necessary. The solution was to encourage the bus and shuttle system to transport people to and from the site. The conditions limited the size of the parking and required busing of people to the site. If this was not occurring, TRPA would issue a cease and desist order and close the facility. In response to Ms. Harrison's concern, the applicant had agreed to place a 6-foot wooden fence along the common property line with extensive new vegetation to screen her existing residence. Mr. Kaleta explained there were numerous documents in the file regarding hydrology, soil, land capability, SEZ issues, traffic and transportation modeling, and air quality. A requirement for an EIS would delay the project another year. It was inappropriate for the League at the last minute to say the project was inadequate.

Mr. Kaleta responded to questions about the adequacy of the environmental documentation, reliance on the overall TRPA Regional Plan EIR, why the project had taken four years, how the proponent had responded to public entity concerns, and low level lighting of the parking lot. The project would hook up to public water; there was available capacity; a new sewer line would be extended and increased in size. The adjacent property owner would now have water lines in the right-of-way next to the street and could, in fact, hook up to this system. The TRPA hearing was the first step; the local hearing was the second step. The project had been evaluated and modified to address fire department concerns regarding building location, ingress and egress. The Meyers area through its community planning process was aware of the project.

Mr. Gardner presented information on why the group facility use was chosen over a campground or RV park use. Mr. Alex Graf, one of the applicants, noted
the project met the American Disabilities Act requirements. Letters of interest in the facility had been received from such groups as the Girl Scouts, and the proponents would be exploring this further. A lot had been done in the last 47 months to make this a good project.

Ms. Nason commented that the project had not had a hearing at the local level, and the community had not had a chance to give input. The project was located at the South Shore, and most people who wished to comment would not have an opportunity to take a day off work to come to the North Shore to speak to the Board. As occurred with the Meyers Community, TRPA would be the subject of great criticism if it approved a proposal without local input. She felt this situation was likely to be similar. She did not see how a project could be in the review stages for 47 months without preparation of an Environmental Assessment. There was not adequate environmental data available to the public or the Board. It was unprecedented that a project of this scope would be recommended for approval without an EIS, or at least an EA.

The Board discussed the local and regional entity approvals and the fact there were no set rules for whether local approval was required prior to TRPA review and approval. Mr. Upton suggested that because of the indepth review of the environmental impacts of a project at the TRPA level it was only logical for an applicant to come to TRPA first prior to going to the local governments. It was not logical for an applicant to design a project and go to the local government without having gone through TRPA’s extensive review process first.

Mr. Wynn noted that if TRPA acted today the local community would still have a chance if it wished to voice opposition when the matter came up before the county. Everyone had a right to give public input and that opportunity was not being taken away. There did not appear to be the opposition to the project that the League thought there would be. TRPA was legally bound to consider the project; and if it voted against it, it would be for environmental impact reasons, not for political reasons.

Mr. Cole spoke in favor of the work done by TRPA staff. The staff had done more than an adequate job on this, and he believed this was the kind of recreational facility that Tahoe needed. For the League to suggest that staff had not done a diligent job of reviewing the project was not correct.

Ms. Hagedorn suggested she would like to see a conceptual plan for the entire area. If the remainder of the property were to be retained as open space, the Board should know that. She was uncomfortable with a phase one type of project. With regard to the intensity of use, it would likely be used year around. She questioned whether the support facilities for a year-around use were adequate. The transportation dynamics of people arriving at a nice conference center were different from those of a group of kids going to camp in the summer. She also would like to see a transit partnership up front in the design stages, rather than later as a way to address problems.

Mr. Kaleta explained that the area shown as not being developed was primarily low capability land. It was not possible to get a permit to do anything with it. It was recreational open space. The applicant had no problem with a condition making it permanent open space.
Mr. Sevison noted this could be added to condition (10) in the staff summary.

With regard to the intensity of use, Mr. Kaleta suggested that the 4-H Camp, a facility on which this proposal was based, had worked for 60 years. It was not, however, year around. Local ski areas had expressed an interest in providing shuttle service in the winter time to Echo Creek Ranch. Year-around use could be supported.

MOTION by Mr. Cole to make the findings for the Echo Creek Ranch group facility. The motion carried unanimously.

Ms. Nicolle asked that, based on the discussion, additional or modified conditions be a part of the Board's action. These included: 1) an addition to Condition I: "The applicant agrees that TRPA can revoke applicant's permit and close the group facility if applicant violates Condition I; 2) a new Condition O: "A six-foot fence shall separate the project from the Harrison property; vegetative screening shall separate and screen the project from the Harrison property; and 3) a new Condition P: "Applicant shall record a deed restriction restricting all class 1a, 1b, 2, and 3 land in the project area to open space."

MOTION by Mr. Cole to approve the project based upon conditions as modified by staff. The motion carried unanimously.

B. McDonnell, Special Use Determination, Pier Expansion, 563 Stateline Avenue, El Dorado County APN 29-010-02

Associate Planner Jim Lawrence presented the staff summary of the proposal 45-foot extension to an 89-foot long existing pier. The pier, which would not extend beyond the pierhead line, was consistent with other piers in the area. Staff did not feel the pier would have an impact on recreation or navigational safety and recommended approval. California Fish and Game and the Army Corps of Engineers had also recommended approval. Because the pier was mapped as being in a marginal fish habitat, fish habitat was not an issue. The pier would be reconstructed and extended to meet the setback requirements.

Mr. Waldie questioned how a pier which was being torn down, relocated elsewhere on the site, and extended could be considered a pier expansion. This was a new pier.

Mr. Lawrence advised that the applicant's consultant had just informed him that he would be willing to leave the pier where it was and to extend it. The design of the pier would permit it to adjust with the lake level.

Mr. Kaleta, for the applicant, explained that the relocation of the pier was consistent with the design standards for setbacks. The extension would be added to the relocated pier. The existing, double pile pier was an old one, and most of the structure needed to be replaced. The initial section would be a single pile pier; the adjustable portion would be double pile.

MOTION by Mr. Wynn to approve the findings for the McDonnell special use determination and pier expansion as recommended by staff.
Mr. Westergard asked staff in the future to make the staff summaries more clear regarding relocation and reconstruction of existing piers. He had a problem with reconstruction, and in this case there may not be a problem because a new pier in this location on this parcel could be approved.

The motion carried with Mr. Waldie voting in opposition.

MOTION by Mr. Wynn to approve the project and conditions based on the staff summary. The motion carried with Mr. Waldie voting in opposition.

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES, RESOLUTIONS, AND PLANS

A. Amendment of Chapter 95, Rental Car Mitigation Program, for Consumer Price Index (CPI) Adjustment

Agency Special Projects Attorney Susan Scholley noted that the attorneys for the Car and Truck Rental Leasing Association, the lobbyist group for the industry, had been monitoring this issue and had requested that when TRPA calculated the CPI increase next time it start from $4 and not $4.25. The staff took this up with the Advisory Planning Commission, and staff was comfortable starting back at the base fee of $4. Because the fee would not go up again until it hit $4.375, it would likely be a few years before staff was back to the Board for a CPI increase.

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

MOTION by Mr. Bradhurst to recommend approval of the required findings to amend Chapter 95 as proposed. The motion carried unanimously.

MOTION by Mr. Bradhurst to adopt Ordinance No. 95-6.

Chairman Upton read the ordinance by title:

An Ordinance Amending Ordinance No. 97-9, as Amended, of the Tahoe Regional Planning Agency, Amending Chapter 95 of the Code of Ordinances Relating to Adjustment of the Rental Car Mitigation Fee; and Providing for Other Matters Properly Relating Thereto.

The motion to adopt the ordinance carried unanimously.

For the next two agenda items, Chairman Upton recessed the TRPA Board meeting and convened the RTPA.

IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. Public Hearing on Unmet Transit Needs, El Dorado County, Resolution

B. Public Hearing on Unmet Transit Needs, Placer County, Resolution

Associate Planner Bridget Mahern noted she would be taking items A. and B. up concurrently. Part of the RTPA's responsibility in administering the Transportation Development Act program was to allocate Local Transportation
Funds (LTF) and State Transit Assistance funds. To allocate these funds for
any project other than a transit-related project, there needed to be a finding
there were no unmet transit needs reasonable to meet. A public hearing would
establish whether there were unmet transit needs reasonable to meet. The
packet material contained a list of existing unmet transit needs within the
Tahoe Region. Local hearings were conducted earlier this year. A July 25
memo from staff (distributed to the Board) outlined additional unmet transit
needs identified by the Tahoe Area Coordinating Council for the Disabled and
La Comunidad Unida in North Shore. Although the county hearings could be
held together, the Board should act on two separate resolutions, one for each
county. With regard to whether this list of needs had been coordinated with
the evolving process on the Coordinated Transit System (CTS), Ms. Mahern
explained that the CTS would address some of the general issues generically.
To her knowledge, no one had specifically designed the CTS to address these
unmet transit needs. That could be done, however.

Mr. Upton urged the staff to provide this coordination.

Mr. DeLaney suggested that staff look at the 1992 list of unmet transit needs
to see which ones had been met.

Ms. Mahern responded to Board member questions.

No one wished to comment in the hearing on unmet transit needs for either
Placer County or El Dorado County.

MOTION by Mr. Sevison to close the public hearing for unmet transit needs in
Placer County and to adopt RTPA Resolution No. 95-7. The motion carried
unanimously.

MOTION by Mr. Sevison to close the public hearing for unmet transit needs in
El Dorado County and to adopt RTPA Resolution No. 95-8. The motion carried
unanimously.

Chairman Upton adjourned the RTPA and reconvened the TRPA.

X. APPEAL

A. Carole Terry, Appeal of IPES Score, Douglas County AN 01-170-06

Senior Planner Joe Pepi presented the staff summary and explained that the
initial score on the parcel was 550; pursuant to an appeal, the second IPES
team evaluated the property and came up with a score of 601. The property
owner submitted additional soil depth, hydrologic, and vegetation information
pertaining to runoff potential; and based on this information, staff could
support a better runoff potential score and recommended a score of 714 for
the parcel.

Mr. DeLaney suggested these uncontested appeals be placed on the consent
calendar in the future.

Chairman Upton concurred, particularly since the score was increased and
the appellant concurred with the recommendation.
Mr. Paul Kalerta, on behalf of the appellant, thanked staff for its work on the appeal.

Mr. Pepi responded to Board member questions regarding the dates of the evaluations and the significance of the differences between the scores.

MOTION by Mr. DeLanoy to approve the appeal and grant the 714 IPES score for APN 001-170-06. The motion carried unanimously.

XI. ADMINISTRATIVE MATTERS

A. Three-Year Strategic Plan (July 1995-June 1998)

1. Core Statement of Policy

2. Program of Work for FY 95-96

Executive Director Jim Baetge explained that at the offsite retreat earlier in the year the staff had received clear guidance on the three year plan. Staff had narrowed down the number of goals from last year and would be tracking certain of them with the Board in the new fiscal year. The full program of work contained all the work elements that would be tracked internally. The accomplishment of all these goals in the next year depended on TRPA obtaining its full budget. Of particular note in the work program was the emphasis given to streamlining. Board member Steve Wynn and Ms. Monique Urza had prepared a core statement that would go beyond the work program in an effort to streamline the goals and policies.

Reno attorney Monique Urza, a research assistant for Mr. Wynn, discussed the document distributed to Board members at the last meeting. The document prepared by her and Mr. Wynn was entitled: "The Need for a Core Statement of Policy by TRPA" and contained ideas discussed at the April 1995 retreat regarding the strategic plan. Board members had expressed concern regarding multiple circumstances, including apparent inconsistency in regulations, inconsistency in application of the regulations by staff and the Board, over-promulgation of regulations, over-exercise of discretion by staff due to lack of clarity, and concern with the outcome of the 1996 environmental threshold review. The paper described concerns enunciated at the retreat pointing to the perceived loss of democratic principles at the administrative level. She had discussed with Mr. Wynn what could be done to remedy some of the concerns expressed by the Board. She and he had decided that the beginning point for addressing the concerns had to be Board formulation of a brief and concise core statement of policy. This would act as a guide to staff, to the Board and the public. She was not recommending any specific substantive statement of policy at this time, only that one be formulated by the Board.

Ms. Urza presented more detail on the contents of the paper, including historical and legal factors, the role of the Constitution and of a concise statement of central principles at all levels of government, the rule of law v. the need for discretion and flexibility, TRPA's law-making authority, how TRPA can define the contours of its discretion through understandable laws. The central policy statement was critical to this process. Ms. Urza commented
additional on the role of the Compact, the goals and policies, the staff, procedures and regulations, mitigation, delegation, and TRPA's proactive effort on projects. Ms. Urza concluded by recommending to the Board that Chairman Upton be given authority to appoint a committee for the formulation of a proposed core policy statement for subsequent review by the Board.

Mr. Wynn suggested that if a committee could work on this in August the statement could come to the Board in September. It would go hand and hand with the streamlining of TRPA. He would like a committee to look at new sources of funding for capital projects. It was clear after this season's search for funding that the likelihood of TRPA making a real dent or improving Lake Tahoe and getting consensus on improving Lake Tahoe under the current budgets was nearly zero.

Chairman Upton noted that the Capital Financing Committee's goal was to seek funding for Basin programs and projects. The core statement would have tremendous public relations aspects and ability to leverage what was to be accomplished. The core statement made delegation safer, as an example, because those to whom delegation was given would understand the goal and the priorities. That would allow TRPA to reprogram its staff efforts.

Mr. Bastge commented that several of the staff people who might work on the core policy statement were committed to completion of the Shoresome EIS for release in the next few months. The likelihood of pulling people off the EIS was minimal unless something else could be dropped from the work program. The idea of streamlining without weakening the regulations was a wonderful idea. Recognition needed to be given to the fact that getting things done in the Tahoe Basin did not involve only TRPA. The only way to deal with the question of regulation was to deal with local governments as well. He would favor having all players and TRPA fund a person or persons to clean up the regulations and devote full-time to that activity. There was no way TRPA could pull a staff person free to accomplish that effort. The question in August would be how to fund this program.

Mr. Upton suggested that a subcommittee work at drafting a core statement, at getting a sense of the difficulty or ease of putting something together. Then, the Board could take a look at it and discuss another offsite retreat to consider it.

Mr. Cole spoke in favor of a core statement as an aid in seeking funding, as a tool to explain what TRPA was all about in a clear and concise document. It would provide direction to the Board and to staff that may currently be lacking to some degree.

Mr. Wynn suggested TRPA was charged with protecting the environment, specifically the water, the scenic beauty, the forests, the fish and the air. There should be a set of goals associated with that mandate.

Ms. Hagedorn suggested this would not be so difficult to do. What Mr. Wynn and Ms. Urza had challenged the Board members to do was to get their thoughts together and lay out a few policies. Although there was a lot of information already available, she had questions about the thresholds in this process. She questioned Ms. Scholley whether TRPA had the right to prioritize the
thresholds. Could the Board choose scenic over water quality, for example? Much of what was asked was already available; it was a question of focusing. If Ms. Urza was available to assist, she would like to see her prepare a two-page work sheet for Board consideration in August.

More discussion followed on litigation and the ability of TRPA to modify its goals and policies pursuant to the 1984 lawsuit and 1987 settlement.

Agency Special Projects Attorney Susan Scholley suggested the Board did not need to get into the specifics of the 1987 settlement. What the Board was discussing here was a task which could be undertaken without worrying overly much about the 1987 settlement. There were two components of the goals and policies which the Board committed to on a 10-year time frame. One was the commercial floor area allocation; the other was the tourist accommodation unit allocation. Those would run out at the end of 1996. In terms of the logistics of amending the goals and policies, she would not get bogged down in that at this point. There still was an ordinance on the books that committed the Board to making certain findings prior to amending the goals and policies, but that ordinance was one which the Board could also now modify or revoke if it felt it was appropriate. She would not recommend getting bogged down in those issues, however, in this broader policy discussion.

Mr. Waldie commended and thanked Mr. Wynn and Ms. Urza for bringing the matter to this point. The Board should not get too bogged down in what might happen but should try something and see what would happen. The detail being focused on today was way down the line.

Chairman Upton asked if Ms. Urza could prepare and mail to Board members a several page statement for review, with the idea that a subcommittee could come together in two weeks to work on it.

Ms. Nicolle noted that the appointment of a subcommittee was not on the agenda for action.

Ms. Hagedorn suggested that Ms. Urza put together the statement for consideration by the Board next month.

Mr. Wynn concurred and suggested Board members contact Ms. Urza with their comments for inclusion in the document.

Mr. Upton agreed and suggested that this would be a good step in view of the Tahoe-Truckee Regional Economic Coalition effort towards revising processes.

B. Appointment of Bistate Lay Member to the Advisory Planning Commission

Executive Director Jim Baetge explained that the Tahoe Transportation District (TTD) had recommended appointment of Mr. Merle Lawrence to a two-year bistate lay member term.

MOTION by Mr. DeLanoy to approve the recommendation of TTD to appoint Merle Lawrence to the APC for a two-year term as a bistate lay member. The motion carried unanimously.
C. Public Hearing, Amendment of Policy 2.6 (Vacation) of the Personnel Procedures Manual, Adoption of Resolution

Agency Counsel R. J. Nicolle advised that the Rules Committee had met during the noon hour and recommended amendment of Policy 2.6 as set forth in the packet material. The policy would allow former TRPA employees who had a gap in their employment to accrue vacation at the rate they were accruing vacation when they left employment. This policy was good for the Agency because it would encourage experienced employees to come back. Other amendments would clarify the current practice of accruing vacation at a reduced level for part-time employees and clarify that accrual of vacation started from the date of hire not the date of promotion to a new position.

MOTION by Ms. Hagedorn to approve the amendments to Policy 2.6 as proposed. The motion carried unanimously.

D. Status Report on IPES and Land Capability Verification

Mr. Baetge noted that the status report was in the packet material. A consultant was working with staff on the IPES evaluations and they were being completed quickly.

E. Quarterly Status Report on 1994-95 Work Program Priority Milestones

Mr. Baetge noted that, as with the last item, this was an update for the Board.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Report on Committee Meeting

Committee Chair Kay Bennett reported on the early morning meeting.

2. Receipt of June Financial Statement and Check Register

MOTION by Ms. Bennett to accept the statement and register as recommended by the Committee. The motion carried unanimously.

B. Legal Committee

1. Report on Committee Meeting

2. Bitterbrush Settlement Fund Expenditure for Emergency Access Improvements

Legal Committee Chairman DeLancy reported that the Committee had run into a snag and had continued this matter for one month.
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C. Capital Financing Committee

1. Report on Committee Meeting

Chairman Cole reported that Ms. Mary Gilanfarr had requested contact be made with Bob Dunn in Nevada Senator Reid's office to update him on the Cove East project and to educate him in general about the Committee's work. There would be some follow up on this when the legislative packet was ready.

2. Discussion of 1996 Legislative and Funding Package

Committee Chairman Cole advised that TRPA needed telephone calls made to senators and congressmen and local elected officials to set up staff meetings in Washington, D.C. to go over the packet. The packet addressed a number of issues, including a Basin user fee, parking fees, and pursuit of funding for needed studies.

Mr. Baetge explained that the 1996 package would be available in the next few months. The committee today talked about its content and agreed to prepare several editions starting immediately with a rewrite of the current report. The report presented an outline of capital improvements proposed in the Tahoe Basin, along with a coordinated request by public and private entities for federal funding and involvement. One specific focus was to get the Corps of Engineers' assistance for projects in the Basin. The League's consultant, Mr. Dan Potash, had been very active in this effort.

Ms. Rochelle Mason, for the League to Save Lake Tahoe, explained the ongoing congressional hearings regarding Corps of Engineers' appropriations and the need for Board members to contact affected legislators for support of enabling language to allow the Corps to assist in the Basin. She had written support material if members wished copies of talking points.

Vice Chairman DeLanyo asked that a wire be sent to appropriate legislators in Washington urging support of the Agency's efforts.

In response, Mr. Baetge advised that the Capital Financing Committee at its noon meeting had decided to obtain letters from all participating entities for hand delivery in Washington.

Committee Chairman Cole explained that the Committee was asking for TRPA Board members to make contact with Washington legislators so that when the 1996 legislative packet arrived they would have some idea of what it was.

Mr. Wynn explained he would make some phone calls to assist with making the committee members aware of the partnership proposals. The issue of a Basin user fee at Tahoe would need the consent of the two states, in addition to the Federal Government, because of the effect on a federal highway. A legal discussion was needed to settle how to accomplish the user fee.

Chairman Upton referred the Board members to the packet material and the Corps of Engineers' legislative language. This was more time sensitive than the balance of the packet, because it was the result of the trip to Washington in
February. What the Corps representative had asked for was some enabling language to allow the Corps to work on watershed areas in which they had not previously been involved. In terms of the other packet material and the Basin user fee, those were part of the program for the coming year.

Mr. Baetge explained that the watershed projects designed for Corps implementation involved Cove East in California, and Incline/Third Creek and Edgewood Creek in Nevada. All three projects had a strong local funding match. The other issues addressed in the legislative packet included language giving the Forest Service more funding for timber operations and attendant water quality improvements, the Fallen Leaf Lake and Tahoe City transportation solutions, and the bike issue. Funding was also being sought for MDOT to install water quality improvements in its Highway 28 project. What TRPA was doing here was expediting the capital projects that would lead to threshold attainment. He felt this was an appropriate role for TRPA to take. The other focus for the committee was to come up with a proposal to address salt/sand usage on California highways in the winter.

XIII. REPORTS

A. Executive Director Monthly Status Report

Mr. Baetge thanked Board members and others for the assistance with TRPA's budget in California. TRPA was currently looking at an $80,000 loss in general fund and $4-$6,000 in Governing Board travel. Many people were still working on getting this resolved. On another matter, Mr. Baetge suggested that the Tahoe-Truckee Regional Economic Coalition was taking a big lead on many of the ongoing activities in the Basin, one of which involved revenue generation.

B. Agency Counsel Report

Ms. R. J. Nicolle reported to the Board on Hellman v. TRPA and TRPA v. Schumacher. Special Projects Attorney Susan Scholley reported on Stack v. TRPA and TSPC v. TRPA.

Mr. Baetge announced to the Board that staff member Kim Johnson, Compliance Division Associate Planner, recently became registered as a professional forester in California. This gave TRPA a lot more ability to deal at the professional level on forestry issues. It was a big step.

C. Governing Board Members

Mr. Bradhurst asked that, in addition to a report next month on affordable housing, staff present a status report on the North Shore Community Plan. He was concerned that the priority milestones in agenda item XI.B. did not contain anything on this. He was concerned where this fit in the work program.

Mr. Westergard asked staff to provide a status report on the residential Best Management Practices program.
Mr. Sevison commented on the testimony received early in the meeting from a residential property owner in Homewood who objected to Placer County's granting of a temporary use permit for a commercial business. The County had issued the permit to carry this particular business through to a time when TRPA would have the community plan done. The County had decided to maintain the status quo temporary use and not allow expansion or changes. The County would react upon completion of the Community Plan.

Mr. Baetge advised the Board that when people testified on issues like this before the Board he liked to get a response back to them. He would be happy to do so in this case.

Chairman Upton encouraged staff to do this, since this would help clear the air.

XIV. ADJOURNMENT - The meeting adjourned at 5:30 p.m.

Respectfully submitted,

[Signature]

Julie D. Frame
Clerk to the Governing Board

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

These minutes were approved as submitted on Sept. 27, 1995.