

**AGENDA ITEM #2**  
**COMMUNITY DEVELOPMENT RESOURCE AGENCY**  
**Martis Valley West Project**  
**Tuesday, September 13, 2016**  
**9:00 a.m.**

**Partial Transcript**

**Summary:** Supervisor Kirk Uhler asks Tom Mooers several times about an agreement between his organization, Sierra Watch, and the developers/landowners. When asked about inconsistencies of the proposal being presented at the board meeting, Mooers evades Supervisor Uhler's questions. The following is the transcript:

**5:32:24 Tom Mooers**

I represent Sierra Watch, and we have a 15-year history of effective conservation advocacy and collaborative planning in Martis Valley and I wish I could stand here in front of you today and tell you that the Martis Valley West proposal in front of you furthers those collaborative agreements and fits into a responsible blueprint for North Tahoe, but the project doesn't do either. So, I can't and instead, I ask you to deny approval of the project.

For more than a decade, we've been working with landowners and developers in Martis Valley with our conservation allies, under the land use decision making authority of the County itself, and we've made tremendous shared progress. Some of our successes have already been mentioned today.

Most of Northstar is protected, we've established the Waddle Ranch Preserve, and for almost all of Martis Valley we've worked together to secure a healthy, responsible and collaborative blueprint for what's really the heart of the Tahoe-Truckee region. And we all agreed that now we're really dealing with the last piece of the puzzle. It's a big piece – the 7,000 acre SPI property. Any development we consider for this last piece, obviously, should be done responsibly and hopefully in the spirit of collaboration. With the future of eastern Placer County and the values of North Tahoe at heart, but again this project doesn't do that. And in standing here to ask you to deny it – Sierra Watch obviously doesn't stand alone. You've heard from the others, our conservation allies, you've seen the letter from the state Attorney General, and you have the recommendation from your own planning commission. As staff mentioned earlier this morning, and others mentioned this afternoon, when the Placer County Planning Commission asked for more information about this project they really wanted to look at 3 particular issues: at Traffic, at Fire Safety, and at Lake Tahoe, arguably the most salient, maybe the most important 3 issues in this area.

And here's some of what they learned:

In terms of traffic, Martis Valley West proposal would really guarantee gridlock. It would add 3,985 daily car trips to our existing traffic.

In terms of fire safety, it would take more than an hour just to evacuate the property in the event of an emergency.

And then when it comes to the Lake, and Laurel just talked about it, the commission learned about how not only would the project be detrimental to the "Lake Tahoe Experience here," but it would directly impact the clarity of the Lake itself.

So, we agree with the Planning Commission, and its recommendation, and we urge you to deny the project. Hopefully, we can go back to the drawing board, and we can work together on a collaborative and a responsible blueprint for this property. That fits into a, into the Martis Valley Puzzle. Lake Tahoe and Placer County deserve no less.

Thank you.

**5:35:25 Chairman Weygandt**

Tom, could I ask a question? Umm, have had a myriad of conversations, as have I'm sure all of my colleagues leading up to this hearing in doing our homework. And I know there's been some hope in that your organization was a party to the Martis Valley Opportunity Agreement. So, I'm presuming that conceptually the flip of the density from the east to the west side, and the concept of doing some kind of project on some scale, was something that you actually supported in; as a part of the deal getting the conservation of the 6,000 acres on the eastside. Um, so I guess the question is: from your comments and from the issues that are the reasons for your objection: impact on the Lake, traffic, etc. I need some kind of a sense of what scale, scope of a project impact would fit in that envelope and if there would be reason to expect that further communications would be fruitful or not.

**5:36:33 Tom Mooers**

I wouldn't be standing here today, if I weren't optimistic that there can be some resolution. Unfortunately, the way we deal with the process is that we great to deal with the project that's before you and the entitlements that there asking for right now. So, that's really the most important issue for us right now. Is to say that doesn't fit into a good vision for Martis Valley. As we've told directly to the landowners, the developers, the applicants, we're open to discussions. I honestly believe that there is an agreement that can be reached. Um, and I think we made steps in that direction with the Martis Valley Opportunity Agreement. I think the hurdles we ran into were flagged by counsel earlier actually that the deep level of entitlements that the applicants receiving today. So the map and the development agreement for example. So, I think that if we can pull back and come back together to talk again, there is an opportunity. I can't tell you on the spot exactly what, you know how many units would be appropriate to negotiate on that level right now. Um, but again, I'm optimistic that some agreement can be reached. It's just that the project that's before you right now, and what we've all learned about it through this CEQA review process is not the answer.

**5:37:49 Supervisor Uhler**

Mr. Chairman. So, you're saying it's just the map and the development agreement that cause you to abandon your signed agreement from just 3 years ago?

**5:38:04 Tom Mooers**

Is that a question? (laughing)

**5:38:07 Supervisor Uhler**

Are you saying...

**5:38:09 Tom Mooers**

We have not abandoned that agreement. And the good news about that agreement, some of which is indicated on this map here, is the shared understanding that for, um, the eastside property no development makes sense. That's the good news that we all agree on that. The agreement, as I think was mentioned earlier, by you earlier this morning talked about a transfer, a swap from the eastside to the Westside. So, when we entered that agreement, we were thinking a transfer, swap means a commensurate of designations. So, for example, if you swap what's designated for the eastside over to the Westside that would make sense, but that swap doesn't include such a deep level of entitlement, including a map and a development agreement.

**5:39:00 Supervisor Uhler**

I'd ask counsel, are those the only two things that are not consistent with this?

**5:39:07 County Counsel**

Well, if you mean not consistent, they're the only 2 that are not listed within that agreement.

**5:39:10 Supervisor Uhler**

No, right. So, then what you're saying Tom, is that you're standing here today saying that, consistent with this agreement, you support: facilitation, I'm reading the words, facilitating the transfer of the development rights over to this parcel. You support their application for their, you support their initial approval, which they're seeking today, for our board to approve concurrent amendments to these community plans that I read earlier. To allow development of the 760 residential units, the commercial. You support all these things still? It's just the map and the development agreement that would actually make it possible for it to happen – that you don't support?

**5:40:01 Tom Mooers**

It's the map and the development that indicate the extent to which this application is out of bounds with what we agreed to, in, what's the year on the document you're looking at...

**5:40:10 Supervisor Uhler**

Three years ago.

**5:40:11 Tom Mooers**

Three years ago. So, that document set up what should have been a collaborative framework. Um, and I'm proud of um, to be part of an organization that, um, that knows how to work with, work against bad projects, but also work with landowners and developers when there is common ground, and that was an attempt to establish that kind of common ground, and a framework for further discussion.

**5:40:32 Supervisor Uhler**

So, where did it go array? What am I missing? Since, obviously, a map and a development agreement for the implementation of this agreement.

**5:40:43 Tom Mooers**

That's right.

**5:40:46 Supervisor Uhler**

Did you never intend for the agreement to be implemented?

**5:40:48 Tom Mooers**

We never intended to have this project before you, and we never agreed to that. We agreed to...

**5:40:53 Supervisor Uhler**

Then what was this?

**5:40:54 Tom Mooers**

It was a framework for discussions. I don't know how deep into the weeds you want to get, because I'd point out that to some extent. I mean, that does matter to me. I don't know how

much it matters to you. Cause you're dealing with the project that's before you and a set of entitlements that they're asking for.

To answer your question, here's what I think. I think you could ask probably everybody, at least in the front section, and a few back here what went wrong, and you'd probably get a slightly different answer. Here's my answer, and again it gets into the details a little bit. When we first sat down and started talking about collaborating on an agreement there was some hope that we could reach agreement on the specifics of an actual development proposal. So that, hey, here's development that makes sense for Martis Valley West, but after a few meetings it became clear that we were not going to be able to reach such an agreement. That did not mean, that we gave carte blanche to propose whatever they wanted, in spite of how we felt about it, and that we would support it. So, that's where I think it went wrong.

**5:41:59 Supervisor Uhler**

Okay, so, to my knowledge, nothing that is being proposed before this board today, is at all inconsistent with everything I've read the pages that are contained here. It outlines recitals very clearly that your organization signed on to, and 100% of what's in front of this board is consistent in what I read. Is there anything about their proposal that you find inconsistent with what you agreed to?

**5:42:29 Tom Mooers**

Yes...

**5:42:20 Supervisor Uhler**

What's that?

**5:42:30 Tom Mooers**

Well, part of it is process.

**5:42:32 Supervisor Uhler**

Other than the fact that they actually reduce the impact by eliminating the 150 in the basin you guys signed onto with this agreement. So, other than that? Is there anything about what's being proposed today that is inconsistent with the recitals of this agreement?

**5:42:50 Tom Mooers**

So, regarding the campground.

**5:42:54 Supervisor Uhler**

I, no, just that question.

**5:42:57 Tom Mooers**

It is wildly inconsistent, and we did not support that proposal, nor the previous proposal for the residential development. And to pretend, I mean, we're all happy that there is an agreement to protect the campground, but in terms of the process and the entitlement you're dealing with today, that campground proposal, that application still stands. That notion has been reinforced by the applicant today that it's an agreement in principal. It was reinforced by a representative of the landowner in the newspaper when they announced it last week, and they said, according to Lake Tahoe News, "That if the price can't be agreed upon, the campground idea could be resurrected." So, when we're dealing with the facts on the ground right now, we're dealing with the proposed entitlements, and the proposal for the campground is still part of the world we're dealing with.

**5:43:45 Supervisor Uhler**

Tom, is there anything in the project that's been proposed to our board today (crowd moaning and groaning). Is there anything that's being proposed in the project that's being presented to our board today that is inconsistent with the recitals of this agreement?

**5:44:02 Tom Mooers**

Yes. For example, a development agreement and a vesting map.

**5:44:07 Supervisor Uhler**

Okay, the specific recitals reference the project as described. Is there anything in the description of the project that is inconsistent? Speak to the specific, the description of the project that you guys signed off on, in terms of acreage, in terms of units, in terms of all the rest, is there anything in this project that is inconsistent with these recitals here?

**5:44:34 Alexis Oller**

Supervisor Uhler, I'd like to add to something you keep reiterating. Alexis Oller, Mountain Area Preservation, I'll be in the next round of public comments, but something that's inconsistent is ongoing cooperation and dialogue. That was a part of the agreement. We actually asked for that. We asked for a seat at the table, and we weren't given a seat at the table. We spent the last 3 years fighting over the basin development. So, that's inconsistent with that agreement.

**5:45:08 Chairman Weygandt**

If I could. Um, if I could. Alexis. Alexis. Um, Supervisor Duran. We're on the cusp of taking a break, because part of my task today is to give the recorder a break. So were going to, um, after the um, and we're done with group 4. So, we'll start with group 5. Um...

**5:45:30 Supervisor Uhler**

Mr. Chairman, if they could answer my questions before we break. I've asked a very specific question. I'd like an answer to my question. Is there anything in the recitals that describe the project...that you signed off on, is there anything inconsistent in what's being presented to our board today?

The description of the project that you guys were signing off on here. Is it the same project that we have here?

**5:46:00 Tom Mooers**

No.

**5:46:01 Supervisor Uhler**

Then what are the inconsistencies?

**5:46:02 Tom Mooers**

So, I'll. I'll try to answer again, because I think I've answered already. One. The level of entitlements, as counsel already mentioned, including a map and a development agreement. Those are not contemplated, in the um, in the initial approvals. Key word being initial. These are final, we you could argue these are final approvals. There's vested rights.

So, one again, would be it's a much deeper level entitlements than are on the eastside right now.

**5:46:32 Supervisor Uhler**

I understand, and I acknowledge that.

**5:46:33 Tom Mooers**

That doesn't represent a transfer or a swap.

**5:46:37 Supervisor Uhler**

That's not a description of the project. What I've asked you specifically over and over.

**5:46:42 Tom Mooers**

Ah, okay. So if we look at the property there are two projects that are applied for right now that add up too much more than is in that document. Because there are 2 projects, there are 2 pending applications right now. There's the Martis Valley West project, and there's the Brockway campground project.

So that's an example of the process kind of problems that Alexis just mentioned, but more importantly it's an example of how that document, or those discussions ended, and so the place we are today doesn't reflect what we all agreed to back then.

**5:47:14 Supervisor Uhler**

Thank you Mr. Chairman.

**5:47:18 Chairman Robert Weygandt**

Supervisor Duran has his light on, so he has a chance to ask a question or make a comment. Then we're going to take a break, which might be a good opportune time, but I'll let Jennifer also chime in. Jack.

**5:47:28 Supervisor Jack Duran**

No, I just want to commend both of the parties for what they've done. I think the agreement that you signed is a reflection of what the intent was. I get that. And sometimes, you know when parties don't agree, other bodies, such as ourselves are the ones that have to make those decisions on those disagreements. But I do want to say that moving forward on any project that the developer that the environmental folks, the community – your comments, your questions actually push a better result. And I just want to commend everyone on that, because I think that's really what the goal is here. You know perfection is one thing, but working with the clay that we have is what we've got. So.

**5:48:22 Tom Mooers**

I wish we had given you better clay to work with, but I totally agree. I think Blake even said something similar. I mean regardless of process, and we could do he said, she said all afternoon. I mean, now, it's up to you.

**5:48:36 Chairman Weygandt**

Then I get the last word, because I'm chair. So, after January, but um, we're going to let Supervisor Montgomery comment, and then I'm going to comment.



**5:48:43 Supervisor Jennifer Montgomery**

Thank you, so I'm, one of the things that I want to comment on, just for full disclosure I have met with, I think, literally everyone in this room at least once, and thank you all. I want to talk about what the real issue is here. Place County is not party to this agreement. This is a separate agreement, between these parties. We can neither compel, nor overturn. However, having said that, what I have told the business partnership, the environmental community, the conservation community is that it was my hope that they could sit down, and continue this process, and have the conversations that would get them all, all three parties to a presentation today, or at some point in the future. Where they are actually here, maybe not singing Kumbaya, but at least in agreement. What I've heard today, whether it was from Jennifer Quashnick, who said there are more things that can be done. Whether it was from Dave Sutton from TPCL who said, you know: they're hoping to get to an agreement. I've heard it from Sierra Watch, I've heard it from MAP, and I've heard it from the business side of this. They think that there is a benefit to be achieved through continued conversations. It's going to be my suggestion to this board when we come to a time to make a motion that we continue this... that we not make any decision today, but we give these individuals the opportunity to continue those conversations to see if they can reach some sort of consensus to bring back to this board. And that's not going to be open ended. There is going to be certain that I ask folks to come back. Because at a certain point, you know, the talking is just no longer effective, but what I have heard from everyone here today is that they think there is room for effective conversation. So, that's where I'm going here. Just so you know.

**5:50:48 Chairman Weygandt**

So with the last word from me. For the time being. Um, as I mentioned to you earlier when we started this hearing the board today has several options. We can accept verbatim what the Planning Commission did, or we cannot do that. If we don't do that we have within a branch of options, one of them might be a continuance. Personally, I've worked with Dave Sutton, Trust for Public Lands/Donner Land Trusts for a lot of years. A lot of people may not know it, but Dave was critical in actually acquiring what is now the hidden falls park, which is a gorgeous open space park down in my neck of the woods, whose problem is that it's so popular that we're having to manage parking problems and try to expand the capacity down there.

His task to make the highest level of conservation be most successful up here is going to be predicated on having the best working relationship he can, and raising the money, and he's been very successful at doing that in a range of cases. So, we're going to try to create an opportunity for the most success, but we've got to have a reason to believe there's a chance to do that. Otherwise, 3 or 4 or 5 of us are going to do something one way or the other. So with that we're going to take a break. We're going to come back at say 3:15pm. Give everybody a chance to rest up, and maybe something can happen between now and then.