

**TRPA
GOVERNING BOARD
PACKETS**

**DECEMBER
2000**

**TAHOE REGIONAL PLANNING AGENCY (TRPA)
TAHOE METROPOLITAN PLANNING ORGANIZATION (TMPO)
AND TRPA COMMITTEE MEETINGS**

NOTICE IS HEREBY GIVEN that on Tuesday, December 19, 2000, commencing at 5:30 p.m., in the conference room of the Tahoe Regional Planning Agency, 308 Doria Court, Zephyr Cove, Nevada, the Environmental Improvement Program Implementation Committee (EIPIC) will meet. The agenda will be as follows: 1) public interest comments (no action); 2) approval of minutes; 3) update on Regional Revenue Feasibility Analysis; 4) review EIP update documents 5) member comments. (Committee: Waldie, Cole, Perock, Miner, DeLanoy)

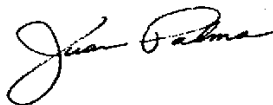
NOTICE IS HEREBY GIVEN that on Wednesday, December 20, 2000, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the Horizon Casino Resort, Highway 50, Stateline, Nevada. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, December 20, 2000, commencing at 8:30 a.m., at the same location, the TRPA Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) November expense/revenue summary; 3) release of \$399,092 in Water Quality Mitigation Funds and \$235,892 in Stream Environment Zone Mitigation Funds to El Dorado County for 2000-2001 project requests; 4) release of \$121,000 in Water Quality Mitigation Funds and \$100,000 in Stream Environment Zone Mitigation Funds to the City of South Lake Tahoe for 2000-2001 project requests; 5) release of Air Quality Mitigation Funds of \$76,540 to El Dorado County in support of Angora 3 Erosion Control and Bike Lane projects; 6) release of Air Quality Mitigation Funds of \$227,000 to the City of South Lake Tahoe to Support Air Quality/Transportation Improvements; 7) resolution allocating FY 2000-2001 Local Transportation Funds of \$184,580 to El Dorado County for Community Transit Services; 8) member comments. (Committee: Neft, Helier, Galloway, Solaro, Bennett)

NOTICE IS FURTHER GIVEN that on Wednesday, December 20, 2000, commencing at 8:30 a.m., at the same location, the TRPA Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) Paul McKinney, show cause hearing, violation of motorized watercraft regulations; 3) Cave Rock Partners, LLC., resolution of enforcement action; 4) member comments. (Committee: DeLanoy, Waldie, Medina, Miner, Sandoval)

NOTICE IS FURTHER GIVEN that on Wednesday, December 20, 2000, commencing at 12:30 p.m. at the same location, the TRPA Retirement Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) resolution to change Agency plan to authorize Executive Director to disburse funds; 3) discussion on change in Agency plan to require disbursement of funds by October 1 or payment of interest must be made to former employees; and 4) member comments. (Committee: Sandoval, DeLanoy, Neft, Chouinard, Palma)

December 11, 2000



Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Horizon Casino Resort
U.S. Highway 50
Stateline, Nevada

December 20, 2000
9:30 a.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

AGENDA

- I. PLEDGE OF ALLEGIANCE (5 minutes)
- II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)
- III. PUBLIC INTEREST COMMENTS - All comments are to be limited to no more than five minutes per person.

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, TMPO, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal, and Planning Matter items will be taken at the time those agenda items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

- IV. APPROVAL OF AGENDA (5 minutes)
- V. APPROVAL OF MINUTES (5 minutes)
- VI. CONSENT CALENDAR (see agenda pg. 3 for specific items) (5 minutes)
- VII. PUBLIC HEARINGS

- A. City of South Lake Tahoe Amendments to Stateline/Ski Run Community Plan: (30 minutes) Pg. 81
 1. Amendment of Stateline/Ski Run Community Plan Boundary to Add a Parcel Currently Adjacent and in Plan Area Statement 093
 2. Replace the Stateline/Ski Run Community Plan Design Standards, Section 5-4F, Items 1 & 2, Lower Ski Run South, With a Paragraph Requiring Public Plazas to be Developed
 3. Amendment of the Permissible Uses List in Redevelopment District 1b, Stateline/Ski Run Community Plan to Add Special Uses; General Merchandise, Amusement and Recreation Services, Food and Beverage Retail Services, Personal Services, Outdoor Retail Sales, Health Care Services, and Professional Offices

- 4. Amendment of the Permissible Uses List in
Redevelopment District 2a, Stateline/Ski Run
Community Plan to Add Professional Offices as
a Special Use

- B. Adoption of United States Postal Service Tahoe Regional Master
Plan, Including Related Amendments to the Transportation Elements
of the Tahoe Regional Planning Agency Goals and Policies; and
Goals, Policies, and Objectives, Data Inventory and Action Elements
of the 1992 Regional Transportation Plan; (45 minutes) Pg. 101

- C. Approval of Distribution of 2001 and 2002 Residential Allocations
(20 minutes) Pg. 125

- D. Amendment of Code Sub-section 33.4 to Establish Criteria To Be
Used in the Distribution of 100 Tourist Accommodation Units from the
Special Projects Allocation Pool (10 minutes) Pg. 131

- E. Amendment of Plan Area Statement 008, Lake Forest, to Add Personal
Services as Special Use, Create a Special Area in Which This Use
Will Be Permissible and Add Special Use Language to the Plan Area
Statement (20 minutes) Pg. 141

- F. Incline Village General Improvement District, Incline Park Draft
Environment impact Study (45 minutes) Pg. 151

- VIII. SHOW CAUSE HEARINGS
 - A. Paul McKinney, Violation of Watercraft Regulations (30 minutes) Pg. 153

- IX. PLANNING MATTERS
 - A. Presentation on Tahoe Coalition of Recreation Providers (TCORP),
Recreation Sign Guidelines (15 minutes) Pg. 157

 - B. Discussion of Amendment to Chapter 20.5 Regarding Excess
Coverage Mitigation Fees (15 minutes) Pg. 193

- X. ADMINISTRATIVE MATTERS
 - A. Resolution for Outgoing Board Member, Kay Bennett (5 minutes)

- XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION
 - A. Finance Committee (5 minutes)
 - 1. Approval of FY 00-01 TRPA Budget Revision

 - B. EIPIC (5 minutes)

 - C. Legal Committee (5 minutes)

 - D. Retirement Committee (5 minutes)
 - 1. Resolution Authorizing Executive Director to Disburse Funds Pg. 201

XII. REPORTS

A. Executive Director Monthly Status Report (10 minutes)

1. Status Report on Project Applications Pg. 205

2. Stateline Storm Water Project Recognition Pg. 207

B. Legal Division Monthly Status Report (5 minutes)

C. Governing Board Members (5 minutes)

XIII. ADJOURNMENT

CONSENT CALENDAR

| <u>Item</u> | <u>Recommendation</u> | |
|--|-------------------------------------|---------------|
| 1. Receipt of November Expense/Revenue Summary | Receipt | <u>Pg. 1</u> |
| 2. Amendment of Deed Restriction Condition of Approval for the Lake Tahoe Community College, El Dorado county APN 25-010-24 and APN 25-010-34 | Approval | <u>Pg. 11</u> |
| 3. Cave Rock Partners, LLC., Resolution of Enforcement Action, 1301 Highway 50, Douglas County APN 03-150-01 | Approval | <u>Pg. 15</u> |
| 4. Release of \$121,000 in Water Quality Mitigation Funds and \$100,000 in Stream Environment Zone Mitigation Funds to the City of South Lake Tahoe for 2000-2001 Project Requests | Approval | <u>Pg. 21</u> |
| 5. Release of \$399,092 in Water Quality Mitigation Funds and \$235,892 in Stream Environment Zone Mitigation Funds to El Dorado County for 2000-2001 Project Requests | Approval | <u>Pg. 33</u> |
| 6. Incline General Improvement District, Mountain Golf Course Cart Path Addition, 687 Wilson Way, Incline Village, Washoe County APNs 128-352-01, 128-351-01 and 128-220-02, TRPA File #200437 | Approval of Findings and Conditions | <u>Pg. 45</u> |
| 7. Ledbetter, Existing Pier Relocation and Expansion, 1220 Highway 50, Douglas County APN 03-191-03 | Approval of Findings and Conditions | <u>Pg. 59</u> |
| 8. Release of Air Quality Mitigation Funds of \$76,540 to El Dorado County in Support of Angora 3 Erosion Control and Bike Lane Projects | Approval | |
| 9. Release of Air Quality Mitigation Funds of \$227,000 to the City of South Lake Tahoe to Support Air Quality/Transportation Improvements | Approval | <u>Pg. 61</u> |

- | | | | |
|-----|--|----------|---------------|
| 10. | Resolution Allocating FY 2000-2001 Local Transportation Funds of \$184,560. to El Dorado County for Community Transit Services | Approval | <u>Pg. 63</u> |
| 11. | O'Donnell, Land Capability Challenge, 397 Driver Way, Washoe County APN 131-225-01 | Approval | <u>Pg. 67</u> |
| 12. | Trehitt, Land Capability Challenge, 371 Kingsbury Grade, Douglas County APNs 07-190-09, 07-490-16 And 07-490-17 | Approval | <u>Pg. 71</u> |

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

- (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.
- (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.
- (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III(g) Public Law 96-551

Tahoe Regional Planning Agency Governing Board Members:

| | | |
|---|--|-----------|
| Chairman Larry Sevison, Placer County | Wayne Perock, Nev. Dept. of Conservation | Appointee |
| Vice Chairman Don Miner, Douglas County | Drake DeLanoy, Nevada Gov. | Appointee |
| Kay Bennett, Carson City | Jerry Waldie, Calif. Senate Rules Com. | Appointee |
| Jim Galloway, Washoe County | Leslie Medina, Calif. Assembly Spkr. | Appointee |
| Hal Cole, South Lake Tahoe | Joanne Neft, Calif. Gov. | Appointee |
| Dave Solaro, El Dorado County | (Position Vacant), Calif. Gov. | Appointee |
| Brian Sandoval, Nevada At-Large Member | Peter Chase Neumann, Presidential | Appointee |
| Dean Heller, Nevada Secretary of State | | |

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

November 15, 2000

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Chairman Larry Sevison called the November 15, 2000, Tahoe Regional Planning Agency (TRP) Governing Board meeting to order at 9:35 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Board Member Kay Bennett led the Board in the Pledge of Allegiance to the Flag.

Members Present: Ms. Moss (for Dr. Miner), Mr. Waldie, Mr. Delanoy, Mr. Solaro, Mr. Heller, Mr. Cole, Ms. Bennett, Mr. Johnson (for Mr. Perock), Mr. Galloway, Mr. Sevison. Ms. Neft

Members Absent: Ms. Medina, Mr. Sandoval, Mr. Neumann,
California Governor Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS

Mr. Gary Midkiff stated this was an historic occasion as this was Julie Frame's last meeting. Ms. Frame has been clerk to the Board for many years. She has been a friend of his for a long time and probably one of the best friends everyone has had with the TRPA and deserves special appreciation.

Ms. Jan Briscoe, representing the Tahoe Lakefront Owners Association, voiced concern over lack of progress in the shorezone EIS process. She stated it had been eight months since a meeting and eight months since hearing from staff as to the status of where to go. A couple of years ago there was an issue with motorized watercraft that hung them up for a least a year's time and they were promised by the Board and staff that the process would conclude before the millennium. She was there to ask that the Board, specifically the Shorezone Committee, have regular updates to the Board on the agenda so they can chart progress or lack thereof on a monthly basis. They do understand that there have been staffing concerns and issues relative to positions being filled and vacated. However, they feel this is an important process and they have been waiting patiently for some resolution and now are looking at going into another year without any kind of information as to where they stand.

TRPA REGULAR MEETING MINUTES NOVEMBER 15, 2000

Ms. Elizabeth Hale, a resident from Tahoe City, indicated she had spoken with a few people before the meeting regarding rearranging seating so people in the audience feel more included and less disenfranchised. She suggested we might try after the meeting to rearrange the tables in a "V" shape with the lectern, screen and easel in the front so that people in back are not disenfranchised. She appreciated the opportunity to rearrange tables to see if that might work.

IV. APPROVAL OF AGENDA

Acting Deputy Director Gordon Barrett advised of the following changes: 1) continuance of show cause hearing item VII.A, for the Schulz Illegal Deck Addition; 2) continuance of Item VIII.B discussion of potential code amendments for the Transfer of Development Standards. The APC wanted more time to review these standards and was asking for this continuance.

The Rules and Retirement Committees were scheduled to meet at noon. Agency Counsel was asked, if the Board meeting adjourned early, whether these meetings could be held early, as they had been noticed for a time certain. John Marshall stated that if the meeting was through significantly early, the committees could be continued to December. Ms. Frame indicated that lunches have been ordered so decisions needed to be made early so the lunches could be cancelled, if necessary. The question was asked that if Rules Committee didn't meet could it affect the recruiting process. Mr. Palma indicated a continuance would not affect recruiting.

Ms. Neft was concerned about the Retirement issue that needed to be discussed. Mr. Barrett advised that the individuals in the pool right now would be receiving distribution so we could wait until next month.

The Retirement Committee and Rules Committee were continued to December.

MOTION by Mr. Solaro to approve the agenda with the continuance of the show cause hearing (item VII) and discussion of TOD code amendments. The motion carried unanimously.

V. APPROVAL OF MINUTES

MOTION by Ms. Neft to approve the October 25, 2000 minutes. Motion carried unanimously.

VI. CONSENT CALENDAR

MOTION by Mr. Solaro to approve the consent calendar.

Ms. Bennett advised that the Finance Committee had met earlier and recommends receipt of the October Expense/Revenue and recommends adoption of the Resolution Amending Filing Fees.

The motion was carried unanimously.

TRPA REGULAR MEETING MINUTES NOVEMBER 15, 2000

(Following are items approved on the consent calendar

1. Receipt of October Expense/Revenue Summary.
2. Resolution Amending Filing Fees effective January 1, 2001 (Resolution No. 2000-17).
3. Palomba and Anderson, Land Capability Challenge, 101 Meadow Drive, Douglas County APN 07-492-18.
4. Wagner, Land Capability Challenge, 380 Cymos Way, Placer County APN 093-280-15.
5. Tamarack, Mutual Water Company, Forest Health Restoration, El Dorado County APN 017-001-03.)

VII. SHOW CAUSE HEARING

Continued

VIII. PLANNING MATTERS

A. Motorized Watercraft Studies Progress Report

Jon Paul Kiel, Water Quality Program Manager in the Long Range Planning Division of TRPA, gave a presentation as part of the effort to keep the Board informed and educated with regard to various programs in the Agency. Motorized watercraft is one of the studies included in the Environmental Improvement Program (EIP). He explained that controversial issues regarding potential impacts of motorized watercraft in the region prompted the creation of what was then called the Motorized Watercraft Study Group, now known as the Motorized Watercraft Technical Advisory Group (MWTAG). This group was charged with completion of a number of objectives. These objectives included identifying impacts of various classes of motorized watercraft and water quality; evaluating the bate and transport of unburned fuels and products of incomplete combustion; quantifying the magnitude of unburned fuels by types of watercraft such as personal watercraft (2 stroke engines, 4 stroke engines, electronic, direct injection, etc).

Other objectives were to provide information to the public through a coordinated research effort – to identify short and long-term monitoring needs and potential funding sources for that monitoring and, to assess hazards and risks to human health and aquatic life.

Mr. Kiel's presentation included discussion of two watercraft study/monitoring efforts in progress:

1. In-Lake monitoring of uncombusted gasoline constituents including benzene, methl-tert-butyl-ether (MTBE, + three related compounds), benzene, toluene, ethyl-benzene, o-zylene, and meta/para zylene (BTEX compounds); and
2. In-Lake monitoring of 9 representative species of polycyclic aromatic hydrocarbons (PAHs), including flourathene and benzo(a)pyrene (products of gasoline combustion).

The studies indicated continued decreases in concentrations of certain marine engine emission compounds in Lake Tahoe during the 2000 boating season. PAH emission study/monitoring results continue to indicate potential problems. The MWTAG consensus

TRPA REGULAR MEETING MINUTES NOVEMBER 15, 2000

is that further study is required to fully understand the impacts of PAH compounds on water quality and biota. The MWTAG continues to work towards identification of funding the further this research effort.

Mr. Sevison stated that he had given a petition to Executive Director Juan Palma last month relating to loud boats on the lake. There had been quite a bit of contact from the public complaining about the noise. Resident with homes built up the mountainsides of the basin can hear these boats from across the lake and while they don't mind that people have big boats, they do care about the noise and want something done about the noise. This is an issue Mr. Sevison had heard about quite a bit and he wanted the agency to look at a solution for it at some time in the future.

IX. ADMINISTRATIVE MATTERS

A. Discussion of Potential TRPA Office Relocation Sites

Gordon Barrett, Acting Deputy Executive Director, gave the Board an update on the potential TRPA office relocation sites. As background Mr. Barrett provided the Board with a handout that showing the TRPA functions and partners, site options and timelines. The potential sites included an additional Dorla Court site, the Sierra Nevada College in Incline Village, a building at Lake Tahoe Community College in South Lake Tahoe and the Douglas County Administrative Site in Stateline. Mr. Barrett indicated that the current lease would be up in 2003. Rent in 2003, according to our budget, will be about \$415,000 a year which is high for this region.

New building cost comes up to about \$3 million. We will need about 17,000 square feet to accommodate future growth and meet future needs. We are looking to possibly partner up with some other organizations. Or, we could go it alone. One option was to remain in our current location and expand by filling in the basement, adding about 4,000 additional square feet. A second option was the Douglas County Site with a possibility of partnering with the Desert Research Institute utilizing some grant monies only DRI could get. This is a 30,000 square foot building and would house TRPA and DRI.

The college site has advantages in that environmental documents have already been done. The Forest Service is pursuing the federal facility and the state facility is being looked at by the Conservancy as its primary site. This would be approximately a 28,000 square foot building and could house both TRPA and the Conservancy. This project is probably the furthest along

The proposal in Incline is a limited site. There would be a strong alignment toward research. An EIS is being worked on. There are some existing buildings but it would be 2003 before these could be torn down.

Regardless of the chosen alternative, we will have to move fairly quickly in order to meet the 2003 deadline when our current lease expires. Mr. Barrett went over the funding possibilities and pros and cons of the various sites.

TRPA REGULAR MEETING MINUTES NOVEMBER 15, 2000

Following Mr. Barrett's presentation there was general discussion among Board members with suggestions and comments regarding the amount of money being spent on rent, opinions about specific sites, renting/leasing vs. buying, logistics, the need for adequate meeting room space, whether APC and Governing Board meetings would be held only at the new office or continue to rotate meetings between the South and North Shore. Discussion also included the ability of having meetings televised through local cable.

B. Election of Chairman and Vice-Chairman for 2001 – 2003

Mr. DeLanoy nominated Mr. Dean Heller, Nevada Secretary of State, for Chairman. Ms. Moss, on behalf of Douglas County, supported Mr. Heller's nomination for the position of Chairman.

Mr. Heller accepted the nomination for Chair and expressed his commitment to continuing efforts of the Agency and the role of the Governing Board.

MOTION by Mr. Waldie to close the nominations. The motion unanimously carried.

Mr. Heller's term commences January 1, 2001 and ends December 31, 2003.

Ms. Neft nominated Mr. Dave Solaro to serve as Vice-Chairman.

MOTION by Mr. Galloway to close the nominations. The motion carried unanimously.

Mr. Solaro's term commences January 1, 2001 and ends December 31, 2003.

C. Appointment of Nevada Lay Member to the Advisory Planning Commission

MOTION by Mr. Galloway for re-appointment of Mr. Paul Morgan to the Advisory Planning Commission (APC) for another two-year term subject to confirmation by the Washoe County Commissioners. Motion unanimously carried.

(Mr. Morgan's term on the APC will expire the end of November 2003.)

D. Performance Evaluation of Agency Counsel

This was a closed session that was moved to the end of the meeting.

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Legal Committee

Legal Committee met and completed the evaluation of Agency Counsel that would be disclosed in the closed session.

B. Finance Committee

Finance Committee business was taken care of under the Consent Calendar

TRPA REGULAR MEETING MINUTES NOVEMBER 15, 2000

C. Environmental Improvement Program Implementation Committee

Committee member Jerry Waldie reported that the committee met Tuesday evening, December 14, 2000, but without a quorum. John Marshall gave the group a presentation on the Agency moving into an implementation function from a regulatory function and the legal authority for that potential move. Mr. DeLanoy commented that this is a very complicated issue and it should be synthesized. Mr. Marshall indicated that his presentation could be cut down and the Board given a half-hour presentation. Mr. Waldie expressed that this also affects the need for larger staff and more space and that we remain conscious of the objectives we are seeking and the steps we are taking towards them.

Mr. Severson commended Mr. Hasty for the job he is doing on the EIP. He explained that there is a general acceptance and enthusiasm by the primary business people about the whole program and having Mr. Palma on board. He encouraged that if there are votes in various jurisdictions in the future that Mr. Hasty and Ms. Drum and others from the Agency take the lead in making the communities understand the relationship with the EIP program. He did not believe that the connection was made between the EIP program and the two recent tax initiatives in Placer County. He thought that the failure of the initiatives was partially due to them not being equated to the EIP program.

D. Local Government Committee

Committee Chair, Hal Cole reported that HUD is looking at the possibility of creating a Community Housing Development Organization (CHODO). We would declare the Tahoe Basin as a district to receive funds for HUD projects. Then we could take California and Nevada money and pool it if we like a project in one particular area or another and start working together. Another issue the Committee is going to deal with is the definition of affordable housing. There is a strict definition that the TRPA uses – people living in the basin have a median income below a certain standard and are subsidized by government. TRPA traditionally now will take a market rate building that happens to be blighted and want mitigation even though residents in it may not fall under the affordable housing category. It is time we get a strict definition and, hopefully, this committee will go forward with the opinion that the best project is mixed use so there are people who are market rate and others who have been subsidized. So, maybe our affordable housing will be defined in such a way that a certain percentage of that project will meet this criteria and a certain percentage won't have to but they will still get the benefits that we give affordable housing projects. HUD will not restrict housing to particular people we might be concerned we are driving out of the Basin – such as employees, etc.

Because of known Committee member absences in December, Mr. Cole suggested that there not be a Committee meeting until January.

Ms. Bennett stated that she was very encouraged by the commitment and moving forward she sees not only from local government representatives, but also from HUD. She congratulated staff for all the work they have done on the issue of employee housing.

TRPA REGULAR MEETING MINUTES NOVEMBER 15, 2000

E. Retirement Committee - Continued to December

XI. REPORTS

A. Executive Director Monthly Status Report

Mr. Palma stated that he is saddened by Julie Frame's retirement. He considered her knowledge of the process and the people to be invaluable to someone new, like himself, to TRPA and it was with tremendous sadness that he accepted her resignation.

Mr. Palma noted that Executive Assistant, Carol Watkins, was temporarily assigned to Julie's duties while the job opening was being advertised and the vacancy filled.

The Lake Tahoe Restoration Act was signed by the President and is authorization for the Federal side of the Environmental Improvement Program. It was a critical step in getting the Federal side in the door for the implementation of the EIP. This step has come about by a lot of effort and energy by many players. Many local folks and the Coalition have devoted enormous amounts of energy to make this happen and Mr. Palma wanted to publicly appreciate and thank them. This act is, in Mr. Palma's mind, a bi-partisan document, both on the Democratic and Republican sides - Congressman Doolittle was in support of the document as was Senator Feinstein and Senator Reid and others. This is very exciting and it shows that all sides have supported the work being done here in Lake Tahoe and is great signal for those working on the issues here at Lake Tahoe.

Mr. Palma reported on the progress of the 30 day/120 day deadlines. There were 10 projects that had passed the deadline; staff had been making progress on them. If the Board knew of any projects that are not on the list, Mr. Palm requested that they let him know.

Mr. Palma extended his congratulations to those Board members who have recently been re-elected and to the new TRPA Chairman and Vice-Chairman.

B. Legal Division Monthly Status Report

Mr. Marshall reported that there had been an adverse decision in the Menasha case. We had asked the court to review on a Summary Judgment Motion on the Governing Board's determination that Menasha had violated the terms of their permit and that a subsequent proceeding before a court would be required to assess a civil penalty. The principle legal issue involved was whether the trial court would give deference to the Governing Board's determination of Menasha's violation of the terms of the permit. The court, in looking at the Compact, decided that the provision that sets out a deferential standard of review did not apply to this circumstance and went on to say that in the absence of any controlling authority on this question, it would apply a de novo standard. This would mean that there would be a new trial on the liability issue. This ruling does make us reconsider, to a certain extent, our show cause process and whether or not, given that the court's not going to provide any sort of deference to the time and effort the Governing Board spends on these matters, is it worth running through that process. This was discussed at the Legal Committee and we will report back.

TRPA REGULAR MEETING MINUTES NOVEMBER 15, 2000

MEMBER COMMENTS

Mr. Waldie expressed his appreciation for Mr. Sevison's tenure as Chairman of the Governing Board. Other Board members concurred.

Ms. Neft thanked Julie for her counsel, advice and for being a friend, noting that when Julie walks out the front door a lot of the Agency's institutional memory would go with her. Julie would be missed very much.

XII. ADJOURNMENT The meeting adjourned to closed session at 11:35 am.

Respectfully submitted,

Carol I. Watkins
Interim Clerk to the Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at 775-588-4547. In addition, written materials submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.