

**TRPA  
GOVERNING BOARD  
PACKETS**

**MARCH  
2001**

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

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NOTICE IS HEREBY GIVEN that on Tuesday, March 27, 2001, commencing at 5:30 p.m., in the conference room of the Tahoe Regional Planning Agency, 308 Dorla 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 of Local Government Committee; 4) EIP and Transportation Organizational Structure; 5) Recommendation on Adoption of EIP Update; and, 6) member comments. (Committee: Waldie, Cole, Perock, Miner, DeLanoy)

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NOTICE IS HEREBY GIVEN that on Wednesday, March 28, 2001, 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 North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

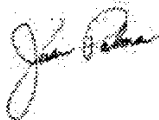
Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN THAT ON Wednesday, March 28, 2001, following action by TRPA on the Consent Calendar, the Governing Board of the Tahoe Metropolitan Planning Organization (TMPO) will meet. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, March 28, 2001, 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) Reallocation of \$7,604.94 from Douglas County's Unused Maria Bay Water Quality Mitigation Fund and Allocation of \$20,507.06 from the County's Accrued Water Quality Mitigation Interest to the Kingsbury Village and Kingsbury Estate Projects (EIP No.242); 3) Release \$110,000 from Washoe County's Water Quality Mitigation Fund for Incline Village Commercial and Lower Wood Creek Water Quality Improvement and The Lakeshore Drive Rehabilitation/Mill Creek Quality Improvement; 4) Resolution Amending the FY 2000/2001 Tahoe Basin Transportation Planning Overall Work Program; 5) Resolution Amending FY 2000/2001 Local Transportation Funds (\$557,952) to Placer County for TART Operations; 6) Resolution Allocating FY 2000/2001 State Transit Assistance Funds (\$53,592) to Placer County for TART Operating Assistance; and, 7) member comments. (Committee: Neft, Heller, Galloway, Solaro)

NOTICE IS FURTHER GIVEN that on Wednesday, March 28, 2001, 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) Scholz Resolution of Enforcement Action, APN 22-421-71; 3) Cave Rock Partners, LLC., Resolution of Enforcement Action; 4) Tahoe Keys Marina Resolution of Enforcement Action; 5) Marcus Newbury, Resolution of Enforcement Action, 577 Poco Court, Washoe County, APN 125-531-37; and, 6) member comments. (Committee: DeLanoy, Waldie, Medina, Miner, Sandoval)

March 19, 2001



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

North Tahoe Conference Center  
8318 North Lake Boulevard  
Kings Beach, California

March 28, 2001  
8:30 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)

(adjourn the TRPA, convene the TMPO)

- VII. MEETING OF THE TAHOE METROPOLITAN PLANNING ORGANIZATION (TMPO)
  - A. Public Interest Comments – All comments are to be limited to no more than five minutes per person.
  - B. Consent Calendar - Authorization for Executive Director to Enter into Memorandum of Understanding with Carson City Regional Transportation Commission (5 minutes)

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(adjourn the TMPO, reconvene the TRPA)

- VIII. PUBLIC HEARINGS
  - A. Extension of Existing Old Growth Interim Ordinance Section 71.2 For 60 Days (15 minutes) Page 69
  - B. Amendment of Chapter 22, Height, for Certain Public Recreation Facilities (20 minutes) Page 75

- C. Amendment of PAS 170, Tahoe Park/Pineland, to Create a Special Area Where "Schools-Kindergartens to Secondary" Would be a Special Use and Add Special Policy Language To Address the Above Use (20 minutes) Page 85
- D. Amendment to the Boundary Line for the Stateline/Ski Run Community Plan to Facilitate a Deed Restricted Affordable Housing Project (30 minutes) Page 95
- IX. PLANNING MATTERS
  - A. Transit-Oriented Development Discussion (20 minutes) Page 107
  - B. Discussion on EIP Update (20 minutes) Page 119
- X. ADMINISTRATIVE MATTERS
  - A. Appointment of Bi-State Lay Member to the Advisory Planning Commission (Jay Kehne's Term Expires at the end of March) (5 minutes) Page 121
  - B. Appointment of Governing Board Committees & Assignments of Roles (10 minutes) Page 123
- XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION
  - A. Finance Committee (5 minutes)
  - B. Legal Committee (15 minutes)
  - C. Local Government Committee (5 minutes)
- XII. REPORTS
  - A. Executive Director Monthly Status Report (20 minutes)
    - 1. Project Status Report Page 129
  - B. Legal Division Monthly Status Report (5 minutes)
  - C. Governing Board Members (5 minutes)
- XIII. ADJOURNMENT

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CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. Tahoe Douglas Fire Protection District, Rebuild of Existing Fire Station, 702 Kingsbury Grade,	Approval	Page 1
2. Tahoe Keys Marina Resolution of Enforcement Action, Assessor's Parcel Numbers 22-210-21, 32, 40 & 41	Approval	Page 17

3.	Reallocation of \$7,604.94 from Douglas County's Unused Marla Bay Water Quality Mitigation Fund and Allocation of \$20,507.06 from the County's Accrued Water Quality Mitigation Interest to the Kingsbury Village and Kingsbury Estate Projects (EIP No. 242)	Approval	Page 21
4.	Release \$110,000 from Washoe County's Water Quality Mitigation Fund for Incline Village Commercial and Lower Wood Creek Water Quality Improvement and The Lakeshore Drive Rehabilitation/Mill Creek Water Quality Improvement	Approval	Page 25
5.	Scholz Resolution of Enforcement Action, El Dorado County, APN 22-421-71	Approval	Page 29
6.	Land Capability Challenge, Tyerman & Kelly, 571 Tyner Way, Washoe County, APN 125-491-08	Approval	Page 35
7.	Marcus Newbury, Resolution of Enforcement Action, 577 Poco Court, Washoe County, APN 125-531-37	Approval	Page 39
8.	Resolution Amending the FY 2000-2001 Tahoe Basin Transportation Planning Overall Work Program	Approval	Page 43
9.	Resolution Allocating FY 2000/2001 Local Transportation Funds (\$557,952) to Placer County for TART Operations	Approval	Page 47
10.	Resolution Allocating FY 2000/2001 State Transit Assistance Funds (\$53,592) to Placer County for TART Operating Assistance	Approval	Page 51
11.	Cave Rock Partners, LLC., Resolution of Enforcement	Approval	Page 55

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

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Tahoe Regional Planning Agency Governing Board Members:

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

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

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

February 28, 2001

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Chairman Dean Heller called the February 28, 2001, Tahoe Regional Planning Agency (TRPA) Governing Board meeting to order at 9:45 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Vice-Chairman Dave Solaro led the Board in the Pledge of Allegiance to the Flag.

Members Present: Dr. Miner, Mr. Waldie, Mr. DeLanoy, Mr. Solaro, Mr. Heller,  
Mr. Cole, Mr. Plank, Mr. Johnson, Ms. Neft, Mr. Galloway,  
Ms. Medina, Mr. Sandoval (arrived at 10:26 a.m.), Mr. Sevison  
Members Absent: Mr. Neumann, California Governor Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS

Executive Director Juan Palma introduced Mr. Carl Hasty as the new Deputy Director for TRPA. Mr. Palma stated that Carl would be starting his new position in mid-March. He thanked Leslie for her contribution and providing the refreshments at Julie Frame's retirement party. It was very much appreciated by all. Mr. Tim Hagan, the Soil Conservation SEZ Program Manager, stated that it was his pleasure to introduce Mr. Mike Vollmer, the new Association Planner, Soil Scientist. He is a graduate of Humboldt State University in Botany and Soil Science, and a very experienced field technician and policy originator. It is our pleasure to have him on board.

Mr. Dave Solaro introduced the newly elected Supervisor from District Two representing the Meyers area, El Dorado County, and pretty much the rest of the County down in El Dorado Hills. She is also an alternate for him on the Tahoe Regional Planning Agency's Board. Her name is Helen Baumann.

Mr. Heller commented that he would be leaving at 11:00 a.m. and his assistant, Susan Morandi, would be taking his place. Mr. Solaro would also be leaving after lunch.

IV. APPROVAL OF AGENDA

Mr. Palma requested that Agenda Item VII. A. be moved to follow Agenda Item VIII.B. because the sequence of the presentation would make more sense. In addition, Mr. Palma stated that Agenda Item XI.C.1. had been continued.

TRPA REGULAR MEETING MINUTES FEBRUARY 28, 2001

MOTION by Dr. Miner to approve the agenda as amended. The motion carried unanimously.

V. APPROVAL OF MINUTES

MOTION by Dr. Miner to approve the December 20, 2000, Governing Board minutes as presented. The motion carried unanimously.

Mr. Waldie commented that on page 13 of the January 24, 2001, Governing Board minutes, the figure "\$40,000" under "Legal Committee" should be changed to "\$65,000".

MOTION by Dr. Miner to approve the January 24, 2001, Governing Board minutes as corrected. The motion carried with Mr. Medina abstaining.

VI. CONSENT CALENDAR

Mr. Waldie stated that the Legal Committee approved Consent Calendar Items Nos. 11 and 12, and he requested removal of Consent Calendar Item No. 13. Ms Neft stated that the Finance Committee approved Consent Calendar Items Nos. 1, 2, 3, 4, 6, 8, 9, 10, 12 and 14; Consent Calendar Items Nos. 5 and 7 were withdrawn.

MOTION by Mr. Sevison to approve the above-referenced Consent Calendar Items. The motion carried unanimously.

(The following are items approved on the consent calendar

1. Receipt of TRPA FY 99-00 Audit
2. Approval of FY00-01 Budget Revision
3. Release of Air Quality Mitigation Funds of \$62,345 to Placer County for Transportation Improvements/ Trolley Purchase
4. Resolution Allocating FY 00-01 Local Transportation Funds (\$35,000) to the RTPA for Planning and Administration (approved by Resolution No. 2001-6)
6. Resolution Allocating FY 00-01 Local Transportation Funds (\$460,850) to the City of South Lake Tahoe for STAGE Operations (approved by Resolution No. 2001-7)
8. Resolution Allocating FY 00-01 State Transit Assistance (\$53,592) to the City of South Lake Tahoe for STAGE Operating Assistance (approved by Resolution No. 2001-8)
9. Approval of Mitigation Fund Administration MOU between Placer County and TRPA
10. Release of \$676,500 in Water Quality Mitigation Funds and \$165,000 in SEZ Mitigation Funds to Placer County for FY 00-01 Project Requests
11. Gene and Allison Pretti Resolution of Enforcement Action, 759 Burgundy Way, Washoe County, APN 126-271-10
12. Bucholtz Resolution of Enforcement Action, 775 Fairview Boulevard, Washoe County, APN 126-273-04
14. Resolution Amending Regional Transportation Improvement Program (RTIP) Regarding Transit Vehicles for the City of South Lake Tahoe
15. Land Capability Challenge, 126-271-07, Gene & Allison Pretti, 776 Mt. Rose Highway, Incline Village, NV

Mr. Steve Chilton, Chief of Environmental Compliance Division, stated that Consent Calendar Item started on page 5 of the Governing Board packet. Instead of going through the staff summary, he asked the Governing Board members if they had specific questions.



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Mr. Waldie's first question was it is his understanding that a pier was granted, and the applicant expanded the pier considerably beyond the permit. He asked Mr. Chilton to describe the extent of alteration beyond the permit. Mr. Chilton replied that basically we are looking at a pier that was approved as a single-use pier. It was constructed significantly larger and wider than that. The applicant may have added boatlifts and catwalks. TRPA is looking at what the level of violation is from what was permitted initially to what was constructed. The applicant has made a case that under a multiple-use pier, they could have most of what they had already constructed, and TRPA is taking issue with that. They have hired a scenic consultant who said that under their scenic analysis, this would fit within a multiple-use pier criteria for approval. TRPA does not agree, and we would like to hire our own scenic consultant to take a look at their analysis and come up with our analysis, and then bring the issue to a Show Cause Hearing, which is scheduled for April of this year. Mr. Waldie stated that as he understands it, the applicant is saying that the pier could be permitted so they should not be fined but should only have to pay a double filing fee. Mr. Chilton stated that was their position but not TRPA's position. Mr. Waldie asked if it is TRPA's position – even though it could be permitted – was that a fine would be applicable. Mr. Chilton replied that when TRPA goes to a Show Cause Hearing in April, we will be asking for an amount beyond double filing fees. We may very well be going to the Show Cause Hearing based on our scenic analysis, with a position that this cannot be approved. Mr. Waldie's question is, and he and Mr. DeLanoy have discussed this with Mr. John Marshall, Agency Counsel, it is his understanding if a project that was done in violation of a permit could be permitted by filing a different application, there would be no fine; just a double filing fee; is this the case in some instances, but not all? Mr. Chilton replied that basically how we approach that is in situations where someone has added a deck or made it larger than was permitted, and we find that we can permit that, then it would be a double filing fee. This is a case where Mr. Chilton could not believe that you couldn't find that this was a knowledgeable party. That gets to a willful issue, which we need to address. This was Mr. Waldie's primary concern that if there is culpability beyond a minimal misunderstanding or oversight, that culpability would not be addressed by simply paying a double filing fee.

Mr. Waldie's last question is TRPA's requesting \$5,200 for our own consultant because we apparently do not believe the scenic report from the existing consultant that the applicant has hired. Mr. Chilton stated that this was correct. If our own scenic consultant agrees with the applicant's consultant, then Mr. Waldie questioned, what happens; we have just spent \$5,200 and there is no reimbursement for that money. Mr. Chilton commented that we are requesting \$4,000; the additional \$1,200 is to purchase a camera. TRPA would be out that money. But, again, if we find, and the two consultants agree that this is scenically approvable with mitigations, Mr. Chilton believed that this was a willful violation.

Mr. DeLanoy commented that with regards to the enforcement group going about cases where there is a potential for litigation, or whether the amount gets to be substantial, he urged this group, along with Juan Palma, to have one of the attorneys – and there are two on staff – that as soon as the enforcement group gets involved in a situation where it involves a certain amount of dollars, one of the attorneys should be involved forthwith rather than waiting until the investigation is completed. He doesn't know of any formal education of our investigators – they try hard and do excellent work – but they are not geared to go to court. That is the reason an attorney should be appointed when the case gets to be substantial or we are headed for litigation. He urged that this procedure be followed. Mr. DeLanoy remembered a Duffield matter not too long ago that involved a \$500,000 fine, which he believed was not adequate, because it was a \$12 million dollar project and he paid \$500,000 and went about having a house that was too tall and violated the stream-zone regulations. He was curious if the same

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Duffield has anything to do with this Duffield group that is going to be before us. Mr. Chilton replied that it is his understanding that the Duffield Investment Group is Mr. Al Duffield's brother, and he doesn't know if Al Duffield is part of that group. This is the reason why an attorney should be involved at the very beginning, Mr. DeLanoy said. Mr. Chilton stated that the enforcement group had been working very closely with the Legal Division in the past. Mr. DeLanoy suggested that a procedure be created where at some point of in an investigation, we actually assign an attorney to the case.

Mr. Galloway commented that in retrospect, it disturbs him more and more that someone who was determined to have something that could not be permitted has got off with a fine without having to remove more than they did. If you don't have to give up something you really care about, then the fine is just another cost of building the project. He would support the request for money because of the argument that this is a permissible project. If it is found not to be permissible, he would hate to see this body, for any amount of fine, allow it to stand.

MOTION by Dr. Miner to approve Consent Calendar Item No. 13.

Mr. Gregg Lien, who is representing Dave Duffield – who is Al Duffield's brother – both of which have completely different financial holdings, personalities and situations. He was somewhat disturbed that we are already characterizing this as a major violation. Before that gets too ingrained in everyone's mind, he wanted to dissuade the Governing Board members from going into that direction. Mr. Lien agreed that this is a violation; there was a deviation from the plans, but again this is a multiple use pier; it is still shorter than the pier headline. There are the same number of facilities in the original approval. For example, there are the same number of boatlifts, but the capacity of one of the lifts is up from a 5,000-pound capacity to a 7,500-pound capacity. He did want to persuade the Governing Board from believing that this was a major violation. We brought this to the attention of the staff; nobody from the staff caught us. We promptly filed an application afterwards; after we found out the contractor deviated from the plans, and the pierhead was a lot larger. Mr. Lien stated that he did offer to pay the \$4,000 to hire an independent consultant because he believed it was important. He believed that the Governing Board needed to know this that provided we have a mutually-agreeable – Mr. DeLanoy didn't believe the merits of project are important at this point – it is not important to be spending our time on it.

Mr. Heller replied that we did raise the question, but he did want to make sure that we do not go outside the scope. What we are trying to do here -- he didn't want to violate any of the Open Meeting Laws – is that we have a particular request in front of us for \$5,200. Getting into the project may be beyond what we are trying to do, but we did raise the question, and Mr. Lien is here to defend himself. Those issues he is discussing will come up later and will be agendaized. He appreciated what Mr. Lien was trying to say. Mr. Lien replied that one of the reasons he wanted to speak was because he did offer to pay the \$4,000, provided they could have someone that both sides respected. He said it would be an aide to both sides if we could come to a resolution.

The motion carried unanimously.

Dr. Miner said that he would like to have the Legal Division come back – we have talked for the last three years about bringing in some of these culpable contractors that can't seem to read their own prints, and we don't do anything with them. We talked a few years back that we were going to start doing something about them, and perhaps taking away their ability to do business

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in the Basin for a period of time where we have continued violations. He would like to see a status report on this issue.

Mr. Sevison commented that it would help if we had some mechanism where the permit itself is held in abeyance during the period that all of this is going on so the first thing that happens when it is determined that a major violation has taken place, counsel can verify it, and the permit could be held and a "Stop Work Order" would take place on that project until such time as all the settlement process has taken place. This would certainly bring the process to head in a big hurry because the one thing that we have always done is allowed projects to proceed. That's the one thing that they really want, and if we can take that away from them, then you have their full attention, and it would be resolved much faster.

Dr. Miner added that is supposing you can stop the project sufficient to create a non-erosion type situation. Mr. Sevison said that the project should never be in a non-erosion status. The way permits are issued, they are continuously maintained and should always have the Best Management Practices in place during the course of construction. So delaying the construction should not have any affect on water quality.

VIII. PUBLIC HEARINGS

A. Amendment of Chapter 4 Project Review and Exempt Activities Relative to Memorandum of Understanding between TRPA and the City of South Lake Tahoe Regarding Public Works Department Exempt Activities

Chief of the Operations Division Rick Angelocci presented that staff summary amending Chapter 4, Project Review and Exempt Activities relative to Memorandum of Understanding between TRPA and the City of South Lake Tahoe regarding Public Works Department Exempt Activities.

MOTION by Mr. DeLanoy to recommend approval of the findings. The motion carried unanimously.

MOTION by Mr. Cole to recommend approval of the amendment of Chapter 4 Project Review and Exempt Activities relative to Memorandum of Understanding between TRPA and the City of South Lake Tahoe regarding Public Works Department Exempt Activities. The motion carried unanimously.

B. Certification of Incline Park EIS

Senior Planner Kathy Canfield presented the history of the certification of the Incline Park EIS.

Mr. Galloway asked for clarification, does something need to be said in the motion to insure that if we certify the EIS, that nobody ever proposes anything more – like an individual project or a variation of that comes back to TRPA to be built – do we need to do something in the motion to insure that that would not require another EIS. He just didn't want to put these people through this again when the only reason they had to do it this time is because it is a collection of uses. Ms. Canfield didn't believe we could say that if – say we received an application from the ice rink requesting that they wanted to add 1,000 seats to the site, and it may not add any additional land coverage, we have analyzed that the parameters of the ice rink is it could hold 200 seats; adding those additional seats could have an impact, so she is not sure if at this point she could say. Mr. Galloway said that you could say it was close enough, and then it would not have to

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come back to TRPA. He didn't think that Ms. Canfield was prepared to say that at this point. Ms. Canfield commented that is what we would be looking at in the Initial Environmental Checklist with the project, and making sure it was consistent with what we analyzed, and if there are deviations from what we are analyzing in the document, that's what the Initial Environmental Checklist would be looking at.

Mr. DeLanoy questioned what the acreage of the ice center and covered tennis courts was, and Ms. Canfield stated that the ice center itself, or the preferred Alternative 1, is 93,993 square feet of land coverage. The land coverage in acreage is almost 2.5 acres.

Chairperson Heller opened the meeting up for a public hearing.

Mr. Dave Roberts, representing the League to Save Lake Tahoe, stated that the League has expressed some significant concerns in regards to the application of this EIS, and as one that considers project-specific impacts. The League feels very strong that this is more consistent, both in context and with the analysis, or tiered EIS. The problem that the League had specifically with this EIS is that it lacked adequate detail necessary to evaluate cumulative impacts. However, they do feel comfortable that staff took the correction action requiring an EIS for this property. We believed that that was a very good step and action to take. Mr. Roberts also complimented staff on that action. We are appreciative of the thoughtful consideration that was given regarding our concerns expressed to the APC, and feel that their recommended actions provide the League with adequate assurance that their concerns would be addressed during project-specific analysis. The League continues to have concerns over the adequacy of the analysis contained within this EIS, and also the structure of the EIS itself. But in recognition of the fact that this was the proper step for staff to take, it provides some benefit, and their concerns would hopefully be addressed by the implementation or the adoption of the APC staff recommendations. Thus, they are willing to remain neutral on this issue, provided that the APC recommendations are adopted. He would like to reserve the opportunity to express the details of their opposition if the Governing Board feels uncomfortable with the adoption of the APC and staff recommendations.

Dr. Miner questioned Mr. Roberts if he and the League were involved in the process of the EIS through the entire process, and Mr. Roberts replied yes. TRPA had a meeting early on with one of our staff members, and we did express some concerns at a very preliminary state of the EIS preparation at that time, and did provide comments on the draft EIS. Dr. Miner asked if all his responses that he made addressed by staff and included in the proposal, and Mr. Roberts stated that they were addressed; that was part of the League's concern. We felt that upon receipt of those responses they did not adequately respond to project-specific questions. That was the impetus essentially for our request at this meeting, which was to be developed into a programmed EIS.

Mr. Dan St. John, Director of Public Works for Incline Village General Improvement District ("IVGID"), thanked the TRPA staff for their excellent professionalism during this process. We were at the APC meeting, and we were very supportive of the motion. It was IVGID's understanding all along that we were looking at the cumulative impacts, particularly traffic and parking. We know that each project as it becomes more developed and refined will require the detailed checklist. This was always the understanding that IVGID had. Although, we were not sure where the APC was going during their long discussion, Mr. St. John believed that we were very supportive of that concern that maybe it is not a site-specific EIS; maybe a programmatic or tiered approach is a better term for what we have here. But, functionally, that is what they planned on all along. He thanked the Governing Board for their thoughtful consideration, and

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congratulated the TRPA staff for carrying on this process with a high degree of professionalism. There was a lot of detail; a lot of interaction. IVGID has had a meeting with the representative from the League to Save Lake Tahoe and they feel that their concerns match what their intentions were all along in terms of defining the specific projects as they are finalized. We do have representatives from the non-profit organizations here, as well as IVGID's Community Services Director representing Parks and Recreation if there are questions that you want to ask them.

Mr. Galloway wished him luck with the projects.

Mr. DeLanoy asked about IVGID's skate park. Mr. St. John stated that it has been permitted, but the initial bids were higher than budgeted, so we have asked for a significant downsizing of the project. He believed that it was currently under review as we speak.

Since no one else wished to comment, Chairperson Heller closed the public hearing.

MOTION by Mr. Galloway to recommend approval of the required findings for the Certification of Incline Park EIS. The motion carried unanimously.

VII. PROJECT REVIEW

- A. Community Non-Profit Building, New Public Service Building, 948 Incline Way, Incline Village, Washoe County APN 127-030-15, TRPA File No. 990781

Senior Planner Kathy Canfield presented the staff summary for the Community Non-Profit Building, New Public Service Building, 948 Incline Way, Incline Village, Washoe County APN 127-030-15, TRPA File No. 990781. She commented that she believed that TRPA received one person opposed to the project, but she couldn't read what their name was.

Chairperson Heller opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Heller closed the public hearing.

MOTION by Dr. Miner to recommend approval of the required Section B findings and a Finding of No Significant Effect for the Community Non-Profit Building, 948 Incline Way, Incline Village, Washoe County APN 127-030-15, TRPA File No. 990781. The motion carried unanimously.

MOTION by Dr. Miner to recommend approval of the Community Non-Profit Building, 948 Incline Way, Incline Village, Washoe County APN 127-030-15, TRPA File No. 990781. The motion carried unanimously.

VIII. PUBLIC HEARINGS

- C. Amendment of Map Showing Need for Water Quality Improvements Pursuant To Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A, Installation of Water Quality Improvements

Mr. Tim Hagan, Program Manager for the Soil Conservation SEZ Program, presented the amendment of the map showing the need for water quality improvements pursuant to requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A, Installation of Water Quality Improvements.