

**TRPA
GOVERNING BOARD
PACKETS**

**AUGUST
2002**

Proj Rev.

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

NOTICE IS HEREBY GIVEN that on **Wednesday, August 28, 2002**, the **Governing Board** of the **Tahoe Regional Planning Agency** will conduct its regular meeting. The August 28, 2002, session will commence at 9:30 a.m. at the **Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada**. The agenda is attached hereto and made a part of this notice.

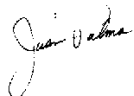
Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN that on **Wednesday, August 28, 2002**, 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) monthly statement; 3) Second Quarter Investment Report; 4) July Budget Status Report; 5) Golf Course BMP Funding Discussion; 6) Proposed Security Funding and Inspection Discussion; and 7) member comments. (Committee: Slaven, Heller, Galloway, Solaro, Plank, Quinn)

NOTICE IS FURTHER GIVEN that on **Wednesday, August 28, 2002**, 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) Discussion of Lira's Market; 3) Closed Session Regarding Agency Counsel Annual Performance Evaluation; and, 4) member comments. (Committee: DeLanoy, Waldie, Miner, Derringer, Swobe)

NOTICE IS FURTHER GIVEN that on **Wednesday, August 28, 2002**, commencing at 12:00 Noon, at the same location, the **TRPA Rules Committee** will meet. The agenda will be as follows: 1) public interest comments (no action); 2) Concurrent Scheduling of items on APC & Governing Board Agendas; 3) Policy Discussion Concerning Effective Dates and Retroactivity of New Ordinances and Regulations; and, 4) member comments. (Committee: Derringer, Galloway, Perock, Slaven, Swobe)

August 19, 2002



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

August 28, 2002
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) (15 minutes)

VII. REPORTS

- A. Executive Director Status Report (10 minutes)
 - 1. Monthly Status Report on Project Activities Pg. 105
 - 2. Tahoe Transportation District/Commission Agenda and Report from the August 9, 2002 Meeting Pg. 111
 - 3. Resolution for Dennis Harmon
- B. Legal Division Monthly Status Report

VIII. PROJECT REVIEW

- A. College Park Mobile Home Park, Closing of Park, 800 College Drive, Washoe County, Assessor's Parcel Number's 129-280-20 & 21, TRPA File No. STD-20021255 Pg. 115

IX.	PUBLIC HEARINGS	
	A. Amendment of the Ponderosa Ranch Community Plan to Designate It a Preferred Industrial Area	Pg. 123
	B. Amend PAS 145 Fallen Leaf Lake to Eliminate Hotel, Motel and Other Transient Dwelling Units as a Permissible Use	Pg. 133
	C. Amend the Tahoe City Community Plan, Special Area 5, to Allow Single Family Dwellings as a Special Use	Pg. 145
X.	ADMINISTRATIVE MATTERS	
	A. Appointment of Tahoe Transportation District Representative On the Advisory Planning Commission	Pg. 155
	B. Closed Session with Executive Director Regarding Personnel Matters	
	C. Closed Session with Agency Counsel Regarding Annual Performance Evaluation	
XI.	COMMITTEE RECOMMENDATIONS AND BOARD ACTION	
	A. Finance Committee (<u>5 minutes</u>)	
	B. EIPIC (<u>5 minutes</u>)	
	C. Legal Committee (<u>5 minutes</u>)	
	1. Lira's Market Discussion	Pg. 157
	D. Rules Committee	
	1. Policy Concerning Effective Dates and Retroactivity of New Ordinances and Regulations	Pg. 169
	E. Shorezone Committee	
XII.	REPORTS	
	A. Governing Board Members (<u>5 minutes</u>)	
XIII.	ADJOURNMENT	

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. July Budget Status Report	Receipt	
2. Second Quarter Investment Report	Approval	Pg. 1

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|----|---|-----------------------------|--------|
| 3. | Tahoe Regional Planning Agency (TRPA) Office Relocation, 128 Market Street, Douglas County, Assessor's Parcel Number 07-180-90 | Approval
With Conditions | Pg. 7 |
| 4. | Lake Salmon LLC, Construction of a New 6,140 Square Feet Office Building, 178 Highway 50, Douglas County, Assessor's Parcel Number 005-350-06, TRPA File No. 20020696 | Approval
With Conditions | Pg. 13 |
| 5. | Rob Chaplinsky, Boat Ramp Conversion to Pier, with Buoy Application, 93 Shoreline Circle, Washoe County, Assessor's Parcel Number 122-162-26, TRPA File No. 20010765 | Approval
With Conditions | Pg. 27 |
| 6. | El Dorado County, South Lake Tahoe Juvenile Hall, Assessor's Parcel Number 25-010-52, TRPA File No. 20020714 | Approval
With Conditions | Pg. 47 |
| 7. | Lake Tahoe Airport, Placement of a One-Story Manufactured Modular Office Building, El Dorado County, Assessor's Parcel Number 033-050-011, TRPA File No. STD-20021276 | Approval
With Conditions | Pg. 67 |

Land Capability Challenges

- | | | | |
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| 8. | Edward Fein Land Capability Challenge, 1950 Glenbrook Road, Glenbrook, Nevada, Douglas County, Assessor's Parcel Number 001-051-008 | Approval | Pg. 85 |
| 9. | Kathryn Butler Land Capability Challenge, 1330 Kings Way, Tahoe Vista, California, Placer County, Assessor's Parcel Number 112-250-046 | Approval | Pg. 91 |
| 10. | Judy Swanson Land Capability Challenge, 221 Paradise Flat Lane, Rubicon Bay, California, El Dorado County, Assessor's Parcel Number 017-121-006 | Approval | Pg. 95 |
| 11. | Momentum Investments Land Capability Challenge, 727 Champagne Road, Incline Village, Nevada, Washoe County, Assessor's Parcel Number 126-262-005 | Approval | Pg. 101 |

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 Dean Heller, Nevada Secretary of State	Hal Cole, South Lake Tahoe
Wayne Perock, Nev. Dept. of Conservation	Tom Quinn, Calif. Gov. Appointee
Appointee	Larry Sevison, Placer County
Vice-Chairman Dave Solaro, El Dorado County	Ronald Slaven, Calif. Gov. Appointee
Drake DeLanoy, Nevada Gov. Appointee	Coe Swobe, Nevada At-Large Member
Jon Plank, Carson City	Vacant, Presidential Appointee
Jerry Waldie, Calif. Senate Rules Com. Appointee	Don Miner, Douglas County
Jim Galloway, Washoe County	
Ryan Rauzon, Calif. Assembly Spkr. Appointee	

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

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

July 24, 2002

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Vice-Chairperson Dave Solaro called the July 27, 2002, Tahoe Regional Planning Agency (TRPA) Governing Board meeting to order at 9:20 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Slaven led the Board in the Pledge of Allegiance to the Flag.

Members Present: Mr. Lane, Mr. Waldie, Mr. DeLanoy, Mr. Solaro, Mr. Heller, Mr. Cole, Mr. Plank, Mr. Slaven, Mr. Perock, Mr. Quinn, Mr. Galloway, Ms. Derringer, Mr. Swobe, Mr. Sevison

Members Absent: Presidential Appointee Vacant

(Chairperson Heller arrived at 9:24 a.m.)

III. PUBLIC INTEREST COMMENTS - None

Ms. Elizabeth Hale, from Tahoe City, stated that the cumulative impact of neighboring development makes it difficult to attain our TRPA thresholds. Bike trails over the mountains affects our wildlife habitat; and, traffic over Fanny Bridge is already grid locked without Squaw Valley having completed their units and bringing in 15 more cars per hour across the bridge. Our communities are being pushed towards urbanization as resorts outside of the Basin want to bring in their visitors to have a Lake experience. TRPA doesn't have any influence as to what goes on outside of the Basin. Perhaps this is the time to think about extending our Compact to include the areas outside the Basin so we can have more say on the development, and its affect on our thresholds.

Ms. Sue Abrams, a resident from the South Shore, stated she was with Shirley Lira, who is one of the owners of Lira's Supermarket. The issue they are bringing forward today is that Liar's Market, which is in the Meyer's Community Plan, has been trying to address three different issues since summer of last year. One, is some compliance issues; another, deposit refund, and also some addition modifications. We have been unable to get through the Agency or make any progress since last summer. Consequently, Ms. Abrams made a folder for each one of the Board members. She is asking the Board to intervene because TRPA has some problems within their office on the South Shore. She didn't know whether the problem is a shortage of manpower; whether it is a lack of skill or a knowledge problem within the staffers;

TRPA REGULAR MEETING MINUTES JULY 24, 2002

she doesn't know whether it is a problem of communication from one staff person to another, but if they are experiencing this problem, she has to assume that there are many problems with other projects within the Agency. Lira's Supermarket has always been an active and cooperating client that is very involved in the community; involved with the environment; and, very focused on making things better for not only themselves but also everything that they work with on a regular basis. She divided the binder into two different categories; one has to do with compliance and security deposit; the second category has to do with a new application for modification and addition to the store. Because we are only given five minutes to speak and we are not on the agenda, Ms. Abrams had the books made. All the data that you need is not here, but enough is here to give you a picture of what we have been doing since last summer and have gotten nowhere. She had a meeting with Steve Chilton a couple of weeks ago, and he was courtesy enough to give her an hour. After leaving Mr. Chilton's office, he said that a staff person would get back to us and he would straighten it out and try to let us go forward. It was another two weeks, and she received a call from Katie Guthrie who said she would get back to us, and never did. Ms. Abrams received a phone call late yesterday, at approximately 4:30, stating that Ms. Guthrie said she would get back to us and maybe there would be the possibility of a meeting next week. She is asking the Board to take an interest in the office. Ms. Abrams didn't know whether it was organizational problems; she doesn't know whether it is staffing problems; she doesn't know if they are on overload over there because they don't have enough help; she doesn't know what it is. This is pretty basic. It is all everyday activity. There shouldn't be any reason why this package has not proceeded, and why we are, once again, almost at the end of summer, and at a standstill with no release of deposits; no acknowledgements of improvements that have been made at the property; it is just an ignored package. If it is happening to them, it must be happening to other people.

Mr. Galloway stated that had received some distressed calls about people who are concerned that between bureaucratic overload and just the complexity of the system, that it is not possible sometimes, in a reasonable time, to remove fire hazards. He doesn't know if that is the case, but he was committed to look into that. He will be talking to staff members to see if he could get some insight into this.

Mr. Paul Vatisstas, the Executive Director of the North Tahoe Conservation Coalition, stated that the Martis Valley project would add up to 6800 new homes in the Martis Valley area. It will take the commercial space available up to about 1.2 million square feet, and will add about 17,000 people. This is more than four times the population of Kings Beach; it is more than the entire population of the North Shore from Tahoma around to Kings Beach, and possibly including Incline Village. This will have an impact on the North Shore. When people purchase these homes, they are not going sightseeing in Truckee; they will come down to the Lake in the summer, and, in fact, East West has bought sunsets in Tahoe Vista, and is encouraging people to come down to the Lake. This will have a huge impact on traffic; air quality; and, on a lot of the recreation issues and infrastructure such as parking. While the actual project is not within the TRPA's jurisdiction, the impact on the North Shore, which will be huge, is within the TRPA's jurisdiction. Given that we are already out of compliance on the air quality, wood smoke, and VMT threshold, he believed that staff should look into this and test out some of the numbers. He asked that staff look into this, and he recommended that the Board consult the League and understand some of their concerns on this issue. He also recommended that the Transportation Department start looking into this today, if possible. Also, he hoped that the Board would look at the thresholds and consider 100% performance the baseline on BMPs and other issues.

Chairperson Heller asked staff to follow-up on these issues and bring them back to the Board.

TRPA REGULAR MEETING MINUTES JULY 24, 2002

IV. APPROVAL OF AGENDA

Deputy Director Jerry Wells recommended that due to the fact that Agenda Items IX. B. 4. and IX.B.5 were not acted upon by the APC, and were continued, that Agenda Item IX.C. be heard before Agenda Item IX.B.

MOTION by Perock to recommend approval of the agenda as amended. The motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. DeLanoy stated that after the unanimous vote on the swap of the Forest Service land to the Washoe County School District, he had an opportunity to discuss the matter with former Senator Richard Bryan, and he advised him, when Mr. DeLanoy told him about the decimation of the 500 plus trees, stated that he was rather shocked. It was Mr. Bryan's impression that the TRPA had been available and present throughout this entire matter. Mr. DeLanoy stated that when this item was presented, he assumed that a paid person had gone back and lobbied the Nevada delegation. He commented that had he known these other facts, he would have voted the other way, based upon this newly discovered evidence.

MOTION by Mr. Perock to approve the June 25, 2002, Governing Board minutes as amended. The motion carried unanimously.

VI. CONSENT CALENDAR

MOTION by Mr. Solaro to approve Consent Calendar items 1 through 9.

(The following are items approved on the Consent Calendar

1. June 2002 Financial Statement
2. Approval of FY 2001/2002 Rental Car Mitigation Fee Fund Program of Projects and Supporting Resolution (Resolution No. 2002-16)
3. Park Avenue Redevelopment Project Drainage Improvement Revisions and EIS Addendum
4. Incline Village General Improvement District (IVGID) Tennis Courts
5. New Round Hill GID MOU
6. Applebee's New Commercial Restaurant, 3987 Lake Tahoe Boulevard, City of South Lake Tahoe, California, Conditions, APN 029-083-19, (TRPA File Number 20020814)

Land Capability Challenges

7. Edward Fein Land Capability Challenge, 1951 Glenbrook Road, Glenbrook, Nevada, Douglas County, Assessor's Parcel Number 001-070-017
8. Edward Fein Land Capability Challenge, 1955 Glenbrook Road, Glenbrook, Nevada, Douglas County, Assessor's Parcel Number 001-070-016
9. Cherry Baumgartner Land Capability Challenge, 806 Donna Drive, Incline Village, Nevada, Washoe County, Assessor's Parcel Number 124-082-001)

TRPA REGULAR MEETING MINUTES JULY 24, 2002

VII. REPORTS

A. Executive Director Status Report

Executive Director Juan Palma presented Chairperson Heller with a TRPA t-shirt, as well as a photo of Governing Board members who took a ride up on the Heavenly gondola.

1. Resolution for Dwight Steele

Mr. Palma stated that we have a Resolution for Mr. Dwight Steele, who passed away about a week or so ago. He stated that Mr. Coe Swobe has been instrumental in visiting both Alberta and Dwight when he was in the hospital. Many of the people on this Board remember Dwight from a long time ago, and this Resolution perhaps does not do justice to Dwight and all of his dedication to Lake Tahoe and to the TRPA. Mr. Palma stated that sometimes people come into our lives and they quickly pass through; sometimes people come into our lives and they stay awhile; and, sometimes people come into our lives and make a tremendous imprint on our lives. Dwight was one of those individuals that came in to a lot of our lives and left an imprint in our hearts. He read the resolution into the record. He presented the Resolution to Ms. Rochelle Nason, with the League to Save Lake Tahoe, as well as a copy to Mr. Swobe, so that he can take it to the memorial service on behalf of TRPA.

Ms. Rochelle Nason, with the League to Save Lake Tahoe, stated that she would not try to comment about Dwight today. It is still too hard to do. She invited everyone to memorial services in Dwight's honor that will be held on Sunday, August 25th, 2002, at 3:00 p.m. at the Granlibakken Conference Center. If anyone would like more information about that, please feel free to call her. Thank you very much. Mr. Swobe will present this to Alberta at the service.

Mr. Waldie stated that at the conclusion of any comments from the Board, it would be his intention if everyone concurs, to request a moment of silence for Dwight. He shared Rochelle's inability to say much about Dwight, but he wants to say something about Mr. Coe Swobe. Coe, acting for all of us in a unique way, spent a lot of time in the hospital down in Washoe County where Dwight went after his accident, and where he died. Mr. Waldie stated that he is personally very appreciative of all the nice things that Coe did. The only adjective he would apply to Dwight is an adjective you don't usually apply to males. He was a sweet and lovely man, and he will miss him terribly. Thank you, Mr. Chairman.

Mr. Swobe remarked that he thought the Resolution said it all; however, he wanted to give a little background of Dwight. As you know, he was 88 years old when he died, and he had been born prior to World War I in 1914, and he was always a Californian. In 1939, he graduated from law school; Boalt Hall Law School at the University of California at Berkeley. During the 1940's and 1950's, he was a very abled labor lawyer. He represented management, and during that period of time, he represented the west coast shipping giants, and the Hawaiian plantation owners in labor negotiations with the International Longshoremen's Union, and went head on with people like Harry Bridges and Gus Hall, which are fantastic stories. In conservation matters, he was just as diligent and championed the causes of the San Francisco Bay as he did here. He first met Dwight in the 1960's when they were negotiating the enactment of the Compact, which created the TRPA. His presence was always felt, and Dwight seemed to always be at the right time at the right place. Sometimes I was with him; and sometimes he was against him, but when I really needed him, he was there. He was just a great negotiator. We had a whole bunch of different people, just like now – either they wanted to have more regulation or less regulation or no regulation. Dwight was just great at that time. Then, again, in

TRPA REGULAR MEETING MINUTES JULY 24, 2002

the 1980's – I wasn't around – when the Compact was amended and saved, he was there. Mr. Swobe talked to Senator Spike Wilson yesterday, who was one of the chief negotiators on the Nevada side, who, with then Jerry Brown, was the Governor of California, and Spike said the same darn thing; he was always there when you needed him; his presence was always felt. He was just a great negotiator, and his humor just, you know, wove through everything just like it does at these meetings. What I am trying to bring out – there weren't many individuals who were here in the 1960's and are here now or were here then like Dwight. They weren't here in the 1960's and 1970's and now. There are very few. We have people like Roland Westergard, who is still around; North Nevada Senator Lawrence Jacobson, and, Norman ("Ike") Livermore, who is Governor Reagan's Director of Conservation, and who are all still around. These guys were just fantastic in molding this organization.

Mr. Swobe stated that he had kind of lost touch with Dwight, and then when he came back on the Board, he was – you know, he is always here on his monstrous buildings, and his humor. We exchanged historical stuff back and forth from time-to-time. Several weeks ago, Dwight was digging through his file of papers, and he found something that he sent to me. Mr. Swobe didn't know if it was – it is kind of a combination of Teddy Roosevelt and Dwight Steele, but Mr. Swobe remembered it being around in the 1960's. It is kind of apropos now. It says, "In dealing with matters concerning protection and restoration of Lake Tahoe, public officials should primarily consider the affect upon future generations, and not future elections." Mr. Swobe thought that was great. Thank you.

Mr. Sevison stated that before he came on the Board in 1980, Dwight was one of the few people in the community that would step forward and support him for election for the County Supervisor. Mr. Sevison stated that he was flattered because Dwight brought along with him a lot of respect and gratitude for Mr. Sevison; he helped me. He used to tease with Dwight quit a bit over the months and months of agony in creating the thresholds. We were not always headed in the same direction, but Dwight was always a gentleman, and we always agreed on things. We got a lot done one night on the thresholds at his brother's house in Incline Village. Mr. Sevison commented that he could remember an almost all night session. Dwight's is going to be missed a lot. He and Dwight, in recent years, agreed on almost everything they did, and one of them being transportation issues. Dwight was always chartering some new areas that the League and his other colleagues didn't necessarily agree with him on. Mr. Sevison stated Dwight tried hard on the parking and bus facility in Tahoe City, along with Juan and others, and we were kind of disappointed. But Dwight didn't lose his enthusiasm. He was still going to march forward with the issue, and we need to do that. We all owe Dwight a lot of thanks.

Chairperson Heller thanked Coe, Jerry and Larry for their comments. Upon becoming Chairman of the Governing Board, Mr. Heller received a phone call from Dwight, and he told him how pleased he was that he was Chairing the Board for the next two years, and Dwight said "I trust you will do the right thing for the Lake." Mr. Heller stated that met a lot to him, and he hasn't forgotten it. He asked the audience to please join him in a moment of silence.

2. Monthly Status Report on Project Activities

Mr. Palma commented that he is pleased that the number of applications coming in has declined. He hopes that this continues and allows us to catch up and process all the applications that are on deck right not.

TRPA REGULAR MEETING MINUTES JULY 24, 2002

3. Tahoe Transportation District/Commission
Agenda and Report from the July 12, 2002, Meeting

Mr. Palma stated that there were some issues that were discussed by the Tahoe Transportation District/Commission at the July 12, 2002, meeting. There will be a hearing on August 8, 2002, in Reno, regarding Senator Reid's Field Hearing on TEA Reauthorization.

4. Notice of Preparation of Lake Tahoe Shorezone Ordinance
Amendments Environmental Impact Statement

Mr. Palma stated that the Notice of Preparation of the Lake Tahoe Shorezone Ordinance Amendments Environmental Impact Statement is being circulated as a new document and includes a new scoping process. A public scoping meeting was held on Tuesday, July 9, 2002, at the Fairway Community Center in Tahoe City. The subcommittee of the Governing Board Shorezone Committee will be meeting today at noon.

5. Revised Guidance for Large Tree Retention in the Urban Areas

Mr. Jerry Dion, Vegetation Program Manager with the Long Range Planning Division, presented the revised guidance for large tree retention in the urban areas. The three main changes are: 1) remodels and expansions will be treated differently than new development; 2) for small or medium remodels and expansions, it is assumed that there is no reasonable and feasible alternatives to retaining large trees within the proposed building footprint; and, 3) additional coverage for driveways that may be transferred under Subsection 20.3.B(1) to save a large tree.

Mr. Galloway asked that additional language be added on the bottom of page 128, and on the top of page 129, to state, "as a result, the architect is not required to eliminate allowed floor coverage in doing these different configurations". Mr. Dion agreed to add this language to the Memorandum.

B. Legal

Agency Counsel John Marshall stated TRPA received the opening brief in the College Park 9th Circuit appeal. This is the mobile home park above the Sierra Nevada College. We got that case dismissed for failure to enforce certain alleged conditions precluding the closure of the park. We are in the midst of briefing this case. The Board affirmed an Executive Director's determination in an IPES appeal for a zero scored lot in El Dorado County. The Bartlett Trust parcel filed a takings lawsuit against the Agency over that parcel. We just received a copy of the complaint yesterday. There is potential for settlement in this case before we proceed to litigation. Finally, Mr. Laub has counter claimed the Agency for emotional distress and loss of profits. Mr. Quinn stated he believed that Mr. Laub was the attorney who didn't know the law, and Mr. Marshall responded that was correct. Mr. Quinn commented that he found an article in the Los Angeles Times on Monday about a woman in Ventura County who was fined \$10,000 for cutting a branch off a tree because she violated a tree protection ordinance. If the tree ultimately dies, the fine would increase to \$40,000. This is common in many areas of California. It seemed to Mr. Quinn that perhaps TRPA is being too lenient and our fines are too low. This may require some rethinking of what we charge for fines. This woman was a new resident of the area and claimed she didn't know about the ordinance.

TRPA REGULAR MEETING MINUTES JULY 24, 2002

Chairperson Heller asked if Mr. Palma had a status report on the new building site, and Mr. Palma responded not at this time.

(adjourn the TRPA, convene the TMPO)

VIII. 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. Approval of the Tahoe Metropolitan Planning Organization's FY 2002/03 Federal Transportation Improvement Program for the Lake Tahoe Basin and Supporting Resolution

Chief of Transportation Richard Wiggins presented the staff summary for approval of the Tahoe Metropolitan Planning Organization's FY 2002/03 Federal Transportation Improvement Program for the Lake Tahoe Basin and Supporting Resolution.

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

MOTION by Mr. Sevison to recommend approval of the Tahoe Metropolitan Planning Organization's FY 2002/03 Federal Transportation Improvement Program for the Lake Tahoe Basin and Supporting Resolution. The motion carried unanimously.

(adjourn the TMPO, convene the TRPA)

IX. PUBLIC HEARINGS

- A. Amendment of Incline Village Tourist Community Plan to Add "Schools-Kindergarten to Secondary" as a Special Use to the General List of Permissible Uses

Mr. Peter Eichar, with the Long Range Planning Division, presented the amendment of Incline Village Tourist Community Plan to Add "Schools-Kindergarten to Secondary" as a Special Use to the General List of Permissible Uses.

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

MOTION by Mr. Slaven to recommend approval of the findings, and a Finding of No Significant Environmental Effect. The motion carried unanimously.

MOTION by Mr. Galloway to recommend approval of the Amendment of Incline Village Tourist Community Plan to Add "Schools-Kindergarten to Secondary" as a Special Use to the General List of Permissible Uses. The motion carried unanimously.

Mr. Galloway thanked the Board for passing this amendment because this property had been a flood plain issue, and we finally resolved the flood plain ordinance, and he was glad that it wasn't getting in the way of a school.