

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

North Tahoe Conference Center
8318 North Lake Blvd.
Kings Beach, CA

April 25, 2007

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV

April 26, 2007

REGULAR MEETING MINUTES

- I. PLEDGE OF ALLEGIANCE
- II. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chair Ms. Motamedi called the meeting to order at 9:30 a.m.

Ms. Motamedi asked that speakers spell their names so it can be properly recorded. There will be no extra time for speakers by conceding to others. Written comments of any length are always welcome.

Members Present:

Ms. Aldean, Mr. Lawrence for Mr. Biaggi, Ms. Bresnick, Mr. Galloway, Mr. Kranz, Ms. Moss for Ms. McDermid, Mr. Merrill, Mr. Miller, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Mr. Swobe, Mr. Waldie, Mr. Weber, Mr. Yount

- III. PUBLIC INTEREST COMMENTS

Leo Schools stated that he is very concerned about the serious problem with Zebra Mussels.

Rochelle Nason, League to Save Lake Tahoe, stated she can't over emphasize enough the seriousness of the threats to Lake Tahoe regarding Zebra Mussels, Eurasian Milfoil and Curly Leaf Pond Weed. They are concerned that there is not a program in place for boat washing. They believe that such a program could be put in place as early as this summer. There is Federal funding that is available on a 3-1 match up to a million dollars. If we can find funding for the local share of this program that funding could potentially be made available for this effort.

Jim Hildinger stated that there is one other problem that is facing us and that is the New Zealand snail. It should be added to the list of very important items to address.

Jan Brisco, Tahoe Lakefront Owners Association stated that she hopes that the Board will take the Shorezone issue on as an action item very soon and not let it languish at the state level or in any way take away from this jurisdiction to finally see this document completed.

Michael Donahoe, Sierra Club, asked for clarification on the procedures for today's meeting. He stated that they have a Power Point that they would like to present on Heavenly when the project is presented. He wanted it on the record that ceding time has always been the practice and he doesn't agree with this new rule that wasn't communicated in advance.

IV. APPROVAL OF AGENDA

General Counsel Ms. Marchetta stated there are a couple changes under the italicized paragraph referring to the procedures for public comment. She would like to strike the first sentence. The remainder of that paragraph's procedure will apply to the entire agenda. The closed sessions that are listed on the agenda are place holders only if needed.

Mr. Galloway moved approval with changes and clarification.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Aldean moved approval with amendments.
Motion carried.
Mr. Lawrence, Ms. Moss, Mr. Waldie abstained.

VI. CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

Mr. Merrill encouraged everyone on the Board to read the draft of the Agency Strategic Plan, Goals and Work Priorities that the Operations Committee approved. It will be approved by the Board in June in its final form. This reflects the Board's discussion during the January offsite.

Mr. Galloway commented on Item 3 which is appointments of APC members. At the Washoe County Board of Commissioners meeting, Mr. Harris was reconfirmed for his ongoing appointment to the APC through January, 2009.

Mr. Waldie reported that the Legal Committee recommended unanimous approval of Consent Calendar Item 5.

Ms. Aldean moved approval of the Consent Calendar.
Motion carried unanimously.

The following Consent Calendar items were approved:

1. Acceptance of March 2007 Monthly Financial Statement
2. Adoption of Resolution for Bill Combs, TRPA Advisory Planning Commission Member
3. APC Membership Appointments Harris, Schmidt and McIntyre

4. Draft Agency Strategic Plan Goals and Work Program Priorities for FY 07-08
5. Kassel Violation Resolution Proposed Settlement Agreement 444 Gonowabie, Crystal Bay, Washoe County, Nevada, Assessor's Parcel Number 123-145-16
6. Augmentation to re-program \$30,000 in Threshold TIIMS funding from salary and benefits to outside contracts

VII. GOVERNING BOARD MEMBER REPORTS

Ms. Santiago stated that in Washington D.C. on Sunday while she was attending church at the National Washington Cathedral, she was pleasantly surprised to see Coe Swobe in the congregation. As part of her trip to Washington, she visited the Franklin Roosevelt memorial where there is a statement that says "men and nature must work hand in hand; the throwing out of balance of the resources of nature throws out a balance and also the lives of men". President Roosevelt said that to Congress on the use of our natural resources on January 24, 1935. Over the last months, your perspective of the TRPA Executives and staff has been under going a lot of changes. Change in the best of circumstances is challenging. Combine this with shortages in staff and dealing with the challenges associated with the complex issues that await us now and in the future. Undoubtedly the levels of stress at times seems insurmountable. The purpose of this report is two fold. She would like for all of us to take a single moment to come up for air and breathe. As all of us clear our minds and breathe, she would ask that all TRPA staff and executives present please stand. Her message to staff is that she appreciates us and thanks us for all we do.

Mr. Swobe stated that we have been very fortunate in the past in getting long range funding for removal of forest fuels and the thinning of trees to avoid catastrophic fires. But in the short term, we are not too well off. They are still working on the ordinances and regulations formulated and the money is being held up. We are facing a very bad fire season here at Lake Tahoe as well as the rest of the state of Nevada. He is hoping that the Nevada legislature will support this. He encourages everyone to meet with any of the legislatures to ask them to continue to fund fire protection for the Basin and the rest of Nevada.

Mr. Galloway stated that some applicant's projects do not make it through the filter and some projects come out of the filter looking greatly different than they did when they went in. He thinks that this is true with some of the projects that we will be dealing with. The question remains whether they were changed enough and that is what the Board decides. He hopes that the public appreciates that there were changes made to projects long before they were brought to this Board. He would like to have an agenda item at a later time to consider whether at certain times we should ask the APC to review projects. He thinks that occasionally it would help for the APC to review certain projects, as they are the technical experts. There is a real chance to get the under-grounding project for utilities at the North Shore state line. It would require contributions from people who have recently purchased casino hotel property there. He is asking for these property owners to look at it as part of their investment in the property

itself. He believes that this would improve the value of all the properties. There is an EIP project number assigned to this under grounding project and there may be a chance for some incentives to work. He hopes that people will support this project. One of the incentives is to receive matching TAUs. These are not outside the Regional Plan, but are in a pool that was provided in the Regional Plan that requires a match. So the total number of TAUs at Lake Tahoe would not increase. It is necessary in order to revitalize and maintain this area and keep it from deteriorating. He also met with Terri Marceron on the forest fuels issue. It looks like out of 20 years worth of work, she has put together a great plan with five years of funding.

Mr. Merrill thanked Ms. Santiago and feels the same about the staff but does not get an opportunity very often to express it. He asked what we should do as a Board in reference to the issue of Zebra Mussels and other invasive species. He feels that this is real and time is of the essence. He feels we could get a program in place to be effective or partially effective this summer. He would like to have us explore that.

Executive Director Singlaub stated that the wheels are in motion and there is a task force meeting next week on May 2 at the Science Center in Incline Village. On May 3 there will be a stake-holders session open to the public addressing not just the Quaga but other invasives as well. There are federal agencies and state agencies that are very active moving forward on this program. This is included in our work program and is a high priority.

Chair Ms. Motamedi stated that the Board wants to give recognition to Coleen Shade and thank her for all of the years that she has given to TRPA, the Lake and the members of the community. The Board presented her with a Visions of Lake Tahoe book.

Chair Ms. Motamedi stated that the proposed parking structure in Tahoe City in Supervisor Kranz's district that is being spear headed by the Redevelopment Agency is not a done deal. This is a proposed 14 million dollar project and she clarified that this project has not been approved. It recently went to TRPA and has just finished the 30 day review process with a planner. Public comment is still being taken on this project in case there are concerns about this structure. It would be a net 92 parking space gain in Tahoe City. This will be on private property behind the Tahoe City Marina. The Tahoe City Marina project is also not a done deal. The EIS has been certified for the Marina Master Plan and this will be coming up for project review and public hearings. There is a perception on the North Shore that these two projects are a done deal and people are upset about it. She wants to make it clear that these projects have not been approved.

VIII. REPORTS

A. Executive Director Status Report

1. Monthly Status Reports on Permit Processing

Executive Director Singlaub thanked Ms. Santiago for the kind words about staff. He also thanked Coleen for her 18 years with TPRA. We have implemented our automated parcel based GIS linked permit review system and will be going public in the near future. We met with the state agencies last week from California including the Attorney General's office, Lahontan Water Quality Control Board, State Lands Commission and the Tahoe Conservancy on their concerns on Shorezone. Their main interest is in having a phased in approach for each one of the different elements of the Shorezone program. For example, we should phase these programs in until Lahontan lifts their ban on fish spawning habitat and we wouldn't be issuing any pier permits there. They do not want to approve any more than 3 piers per year on the California side and 5 piers total for the Basin. This would only be until the ordinances are replaced by the Regional Plan update that we are working on. These Shorezone ordinances would not continue for more than 5 years maximum. They were supportive of implementing all the hard to do things like blue boating and the water quality monitoring program. They also want to leave the buoy numbers at the level they are right now. When we have the blue boating program in place, we could approve more. Staff will be meeting next week to look at the different options and will present those to the Board at the May meeting. We will have a table of what program options there are, what our recommendation would be and ask for direction from the Board at that time.

Ms. Aldean stated that there are two states involved in the Compact and she hopes that Nevada would be included in any of these discussions going forward.

Executive Director Singlaub also stated that the Nevada Legislature is in session and they are cutting all proposed enhancements which were increased in the budget by a certain amount. Unfortunately the two enhancements that had been recommended by the TRPA Oversight Committee increasing legal funding and getting a transit operations position at TRPA were both cut by the Governor before it went to the legislature. Also the two hundred thousand dollars per year we have been getting since 2003, for the Pathway process and the Regional Plan update was considered to be an enhancement and has been cut by one third. He is in communication with Senator Amodei and hopes that before the next budget hearing we can get those funds restored. We are also considering a Governing Board Retreat to talk about our decision making process and the over arching direction from the Governing Board that he has been following - the streamline permitting, the idea of getting a net environmental gain out of all projects and building incentives instead of relying on heavy handed regulations, and having the private sector carry their share of the environmental improvement program rather than relying completely on tax dollars from the different states and the federal government. He recommends that we hold a retreat in June as we have another two day meeting in May.

A thank you to those who attended the Pathway workshop two weeks ago with the APC. He thinks it was very productive. The Board has a copy of the Power Point presentation and we will be getting the results of that meeting to the Board in the near future. The Board is welcome to comment on the notes. We will have a joint APC/Governing Board at the May meeting and will complete this process. We have had a satellite office open on the North Shore for sometime. We have scheduled a

celebration or open house for the afternoon of May 23, 2007 that will coincide with our next Governing Board meeting.

Mr. Merrill asked to have a regular report from the person that we have hired who is in charge of mitigation monitoring and enforcement. He would like assurances that this is being done.

Executive Director Singlaub stated that the funding we were anticipating for this program is now languishing.

Mr. Weber asked if we could see a regular item that is included in the Executive Director's report for mitigation and a brief review of the Pathway process. He would like to see an Executive Director's report written in the packet. We could then add to that report or ask for questions or clarifications.

Mr. Swobe stated that the main reduction of forest fuels is the cleaning of the deadwood and the dead trees and that is where we should focus.

B. Legal Division Status Report

General Counsel Ms. Marchetta had no report.

IX. RESOLUTIONS

A. Adoption of Resolution Proclaiming May as Bike to Work Month

Staff member Karen Fink presented the resolution and asked the Board to proclaim May as Bike to Work Month.

Ms. Santiago moved approval.
Motion carried unanimously.

X. PLANNING MATTERS

A. 2006 Threshold Evaluation Presentation

Staff member Gabby Barrett presented an overview of the 2006 Threshold Evaluation report.

No action was taken.

XI. PUBLIC HEARINGS

A. Certification of the Heavenly Mountain Resort Master Plan Amendment Final EIR/EIS/EIS, Amendment of the Heavenly Mountain Resort Master Plan, Amendment of Plan Area Statement 086 – Heavenly Valley Nevada and Plan Area Statement 087 Heavenly Valley California to Modify the Special Policies and other matters related thereto

Staff member Jeanne McNamara presented the staff recommended amendments, alternatives and projects associated with the Heavenly

Mountain Resort Master Plan.

Rob Breuck, the consultant who managed the preparation of the environmental document for the proposed master plan amendment presented the main public comments on the draft document and how they were addressed in the EIR/EIS.

Joanne Fites-Kauffman, U. S. Forest Service Ecologist, addressed the North Bowl project. Part of the work that she did there also went beyond the Basin. She worked on the old growth definitions for some of the dominate types throughout California and co-authored the old forest part of the Sierra Nevada Ecosystem Project Report with Dr. Jerry Franklin. She also participated with Dr. Barber from U.C. Davis on the old forest assessment for the Lake Tahoe Basin Watershed Assessment. She has worked on the Sierra Nevada Framework Forest Plan Amendment for all the national forest in the Sierra Nevada as the old growth expert. She clarified that she visited the area in the field when she was first contacted by TRPA and walked through the entire North Bowl area. Her opinion is based on walking through the area and her knowledge of old forest and the Sierra Nevada in general as well as the Lake Tahoe Basin. Her perspective as a professional regarding the impacts to old forest is in terms of ecological function, and she likes big old trees, but this is an aesthetic perspective. Today she is giving a perspective of a scientist. To her the very important thing to consider is looking at the context of where old growth or old trees are. Not all old growth trees are equal in terms of function ecologically. Where they are is very important and in this case what she saw knowing ski areas and development in the Lake Tahoe Basin, is that there are definitely some large old trees there. There are also some old smaller sub-Alpine trees there, but are in the context of an already disrupted, fragmented area that has human use that affects the ecological function. How does this affect the function and is it already affected? We need to look at the context of this area compared to the status Sierra Nevada-wide or in the Western U.S. In general they are in very good shape and most all of them are in wilderness areas or National Parks, protected and in pristine condition. So overall when she thinks about impacts to sub-Alpine old forest: a) it's in very good shape so the impact in that broader context is very small because so much of it is intact, b) the impact is to a site that already has human influence so the ecological function is already reduced and the effect on ecological function overall is very minimal in her opinion, c) when you go down to the lower elevation in the Red Fir area, she doesn't believe that this is old growth. The reality is there is no hard line. We have to define it that way for EIS and NEPA documents; you could have one old growth tree, five or twenty. There are degrees of old growth. In the perspective of the Red Fir, it is at the low end of old growth to her. There are definitely some old growth trees there but not many of them compared to what she has seen elsewhere in the Lake Tahoe Basin.

Terri Marceron, Forest Supervisor of the Lake Tahoe Basin Management Unit, stated that Heavenly operations are situated on 10,000 acres and of that 7,000 acres are on public land or National Forest land. She has the responsibility of making the decision on the selected alternative that is tied to those National Forest Service lands. On behalf of the Forest Service, she concurs with the analysis in the final Environmental Impact Statement and she supports TRPA staff's recommendation, which is Alternative 4 with the modification on ski run

S10 to retain large trees and no grooming.

Public Comment:

Richard Glassen doesn't support building something that no one will use.

Harmon Zuckerman, Principal Planner for Douglas County, stated that besides the Forest Service land, Douglas County encompasses 6210 acres of the Heavenly Ski Area and they are very concerned about what happens at Heavenly. The Douglas County Commissioners support Alternative 4.

Rochelle Nason, League to Save Lake Tahoe, stated they see many issues and they have submitted written comments. The key issues that the Board should be focusing on are: 1) to decide which alternatives if any you can make the Bi-state Compact findings; and they think that you cannot for Alternatives 2, 3 and 4 but you can make such a finding with Alternative 4A or 5; and 2) is the Board selecting the alternative that minimizes the removal of trees, the requirement of Code Section 71.5G.

Linda Dangler supports Alternative 4A or 5.

Jennifer Quashnick, Sierra Club, presented a Power Point presentation on the concerns of the environmental community and supports Alternative 4A or 5.

Joe Hayes as a ski teacher supports Alternative 4.

Chris Dunn, mountain resort design planner, supports Alternative 4.

Ron McIntyre, Advisory Planning Commission Member, stated that they support Alternative 4 and there was great net benefit in water quality from this project and he believes that is true.

Bea Gorman supports Alternative 4.

Autumn Bernstein, Sierra Nevada Alliance, stated that with regard to forest fragmentation, it is important to recognize that impacts to old growth forests don't just happen to the individual trees that are being cut down. An old growth stand is more than just the individual trees and it is larger than its component parts and it functions as a unique ecosystem. As those old growth stands get smaller they become less and less effective in terms of all the services that they provide. They support either Alternative 4A or 5.

Jackie Chandler stated that the Washoe people have voiced concerns around the rights of the land to maintain itself and in particular the continual degradation to sacred estates.

Jerry Birdwell supports Alternative 4.

Ron Grasse stated that if Heavenly rolled back their prices and did other types of improvements then they wouldn't need any of these alternatives. He likes Heavenly as it is.

Hank Raymond supports Alternative 4A or 5.

Bob Hoffman supports Alternative 4.

Carol Chaplain supports Alternative 4.

Pat Basney supports Alternative 4.

John Upton supports Alternative 4.

Tom Davis supports Alternative 4.

Kerstan Seufert supports Alternative 5.

Daniel Seufert supports Alternative 5.

Carl Ribaldo supports Alternative 4.

Sloan Gordon supports certification of the EIS.

Casey Blann is responsible for the environmental efforts at Heavenly currently. Their goal is keeping the mountain on the mountain. He assures the Governing Board that they are and will keep making inroads toward this environmental effort and supports Alternative 4.

Michael Donahoe, Sierra Club, stated that fact number one is the North Bowl Stand is late seral old growth and is designated in the EIS and on your maps. TRPA has a threshold on late seral old growth and we are out of attainment in that threshold. Some of the North Bowl Stand is in Sub-Alpine zone and that has not been mitigated. They support Alternative 4A or 5.

Jim Hildinger stated this is only to make more money and nothing else and he wants to see those trees stay there.

Phil Herback supports Alternative 4.

John Friedrich stated that all the alternatives in the North Bowl have the same amount of new SEZ impact and the difference with Alternative 5 is that you are not able to restore 3,000 sq. ft. of access road which is another factual correction in the EIS. The base station of Olympic is not in an SEZ. You either let things work first or compensate elsewhere. The North Bowl sits in a watershed and we have not allowed disturbance in the past and should not now.

Mike Bradford supports Alternative 4.

Anthony Smokey supports Alternative 4.

Doug Girshman supports Alternative 5.

R. S. Lynn supports Alternative 4A or 5.

Lew Feldman supports Alternative 4.

Carl Fair supports Alternative 4.

Pat Kelly supports Alternative 4A or 5.

Andrew Strain, representing Heavenly, presented a list of things that have been accomplished and represent the lion's share of the mitigation that was adopted as part of the 1996 program. They are committed to doing their part to reduce the footprint from an energy consumption standpoint as they use wind power currently. They just started a lighting retrofit plan to curb energy. Alternative 4 has the lowest horsepower required of any of the other two alternatives 4A and 5 for the lift motor which is another opportunity to reduce their consumption.

Blaise Carrig, Heavenly COO, stated that they started the master plan amendment five years ago with the purpose of creating a better quality resort experience. The Board's charge is to look at this plan from an environmental perspective and we acknowledge in any development plan there is a tension between development and the environment. That is why you have this incredibly unique process that we have gone through. It has multiple agencies and is an environmental assessment, not an economic assessment. From the very beginning they committed to the process and followed the process even though we have had another hearing and reconsideration and it has been frustrating, but it is the process and they respect it. They engaged in correcting all the issues that were there from their predecessor that were not taken care of and to catch up on those requirements. They have met with the conservation groups and did site visits trying to address their concerns of water quality. We appreciate everyone's attention to these issues even though we have not been able to come to an agreement on the North Bowl.

General Counsel Marchetta reminded the Board members on ex-parte contacts and if any Board members have had communications with the applicant or members of the public; a quick disclosure on the record is warranted. She also pointed out that this is a rehearing and that means that the results of the last meeting including the votes have been formally rescinded. All of the materials from the last Board meeting as well as all of the presentations from today will become part of the administrative record on this preceding. She pointed out that a full transcript of the February, 2007 meeting on this agenda item has been made available to all Board members.

After considerable Board discussion and disclosures, the proposals on the Plan Area Statements, the Master Plan, and the project alternatives, the following motions were made:

Mr. Galloway moved approval of a straw vote to make the Compact Article VII.D findings (pages 76-82 of the April packet) for the final EIS with the following amendments: a) in the action plans developed for water clarity mitigation, they would go to the APC for recommendation of adequacy or inadequacy; it would then go to the Governing Board Consent Calendar and require a vote by the Governing Board that each such plan would be acceptable; b) for each option

involving the North Bowl, there would be an additional mitigation condition requiring an action plan which would also follow the same procedure to designate an appropriate 60 acres of late successional old growth area that is inside of the ski area plan area statements but outside the current operational footprint of the ski area and that action plan would then require removal of that area from the plan area boundary so that it would become conservation area instead of recreational area.

Voted Yes: Ms. Aldean, Mr. Lawrence, Mr. Galloway, Mr. Miller, Ms. Motamedi, Mr. Ruthe, Ms. Moss, Mr. Kranz, Mr. Swobe, Mr. Weber

Voted No: Ms. Bresnick, Mr. Merrill, Mr. Waldie, Ms. Santiago

Straw motion failed.

Ms. Marchetta stated that even though it is procedurally out of order, through straw voting let's see if there is any support for an alternative that is viable enough to pass a vote of this Board.

Mr. Swobe moved approval of a straw vote on Alternative 4 as mitigated.

Voted Yes: Ms. Aldean, Mr. Lawrence, Mr. Galloway, Ms. Motamedi, Mr. Ruthe, Ms. Moss, Mr. Kranz, Mr. Swobe, Mr. Weber

Voted No: Ms. Bresnick, Mr. Merrill, Mr. Waldie, Mr. Miller, Ms. Santiago

Straw motion carried.

Mr. Swobe moved approval of a straw vote on Alternative 4A.

Voted Yes: Mr. Miller, Mr. Kranz

Voted no: Ms. Aldean, Ms. Bresnick, Mr. Lawrence, Mr. Merrill, Mr. Galloway, Mr. Waldie, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Ms. Moss, Mr. Swobe, Mr. Weber

Straw motion failed.

Mr. Swobe moved approval of a straw vote on Alternative 5.

Voted Yes: Ms. Bresnick, Mr. Waldie, Ms. Santiago, Mr. Kranz

Voted No: Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Galloway, Mr. Miller, Ms. Motamedi, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Weber

Straw motion failed.

General Counsel Marchetta stated that we need the reasoning behind why you believe these findings can't be made. The members who voted no explained their reasoning:

Ms. Bresnick stated she doesn't see how we can possibly make the Article VII.D findings (i.e. the findings for certification of the Final EIS) without the other findings that are included in our staff report and in her opinion within that we would have to make a finding on the minimum necessary for the ski area operation. While she believes that is subject to some interpretation as to "necessary", the phrase that might have some interpretation to it is "necessary to the operation of the ski area", but the rest of that requirement to her is not subject to any waiver. It says only the minimum trees and then "necessary" to the operation of the ski area and so she doesn't think that within the EIS you can make those findings as to all of the alternatives. She understands that this is a programmatic level document and a project specific level document but it is very difficult to even make the Article VII.D findings even with your explanation when you don't have a particular project defined, because the findings are potentially different with respect to each alternative that is listed. In her experience, the project is defined before you start certifying. There is a project and we have a programmatic document with alternatives but there is a project that needs to be defined first in her opinion. While she would support Alternative 5, she was not able to make the findings on the environmental document.

Mr. Merrill stated he thinks that the North Bowl should be put on hold but he doesn't think the project should be held up. The purpose of putting the North Bowl on hold is to see if there isn't a compromise that can be worked out that would be agreeable to everyone. He thinks that it is impossible now to do that and he would not feel good about leaving today and saying no to the entire item.

Mr. Waldie stated that the first flaw in the discussion was that we gave credibility to the contention of the applicant that they can avoid the prohibition against killing old growth trees because it is necessary. It is not clear how you define who determines what necessary is but whoever determines it would not conclude that to improve the ski lifts so that you get 14 additional minutes of time cut off of the route from the base to the mountain is a necessary thing for them to do. He thinks that the "necessary" qualification was put in by the drafters of that provision because they seriously were concerned about the loss of old growth forest and so they wanted to put in a fairly heavy burden in front of any applicant who desires to cut old growth trees. The definition of "necessary" from Heavenly was their decision that they could get up the mountain faster and that is an economic decision and he is not sure that an economic decision is a necessity at this stage of the development of the resort that would warrant the killing of old growth trees. The second reason was that he thought that the mitigation was out of the question and he didn't see any mitigation at all of the destruction that was occurring on the mountain. He got a feeling that we are not sensitive enough to trees as a positive environmental force in the Basin. At the airport, 892 trees were cut within the last couple months and 387 improperly, but 405 were permitted and now we are permitting in this application over 3,000 trees to be cut. That is over 4,000 trees in the Basin in a couple months and he is concerned that there is not sufficient sense on the part of all of us that trees are an important factor in the magnificent Basin and they should be treated with more respect.

Ms. Santiago stated that she has problems with regards to "necessity" and the definition of necessity and what is really required. She has failed to disclose that

she has gone up to Heavenly, a year ago to look at the forest and she went in the spring last year. She has had various conversations with Andrew, Blaise and representatives of the conservation community and that is why she thought of other mitigation which is a way to step back and look at impacts to prevent the destruction of additional trees with additional development. It is important that we get a feel from the conservation community with regards to what we are presenting so that we have their input in this process. A way to bring this together is to see if we are even close to addressing their needs with additional mitigation of 60 acres of non development in the North Bowl area, but we didn't get to that point. The bottom line is that this issue and the way we go can divide us or it can help us move forward in a positive way and she thinks we need that input.

General Counsel Marchetta asked, for clarifying purposes only, if we took the North Bowl off the table, is there a willingness to move forward on the rest of the projects?

Mr. Waldie said yes, Ms. Bresnick said yes, Ms. Santiago said yes and Mr. Merrill said yes.

Blaise Carrig stated that it is obvious that with the proposed North Bowl project (Alternative 4) the Board is not going to pass the EIS or the Master Plan and that is disappointing because they think that the staff has done a great job and a lot of work and a lot of effort and time put in. But the Master Plan is important for them and this project is important and they want to move on. If he thought there was a way by deferring North Bowl we would ever get back to Alternative 4, he would defer it. He doesn't think that will happen. They do not have a preference for either Alternative 4A or 5 as they don't like either and he knows that it is an impossible battle to get Alternative 4 approved. He suggested that the Board approve the EIS and Master Plan with either 4A or 5 as all the groups seem to be fine with and they would come back to get the final project approved at that point.

Mr. Galloway moved approval of a straw vote and make the Article VII.D findings (i.e. the findings for certification of the Final EIS) and to certify the EIS, subject to the limitation that it is adequate and certified for Alternatives 4A or 5 only with the change that with respect to the monitoring action plans for water quality that they will come to the Advisory Planning Commission and to the Consent Calendar of the Governing Board for acceptance of their adequacy.

Voted Yes: Mr. Swobe, Mr. Kranz, Ms. Moss, Ms. Santiago, Mr. Ruthe, Ms. Motamedi, Mr. Miller, Mr. Waldie, Mr. Galloway, Mr. Merrill, Mr. Lawrence, Ms. Bresnick, Ms. Aldean

Voted No: Mr. Weber

Motion carried.

Mr. Galloway moved approval of the Article VII.D findings, subject to the limitation that the findings are adequate and certified for Alternatives 4A or 5 only, with the change that with respect to the monitoring action plans for water quality that they will come to the Advisory Planning Commission and to the

Consent Calendar of the Governing Board for acceptance of their adequacy.

Voted Yes: Ms. Aldean, Ms. Bresnick, Mr. Lawrence, Mr. Merrill, Mr. Galloway, Mr. Waldie, Mr. Miller, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Ms. Moss, Mr. Kranz, Mr. Swobe

Voted No: Mr. Weber

Motion carried.

Mr. Galloway moved approval of the certification of the final Environmental Impact Statement for the Heavenly Mountain Resort Master Plan Amendment 2005 subject to the same limitations and modifications as in the previous motion.

Voted Yes: Ms. Aldean, Ms. Bresnick, Mr. Lawrence, Mr. Merrill, Mr. Galloway, Mr. Waldie, Mr. Miller, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Ms. Moss, Mr. Kranz, Mr. Swobe, Mr. Weber

Motion carried unanimously.

Mr. Galloway moved approval with regards to Plan Area Statement 086 Heavenly Valley, Nevada to make the findings (on pages 82-84 of the April packet) of Chapter 6 and Chapter 13, and EIS findings and a finding of no significant effect.

Voted Yes: Ms. Aldean, Ms. Bresnick, Mr. Lawrence, Mr. Merrill, Mr. Galloway, Mr. Waldie, Mr. Miller, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Ms. Moss, Mr. Kranz, Mr. Weber, Mr. Swobe

Motion carried unanimously.

Mr. Galloway moved approval of the Plan Area Statement 086, Heavenly Valley Nevada amendments.

Voted Yes: Ms. Aldean, Ms. Bresnick, Mr. Lawrence, Mr. Merrill, Mr. Galloway, Mr. Waldie, Mr. Miller, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Ms. Moss, Mr. Kranz, Mr. Swobe, Mr. Weber

Motion carried unanimously.

Mr. Galloway moved approval with regards to Plan Area Statement 087 Heavenly Valley, California to make the findings (on pages 82-84 of the April packet) of Chapter 6 and Chapter 13, and EIS findings and a finding of no significant effect.

Voted Yes: Mr. Weber, Mr. Swobe, Ms. Moss, Mr. Kranz, Ms. Santiago, Mr. Ruthe, Mr. Miller, Ms. Motamedi, Mr. Waldie, Mr. Galloway, Mr. Lawrence, Mr. Merrill, Ms. Bresnick, Ms. Aldean

Motion carried unanimously.

Mr. Galloway moved approval of the Plan Area Statement 087, Heavenly Valley, California amendments.

Voted Yes: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion carried unanimously.

Ms. Moss moved approval to make the findings (on pages 85-89 of the April packet) of Chapter 6 and Chapter 13, and EIS findings for the Heavenly Mountain Resort Master Plan Amendment 2005, and a finding of no significant effect.

Voted Yes: Mr. Weber, Mr. Swobe, Ms. Moss, Mr. Kranz, Ms. Santiago, Mr. Ruthe, Mr. Miller, Ms. Motamedi, Mr. Waldie, Mr. Galloway, Mr. Lawrence, Mr. Merrill, Ms. Bresnick, Ms. Aldean

Motion carried unanimously.

Ms. Moss moved approval of the Heavenly Mountain Resort Master Plan Amendment 2005, with direction to staff to finalize the Draft Master Plan Amendment to conform to the North Bowl alignment of Alternative 4A or 5 with the provision for operational flexibility and the final design of other Phase I project decisions of the Governing Board.

Voted Yes: Mr. Weber, Mr. Swobe, Ms. Moss, Mr. Kranz, Ms. Santiago, Mr. Ruthe, Mr. Miller, Ms. Motamedi, Mr. Waldie, Mr. Galloway, Mr. Lawrence, Mr. Merrill, Ms. Bresnick, Ms. Aldean

Motion carried unanimously.

Ms. Moss moved approval of the Heavenly Mountain Resort Master Plan 2005 by adopting the implementing ordinance.

Voted Yes: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion carried unanimously.

Chair Ms. Motamedi read the ordinance into the record.

XII. PROJECT REVIEW

A. Heavenly Mountain Resort Master Plan Amendment Phase I Projects:

1. North Bowl Ski Lift (Lift S) and North Bowl Ski Trails (S8, S9, and S10), Heavenly Mountain Resort, Nevada, Assessor's Parcel Number 1319-30-301-002, TRPA File #20050412

The applicant removed the project for consideration.

2. Skiways Gladed Ski Trails (I4 and I5) and Powderbowl Gladed Ski Trail (G9), Heavenly Mountain Resort, California, Assessor's Parcel Number 030-370-17, TRPA File #20070104;
3. Gondola Hiking and Cross-Country Ski/Snowshoe Trails, Zipline Adventure Ride, Emergency and Limited Maintenance Use of Gondola Mid-Station Road, and Top of Gondola Special Events Area, Heavenly Mountain Resort, California and Nevada, Assessor's Parcel Number 028-020-02, TRPA File #20070105
4. Skyline Trail/Summer Road Relocation and Re-grading, Heavenly Mountain Resort, California, Assessor's Parcel Number 030-370-17, TRPA File #20050411

Mr. Galloway moved approval of the findings on items A (Skiways and Powderbowl Glades Project) , and C (Skyline Trail Project) on page 3 of the memorandum that was handed out by General Counsel for the procedure of approval, based on the staff summary and the complete administrative record to make the findings set forth in Section D (pages 203-205 and pages 261-266 of the April packet) and a finding of no significant environmental effect.

Voted Yes: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion carried unanimously.

Mr. Galloway moved approval of the findings on item B (Top of the Gondola Project) on page 3 of the memorandum that was handed out by General Counsel for the procedure of approval based on the staff summary and the complete administrative record, to make the findings set forth in Section D pages 217-223 of the April packet) and a finding of no significant environmental effect.

Voted Yes: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion carried unanimously.

Mr. Galloway moved approval based on the staff summary and the complete administrative record to approve projects A & C subject to the attached Draft Permits.

Voted Yes: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion carried unanimously.

Mr. Galloway moved approval based on the staff summary and the

complete administrative record to approve project B subject to the attached Draft Permits.

Voted Yes: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion carried unanimously.

- B. Verizon Wireless/Nicola, Cellular Tower Replacement/Expansion, 1705 Skyline Drive, El Dorado County, Assessor's Parcel Number 34-771-01, File No. 20051580

Staff member Theresa Avance presented the proposed replacement/expansion of the Verizon Wireless/Nicola, Cellular Tower.

Mr. Galloway recused himself from voting as he has an office building in Reno, NV that he rents to Verizon for the lease of that space.

Public Comment:

Laurie London lives two houses down from the proposed tower and asked the Board to keep in mind if they would want this tower two houses down in their neighbor. What she has seen on our website as to the health risks as she understands it, is undetermined. Based upon this, TRPA is not going to say that this is a health risk to our children. She asked what if there is a health risk and even though we don't know about the health risks, is it worth putting this tower in a residential neighborhood. She wants to know where there is a similar tower in a residential neighborhood. Most areas request that these kinds of towers be away from residential neighborhoods. There is no other tower in this area and why are we putting it in a residential neighborhood and if you answer that question and give her an answer other than Verizon wants it, and if that is the only reason, then you should be saying Verizon you can't put it there. They have a lot of money and they can find somewhere else. They are interested in the people in this community. If the purpose of the tower is public communication, she doesn't think improved cell phone service is worth compromise to the environment, the people in the community and to their children. Once again, if you can give a reason why this should be put in a residential neighbor other than it is convenient for Verizon; then maybe there is a reason to approve this project. But she hasn't seen that reason offered. She would ask that the Board articulate their reasons when they vote on this project.

Joe Hays does not support the project because of health and safety concerns. He thinks that it is interesting to hear talk about mitigating old growth and now we want to mitigate new growth. Accordingly to the environmental check list, this proposal will not result in any health hazards or potential hazards. They respectively disagree. Even though the Bush-Berg report indicated radio frequency omissions from the projected antenna did not exceed the FCC telecommunication standards, they have serious concerns about the current FCC standards. As radio links become more common and possible effects of radio frequency exposure to people and places, they have serious concerns about this.

Over the past several years, there have been several concerns about signals from radio frequency devices could interfere with medical procedures such as chemotherapy. He had a family member with cancer and need chemotherapy and the Doctor indicated that he needed to stay away from radio frequency devices such as microwave ovens. Also with pace makers, certain sections of the hospital will ask you to turn off any radio frequency emissions. So if they are saying that, then maybe there is some danger from these radio frequencies. He feels that the FCC should get together with the Federal Drug Administration and start studying these radio frequency emissions. Initially asbestos, radian, X-rays and MTBE were not considered dangerous and of course we all know that MTBE has definite health concerns. Health concerns are very important to the community as many children live in the area and we don't want to expose their health and safety to these radio emissions. Since research is still ongoing, they consider this a potential health hazard and we hope that the TRPA will vote to deny the cell tower. They recognize the importance of cellular phones but thousand of acres exist around the community so why can't Verizon pick one of those areas where there is no habitation and put the tower there.

Mark Royer, Real Estate Broker, lives in this neighbor and stated that one of the things that is critical for the neighborhood is that right now there are economic difficulties in the market. It is important to realize that we have always considered this an upscale neighborhood and this will have a definitely negative impact on the values of the homes in the neighborhood. For the Board members that live locally, he would ask that they visit the neighborhood and you will see that this is really disturbing. To him it looks like an old Nevada test site from the early 1950's where you would see those dummy houses with the towers and that is what it looks like to the neighborhood. He feels that it affects the thresholds that TRPA has established regarding the scenic corridor and it is not an attractive thing. It will not add anything to the neighborhood and part of their concern is why can't Verizon, as big as they are, with all the land that the Forest Service owns around the lake; why can't they relocate to a similar property that is owned by the Forest Service. There are the issues that will affect their everyday lives in their neighborhood, and that is why the core group from the neighborhood who are primarily homeowners, ask that the Board consider strongly not rubber stamping this project just because it is Verizon.

Phil Cianci lives directly next door and wonders why we need another tower as they already have one that is the mono pole that is red and white. No one told them originally that there was going to be additional antenna put on the original tower. If you knew that the tower belonged to the FAA and they were putting antenna on the pole, would you assume that the antenna was for the FAA. He did and people were trespassing across his property to access the water tower. The water tower is next door to the mono pole and the mono pole is already full of cell phone equipment that they had no knowledge of. This was supposedly installed in 1997 and he has been suffering trespassing issues for 10 years. Verizon says they don't need his road to access this tower because they would rather park in the driveway 50 or 50 feet away and walk up a set of stairs to the tower instead of driving right up the road to the tower. If you were a group of workers, which way would you go? He will have more trespassing issues whether he likes it or not if the Board approves this permit. On the findings list it states that it will not disturb the neighbors, well he is disturbed. It also says it will

not be injurious or disturbing to the health, safety or enjoyment of the property or general welfare of persons; he is a person and he is disturbed. He thinks that findings are very false. Finding number 6 is very false as it says that the project to which the use pertains will not change the character of the neighborhood or detrimentally affect or alter the purpose of the applicable plan area statement community plan specific master plan as the case may be; that is false as that is not what our neighborhood is set up for. He doesn't think that findings number 4 is particularly true either. His bedroom is about 50 feet away from where they are going to put two-5-ton air conditioning units that make a lot of noise. As for health issues, there is always a chance that they are wrong and this stuff is creating cancer, etc. and he feels like an unwilling participant of a future study. Two people who lived in this house where they want to put the tower have died of cancer while living there.

Jon Paul lives on Skyline Drive and stated that findings number 5 and 9 states that the project to which the use pertains will not be injurious or disturbing to the health, safety and enjoyment of property; the neighborhood is a beautiful area where his family likes to take walks and ride their bikes and it is a very safe, scenic residential area and this proposed new tower will affect the ability to enjoy their property in many ways. It is already causing unrest do to the fear of decreased property values which will obviously occur. They are fearful of the possibility that they will be facing unnecessary health risks due to increase exposure to this technology. In doing their research, all the research that they have found that states that there are no health risks, have been directly funded by the cell phone companies. There are websites by third parties that there are obvious issues. The tower will be a physical eyesore demolishing the enjoyment of their daily lives and their activities. The sound of the cooling systems which are located outside; anyone near them will definitely hear them like it or not. The increase traffic related to the work trucks that will need to maintain the site will be a very real safety hazard for their children. This is a residential area and will absolutely cause undo anxiety and concern for them as responsible parents. Cell phones are a convenience and not a necessity. This may be the easiest place to build this tower, but it is not the right place.

Steven Havill, business owner and resident of the West Shore, stated that he represents all residents on environmental stewardship and he thanks the Governing Board for their patience and the time it has taken today. He is opposed to the placement of a mega tower in a residential community. The TRPA is focused on community, quality of life and the nature of our environment as being a core component of our economy. With regard to the safety that has been brought up, he encourages the Board to obtain a healthy awareness of what this issue is, not just with this tower, but the bigger score issue of what is called the electro-pollution. Understanding how this not just applies to this particular project, but a lot of things that are going to be in front of you in the years to come and you will be hearing a lot about these issues. The newest research is very different from the documentation that you have been provided with and his concern is that the documentation that you are basing your opinion on is provided by an industry supported consultant. This isn't about right or wrong but about getting to the facts and that is his intension. The research that is available says that there are significant health impacts of cell phone radiation of electro-pollution. It includes varies cancer, especially brain, eye, ear and

leukemia, miscarriages, chronic fatigue, chronic stress, nausea, heart problems, autism, learning disabilities and insomnia. This has to do with the fact that we are dealing with an energy source that is completely new. It has been noted by scientists as the greatest health concern of the twenty first century. This is a virtually unregulated industry from a health and safety monitoring standpoint. There has never been pre-market testing for cell phones. He gives very little credence to industry sponsored research and he sees this as not a pro-technology or anti-technology issue; but he is advocating safe wireless solutions.

Mike Fahnstock, resident, stated that this is capitalism at its best and they have found a cheap place to put this. It is grandfathered in from 1983 and the microwaves are not good. His house sites directly in line with the microwaves and the microwaves and the human are not well. That's why the microwaves in themselves, you don't stand next to them. Special use permits for this in a residential neighborhood is not a good thing. There are many mountains, buildings and areas in Lake Tahoe that these towers could go but this is a very simple way for a cell phone company to cheaply throw in cell phone coverage for the area. The neighborhood of 130 signatures that are against this project and only three were for it. He doesn't want this in his neighborhood and pointed at his family.

Tom Hintz, lives on Skyline Drive, and stated that he was concerned about how the initial checklist was prepared. Two items he is concerned about is a safety issue and an energy issue, which are on the environmental checklist. The current tenant in the home has complained about the circuit breakers in the house continually go off because of the existing equipment that is there. He is in the fire protection business and with the recent fire that they had in the neighborhood and the local fire department came on the scene and they hooked up to the closest hydrant and there was very little water pressure. With the addition of more equipment into the garage, they are looking at an increase in the potential for a structure fire and their current fire protection district is pretty stretched to the limit. There will be an increase in energy use and safety concerns which were not addressed in the initial study.

Erin Merrill representing Verizon Wireless stated that there is a huge concern on the proliferation of towers. What was attractive to this parcel is that there is currently a structure already there and from their history of dealing with different jurisdictions is that encourage utilizing existing towers. So they wanted to utilize existing structures instead of building a new structure.

Doug Picard, engineer representing Verizon Wireless stated this is not a microwave tower nor is it a high power tower. Microwave is not cellular technology, it operates at a much higher frequency and it is point to point communications and is not designed to cover a wider area like cellular. The number of antennas that are being asked for is also negotiable. The amplifier they use is low powered technology and only puts out 27 watts and this is not considered a safety hazard and is only 1% of the Federal standard.

Margaret Fahnstock, resident, stated that they collected 137 signatures against the project and this would be hazardous and disturbing to their families' health and she would not want her girls to get cancer because of this. This should

never be allowed in a neighborhood and to take up residence in a home as it is unethical and disturbing and is most definitely not an appropriate site for a cell phone tower. This is an eyesore at best and not consistent with other residences in their neighborhood. This parcel is contaminated and they ask that the Board reject this proposal and find a solution that all can live with and be proud of as the risks outweigh the benefits.

Tom Borek, homeowner and builder in Tahoe, stated that he is opposed to this new cell phone tower which is directly in his backyard. He had to comply with strict codes when he built on his property. There were height restrictions which resulted in his driveway having a 9% slope which makes it very difficult for him to use in the wintertime. He had to comply with the scenic corridor issue on both of his home which is located next to the proposed tower which can be seen from Highway 50 and Pioneer Trail. He wants to know how Verizon is able to violate this TRPA codes in a residential area. He is concerned with the resale value of his properties and the health issues to mention a few. This tower is in view of all his windows in the rear of his home. It will be a visible eyesore to everyone in the neighborhood. The noise from the AC units will be disturbing and will limit the enjoyment from both his homes. He feels that there needs to be an investigation on encroachment issues to the access road from these companies. He is trying to maintain the Tahoe lifestyle that they moved here for and now with health concerns, noise and a visual nuisance of this proposed tower, he will not be able to do that.

Gentlemen refused to give his name on account of the power of the cellular industry. He wants all of the Board to do their homework and read what Dr. Robert Becker, who is the foremost doctor and researcher on this subject says.

Bob Wolf stated this sounds like a no-brainer. He is a resident but doesn't live close to this but he knows that single family zoned properties would be like any of you having this massive structure go up next to your house and he thinks the Board should ask Verizon to come up with another plan. Lake Tahoe is a mess of things like this where people throw things up and then you have to live next door to it.

Ms. Aldean moved approval of the findings contained in Section E of this staff summary and a finding of no significant environmental effect.

Voted No: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion failed.

Ms. Aldean stated that in view of the vote she would like to further defer to staff and ask that they prepare the findings to support the denial.

Ms. Moss stated that with the denial of the project, her concern is based on the testimony that was received and the hand out information, that this is an intensification of a use which is not appropriate for this residential area. It is injurious to the enjoyment of the adjoining properties and she believes that the

Board should not add to a potential nonconforming use in terms of compliance under an existing special use permit when there are questions regarding legal access.

The meeting was continued until the next day at 9:30 a.m. at the North Tahoe Conference Center.

Members Present:

Ms. Aldean, Mr. Lawrence for Mr. Biaggi, Mr. Galloway, Mr. Kranz, Ms. Moss for Ms. McDermid, Mr. Merrill, Ms. Thomas for Mr. Miller, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Mr. Swobe, Mr. Waldie

Ms. Bresnick arrived at 9:40 a.m.
Mr. Miller arrived at 9:40 a.m.
Mr. Weber arrived at 10:00 a.m.
Mr. Yount arrived at 11:00 a.m.

Public Comment:

Karen Vanappes stated that the North Tahoe Area is at risk. We are experiencing unprecedented growth and land development pressures. The volume and complexity of the development proposals will tax the entire infrastructure of our rural communities and the natural resources of Lake Tahoe. These proposed projects are now under review or expected to be filed for approval. There are sixteen projects proposed for Tahoe Vista alone. This demands a smart master plan that considers cumulative impacts.

Art George representing the Washoe Nation stated that the Washoe Tribal Council is entitled under the 1934 Indian Reorganization Act to make daily orders, resolutions and promulgate Indian Laws. The Washoe people are entitled to speak their minds, sign documents and declare their estates. The Tahoe Metropolitan developers can always count on planners and his chief to the tribal corporation and TRPA to further their revenue, tax credits and profit plans. We invite the entire Tahoe communities to engage us in signing a joint declaration people to people.

Mr. Kranz introduced his new field deputy, Collier Cook.

XIV. PLANNING MATTERS

- A. Presentation of Draft EIR/EIS for the Vista Village Workforce Housing Project in Tahoe Vista, Placer County, Mourelatos Family Limited Partnership/Pacific West Development, Inc. APC 112-050-001

Staff member Mike Cavanaugh presented the project and the elements of the DRAFT EIR/EIS for Vista Village Workforce Housing Project.

Andrea Clark, representing the applicant, Pacific West Communities, presented the background on their organization. They work with rural and resort communities to bring affordable housing to those areas.

No action was taken.

- B. Notice of Circulation of the Draft EIR/EIS for the Kings Beach Commercial Core Improvement Project, Placer County, CA

Ken Grimm, Placer County Department of Public Works, presented the joint EIR/EIS document for the Kings Beach Commercial Core Improvement Project.

No action was taken.

XV. PROJECT REVIEW

- A. Villas at Harborside (Homewood)/Nathan Topol, Relocation and Change in Use of Five Hotel/Motel TAU to Timeshare TAU, Four New TAU, 5120 West Lake Boulevard, Placer County, APNs: 097-130-027, 028 and 029, File No.

Staff member Theresa Avance presented the revised Villas at Harborside project.

Public Comment:

Jack McKenna, President of Homewood Homeowners Association, stated he is not sure what the vote of the membership would be on this new proposal but he thinks that there is general consensus on the Board of the Homeowners Association that the revised project goes a long way to mitigate some of the problems that were associated with the density, traffic problems, parking problems and it would also help the association in gaining better access through some street end parcels that they own as a homeowners association.

David Powell supports the new project.

Ron Grasse stated that progress has been made but he still has seven questions that are still unanswered:

- 1) 10 foot easement brought back
- 2) would like smaller units of 2100 ft. – preference for 5 units
- 3) 20' view corridors instead of 15 feet
- 4) screening for the boat racks maintained
- 5) allow no more construction on the property
- 6) TRPA allow a temporary permit for the buoy field to be in safety compliance
- 7) compliance of all of this should be done in two stages so we can make sure that his compliance techniques are working

Mike Johnson attorney for Hugh Harris supports the original eight units and will also support this new proposal.

Mike Hawkins stated that there are inadequacies and loopholes in TRPA's ordinances and in the mishandling of the application by former staff. It is far more important that you uphold the principles of your mandate – to preserve, restore and enhance the unique natural and human environment of the Lake Tahoe Region now and in the future. He believes that this project will have an irreversible negative impact on the environment that conflicts with the Board's mandate.

Judy Tournes supports the new project with some changes.

- 1) they would like the offer of the 10' beach access on lots 2,3 and 4
- 2) they would like smaller units of 2100 sq ft
- 3) they also would like a ¼ share ownership only
- 4) they also would like 20' view corridors

Michael Rafferty supports the new project and staff's recommendation.

Benjamin Pignatelli representing the League to Save Lake Tahoe stated that they still have concerns about the project. New timeshare, whether six or eight units, combined with other development permitted in the area since 1995 produces significant traffic impacts that haven't been adequately analyzed. They believe the Homewood communities' concerns have been well founded based on traffic impacts, unfilled scenic requirements and it would be reasonable to oppose any new development in the project until these issues are taken care of.

Michael Lyon supports the new project.

Michael Oliver supports the new project.

Michael Donahoe representing the Sierra Club stated that the Sierra Club still has some concerns about the environmental review and the piecemeal approach and the lack of the study of the cumulative impacts. They are also concerned about the view corridor that goes to the lake of 15'. They are also concerned with moving from six motel rooms of 300 sq. ft. and turning that into 14,500 sq. ft. of timeshare and what the implications of that might be for future developments.

Edward Miller supports the new project.

Randy Faccinto representing the applicant gave further explanation and made several points of clarification regarding the project.

After considerable Board discussion and disclosures, the following motion was made.

Mr. Weber moved approval based on the staff summary and the record evidence to approve the findings obtained in Section E of the staff summary and a finding of no significant environmental effect as it relates to the new project proposing six units.

Voted Yes: Ms. Aldean, Mr. Merrill, Mr. Lawrence, Mr. Galloway, Ms. Motamedi, Mr. Miller, Ms. Santiago, Mr. Ruthe, Mr. Kranz, Ms. Moss, Mr. Weber, Mr. Swobe

Voted No: Ms. Bresnick, Mr. Waldie

Motion carried.

Mr. Weber moved approval of the project as modified to six TAU units with all of the specified conditions including \$100,000 per the letter agreement dated 4/13/2007 by Mr. Topol to the Homewood Homeowners' Association as modified and agreed to today by Counsel for improved public access and an addition of a boat washing station, the heated driveway parking area, a \$100,000 vegetation security and specifically noting that the length of the utility lines to be undergrounded will be approximately 930 feet.

Voted Yes: Ms. Aldean, Mr. Merrill, Mr. Lawrence, Mr. Galloway, Ms. Motamedi, Mr. Miller, Ms. Santiago, Mr. Ruthe, Mr. Kranz, Ms. Moss, Mr. Weber, Mr. Swobe

Voted No: Ms. Bresnick, Mr. Waldie

Motion carried.

- C. Cal Neva Resort Hotel and Casino/Namcal, LLC, Restoration/Reconstruction Project, 2 Stateline Road, Placer and Washoe Counties, CA/NV, APNs 123-031-01 & 09, 123-044-06, 090-305-04 & 15, 090-315-22, TRPA File No. 20061848

Staff member Lyn Barnett presented the restoration/reconstruction of the Cal Neva Resort Hotel and Casino project.

Public Comment:

Crystal Jacobsen representing Placer County Planning Department clarified that regarding the noise issue that was raised, they are still undergoing CEQA review on the project and they are not near completion and it would be about 3-4 months before this is complete.

Ann Nichols stated that she is very excited to see the property being updated and supports the project.

Janice Hills stated that she is concerned with the road that goes into the Cal Neva parking lot. She would like to see that road remain open without a gate all year long.

Jack Durand stated that he is concerned with noise, balcony size, drainage and the proposed decks on the cottages.

Jana Gill, attorney representing George and Mary Eadington, stated they are concerned about the impact of this project on the homes on their side of the property including erosion, drainage and fire issues.

Ron Code supports the project.

Mary Piersol supports the project but would like the balconies to be 5' x 10' instead of the proposed larger balconies, which the applicant has agreed to do.

Shirley Climbin supports the project but her concern is that they will be building large homes in place of the old cabins and they will be about 3500 sq. ft., the set backs will be 10' from the road, and parking will be a problem. The road is very narrow and snow removal is a concern in the winter. She is also concerned with overflow parking on others properties.

Gary Midkiff representing several homeowners stated that their concerns are that the County's process is several months away and this should be coordinated with the TRPA process. His clients would like to see improvements at the Cal Neva but they would like to see what the applicants are now proposing and what the county determines and asks that this project be continued.

Ron Alling representing Mr. & Mrs. Robert McNeil as property owners next to the resort and their greatest concern is noise and asked that this project be continued until Placer County completes their study.

Greg McCann Assistant Chief for the North Lake Tahoe Fire Protection District which provides fire and medical services to Crystal Bay. From their viewpoint on public safety, they strongly endorse this renovation.

Steve Hook, representing North Tahoe Fire Protection District, stated they are on the California side of Placer County. that they respond to this property. They have been working with the applicants who have succeeded in presenting a plan that enhances the safety of this property and the surrounding areas, and they endorse this project.

Carol Seiver supports the project.

Carl Young, representing the League to Save Lake Tahoe, stated that their concerns with the project relate to water quality issues associated with placement of some of the seven three story buildings totaling almost 50,000 sq. ft. of living space. The perimeter of the property is in a natural drainage area.

Phil Gilanfarr supports the project.

Christina Hill representing the applicant gave a detailed presentation on the project and confirmed that they have reduced the size of the balconies to 5'x10'.

Mike McBride one of the owners of the Cal Neva Resort clarified how they took the original proposal and looked at everything that was wrong and spent numerous hours with the County and TRPA to develop the best possible project that they could. These issues that have been voiced today have only come to

light in the past few weeks. They have always taken into consideration the noise, the limits on the CC&Rs and reduction in the size of the decks to try to satisfy and address the concerns of the neighbors.

Luke Saxelby, Senior Consultant with J. C. Brennan & Associates, stated they did the noise study. The reason for their late involvement is because the existing wedding facility and the modifications they are doing are fairly minor and actually shrinking the existing wedding facility and moving it which wouldn't require a noise study. Typically transient lodging type uses are considered noise sensitive and not noise generating. Our conclusion was that the noise levels would not be excessive.

Jory Shoell, attorney for the owner, stated he was responsible for drafting the CC&Rs for this project and he wanted to address some issues:

- 1) with respect to the BBQ on these balconies – there is a provision in the CC&Rs which is typical that prohibits any kind of open flame on the balconies
- 2) as far as noise is concerned, those who buy these units will have the ability to put their unit into a rental pool and to the homeowners' association and complain about anyone who owns a unit that doesn't follow the rules.

Gordon Shaw, LSC Transportation Consultants, stated they did the traffic and parking studies for this project. They used the same number of units, the 219 units, and they assumed the highest possible rate which is 13+ trips per day and looked for studies that concluded that as lodging units increase in size traffic is increased. They could not find anything. There is no analysis that shows that a two bedroom or a three bedroom unit generates more trips. Most of these units are lock off units and they assumed 100% lock-off of these units and their conservative assumption was that 100% of these units are locked-off at any one point in time. Also the floor area of the gaming is going down by 1,000 sq. ft. which reduced traffic by 479 trips.

After considerable Board discussion the following motion was made:

Mr. Galloway moved approval of the findings contained in the Section H of the staff summary and a finding of no significant environmental effect with two additional conditions added: 1) any future CC&Rs shall provide that no amplified sound devices may be used on the deck areas, such as boom boxes or auxiliary loud speakers, and 2) that all new deck areas on the tower be no more than 5'x10' and that on lodge units the usable deck area be no more than 5'x11'.

Voted Yes: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion carried unanimously.

Mr. Galloway moved approval of the project based on the staff summary subject to the standard and special conditions of approval in the enclosed draft permit including the three additional conditions made in the findings motion.

Voted Yes: Ms. Bresnick, Ms. Aldean, Mr. Lawrence, Mr. Merrill, Mr. Waldie, Mr. Galloway, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Ruthe, Ms. Moss, Mr. Swobe, Mr. Kranz, Mr. Weber

Motion carried unanimously.

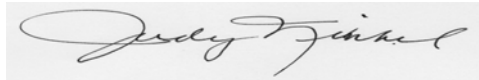
XVII. COMMITTEE REPORTS

- A. Legal Committee – no additional report
- B. Operations Committee – no additional report

XVIII. ADJOURNMENT

Governing Board Chair Ms. Motamedi adjourned the meeting.

Respectfully submitted,



Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.