

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV

August 23, 2006

REGULAR MEETING MINUTES

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

Chairman Biaggi called the meeting to order at 9:30 a.m.

Members Present:

Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. Galloway, Mr. Kranz, Mr. Merrill, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Mr. Smith, Mr. Swobe, Mr. Waldie, Mr. Weber, Mr. Yount

Mr. Heller attended at 10:00 a.m.

- III. PUBLIC INTEREST COMMENTS

Charles Bluthe stated that over the past three years he has attempted to appear before this Board to present his side of the argument in conjunction with his home at Logan Shoals Marina. The Board has made the statement that they will always be objective and impartial. He hopes that this is the Board's intent. In reality, this Board is both judge and jury. The cost to go through the Federal court system is so prohibitive for everyone. He does not believe it was the intent of the Board to be unfair with property owners and business people in the Basin and not give them the right to be heard; which he believes is the spirit of the Compact. This dispute has been going on for over three years and is one that should have been resolved long ago. It seems to have gotten out of hand. Should he be fined, perhaps or perhaps not? He suggests that you look at the benefits to Lake Tahoe because of the work that he has done. He is willing to discuss a fine that is fair. He does not believe it is fair to be told, as staff has told him, that the fine is based not on what he has done, good or bad, but who he is and his ability to pay. To him, that is un-American and this is not how our system works. In reading the bios of the Board members, it seems to him that you are people that were chosen to forge a balance between the TRPA and the public. There must be a partnership working together to preserve this Lake. He doesn't think either one of us can do it individually. One Board member made the statement on how important it is to encourage property owners to improve their properties. Not because they have to, but because they want to. Not because they have a hammer over their head; but because they have a love for the Lake. At Logan Shoals, he has done just that. He down zoned the property from a commercial property to a residential property. It had an 85 seat restaurant that was in decay. It was in terrible shape and it had a boat repair facility in the back shore area. The area was polluted with oil and gas; it was a mess. It had a 70 slip marina and 20 of

those slips were in decay and should have been removed 20 years earlier, according to permits. It had gas docks and three underground fuel tanks with over 1,000 gallons each. They found a 20,000 gallon septic tank on the property and a 2,000 square foot spreading field. The property was a disaster. When he met with TRPA staff at the very beginning, they said it was the biggest environmental disaster at Lake Tahoe. He did what the staff, and he believes what the Board, wanted people to do and that's get involved with their property and make improvements. He spent over \$200,000 just cleaning up the marina. Without monetary assistance from any local, state or Federal agency, he thought he was being a good citizen. He has been a member of this community for over 20 years. Most people know the mess that Cal Neva was in when he bought it at Crystal Bay, which he cleaned up and made it a solid property. He has been involved in the community; especially involved with children in order to improve their lives in this area. He hopes most people would feel that he has been a positive force in the community. He pledges to work with the Board to resolve the dispute on terms that are fair and equitable to both the Board, the TRPA and to himself. Unfortunately, he believes that this lawsuit became personal. An agency, such as the TRPA should be objective and not get personal. This process should not be personal. He knows he is not perfect and he doesn't expect anyone else to be perfect; but he expects that we be fair with each other. When your new counsel came on Board, he requested a meeting with her because he thought that she could take a fair and objective view since she was from the outside and would not be involved. At that time, the Board did not wish to have a meeting with him. He does not understand why the Board would want that. In a dispute of this nature; there is no reason for it to continue. The funds could be used for much more useable purposes. Part of the statement made by one Board member says it all "Any lasting accomplishment in the Basin would be the results of compromise and not rigid adherence to dogma. Not violating the rights that govern; be firm but fair." Like he has done so often in the past, he is again requesting a meeting with the Board, with hopes that we can sit down and resolve this problem and not have a continued open sore.

Michael Donahoe, Sierra Club, stated that he has been getting a lot of calls from Sierra Club members about the proposed expansion of the North Tahoe Marina in Tahoe Vista. He mentions this to get on the radar screen early. Secondly because there is an implication here that worries him. He is concerned about the message that gets communicated whether intentionally or not from this Board to staff and to the community that would allow such an outrageous proposal to be even considered or taking up TRPA's staff time, in terms of flushing this out.

IV. APPROVAL OF AGENDA

Ms. Aldean moved approval.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. Swobe moved approval with amendments.
Motion carried.
Ms. Moss and Ms. Bresnick abstained.

VI. CONSENT CALENDAR

Mr. Waldie stated that the Legal Committee unanimously approved Item 2 with 50% of the settlement amount going to the Environmental Education Fund.

Ms. Moss stated that the Operations Committee unanimously approved Item 1 and 3.

Mr. Swobe moved approval of the Consent Calendar.
Motion carried unanimously.

The following Consent Calendar items were approved:

1. Acceptance of July 2006 Monthly Financial Statement
2. Resolution of Enforcement Action, Unauthorized Grading during the Seasonal Grading Prohibition, Kurt Dunshee, 205 Nadine Court, Washoe County, Nevada, Assessor's Parcel Number (APN) 125-171-20
3. Approval of use of Abandoned Cash Securities

VII. GOVERNING BOARD MEMBER REPORTS

Mr. Kranz stated that he is going to Washington, D.C. to speak with the Federal Woodie Biomass Workgroup on Aug. 29. They are the only County in the nation that has been given 20 minutes to talk about the impacts of catastrophic wildfire on our Forests. They also received an invitation from the Deputy Secretary of Interior who asked to meet with them to discuss the County's plans for **Woodie Biomass/catastrophic wildfire??**, and what they need from the Federal Government in order to make it easier for them to implement some of their proposals. The Placer County Board of Supervisors approved \$300,000 toward moving ahead with their effort for catastrophic wildfire prevention.

Mr. Merrill stated that the Tahoe Forum was **an** extremely positive and impressive event. He wants to know what role the Board and staff could play in making sure that the money received from Senator Ensign and Senator Reid for Environmental Improvement projects is well spent. He suggested that there be periodic review by the Board of the EIP Program and what and who is telling us that this is the appropriate way to spend this money. He has also spent a considerable amount of time at the Lake this summer and feels that traffic is a crisis and the worse place is Tahoe City, where it is truly gridlocked. He is also concerned about the Kings Beach area becoming a traffic crisis like Tahoe City. He would be hard pressed to approve any additional projects in these areas that would have an affect further on traffic.

Mr. Swobe stated that he hopes to bring forward next month to the Board, a Resolution to get rid of forest fuels in a timely and efficient manner.

Mr. Galloway stated that if there is some way that we could talk with Mr. Bluthe. If the Board decided to use a committee for this review, he would be happy to serve on the committee. He wrote a letter to Senator Ensign about the Tahoe Forum; stating it was the best summit he has ever seen and the progress was the best he had ever seen.

Ms. Motamedi asked if they could meet to attempt **a settlement** agreement with Mr. Bluthe.

Ms Marchetta stated that she would be happy to assist with this kind of discussion with Mr. Bluth. If Board members would like to be involved, please let her know and she will organize something.

Mr. Weber stated that at the last Board meeting there were six items that he brought forward. He spoke with the Executive Director concerning these, which included some EPA Senior official to address smart growth policies and practices. At the Summit, he met with Dr. Goldman and Patrick Wright at CTC. Dr. Goldman said that treating milfoil with sonar is a two to three week process. Patrick Wright indicated that he spoke to Harold Singer at Lahontan and they would be willing to look at it again with their Board to possibly go ahead and use this technology in the Tahoe Keys. He would like to request that Dr. Goldman address this Board and have Patrick Wright from CTC and Harold Singer or his representative from Lahontan explain to the Board what it takes to treat this situation.

Mr. Ruthe stated that he agrees with Mr. Merrill that the traffic in Tahoe City is atrocious and feels that the Board should address this issue.

Ms. Aldean stated that we need some clarification on BMPs. The fact that we are considering looking at the installation of these improvements on a more Regional basis, rather than doing it on a per property basis. We could then respond to those who are not sure if they should wait to do their BMPs in anticipation that surrounding properties might also undertake improvements collectively, that might in fact be more beneficial to Lake Tahoe.

VIII. RESOLUTIONS

- A. Resolution Memorializing the Late Nevada State Senator Lawrence E. Jacobsen

Mr. Swobe read the resolution and moved adoption memorializing the late Senator Lawrence E. Jacobsen.
Motion carried unanimously.

IX. REPORTS

- A. Executive Director Status Report.

- 1. Monthly Status Report on Permit Processing
- 2. Forest Fuels Management Update

Mr. Singlaub gave the Director's Status Report.
Mr. Wells, Deputy Director, gave the Board an update on the purchase of the existing office building.

- B. Legal Division Monthly Status Report.

Ms. Marchetta updated the Board on the current schedule before the Court. We are due to file a motion for partial summary judgment on September 14 in the Bluth case. Another issue has arisen for TRPA with respect to the Lake Tahoe

airport. We will be meeting with the City representatives on a formal letter that was sent to TRPA seeking a meet and confer session under the 1992 Settlement Agreement. That **meeting** and **confer**? letter is a prerequisite to potential litigation that could ensue from this letter.

X. ENFORCEMENT ACTIONS

- A. Governing Board action on Legal Committee Recommendation, Show Cause Hearing, Unauthorized Material Damage to Trees, Dr. Cam & Charlene Lindberg, 315 Uplands Way, El Dorado County, California, APN 032-364-04

Mr. Waldie stated that the Legal Committee recommended unanimously adopting the motion to direct Legal staff to enter into negotiations with Dr. Lindberg to reach a mutually agreeable settlement including a civil penalty not to exceed \$50,000 and forest restoration. If a settlement can not be reached within a 30 day timeframe, the Legal staff is authorized to undertake litigation against Dr. Lindberg.

No Public Comment

Mr. Waldie moved approval.
Motion carried unanimously.

XI. PROJECT REVIEW

- A. Single Use Pier Reconstruction and Expansion and Conversion to Multiple-use, Victor and Shirley Metas APN: 117-020-20, William Reinhard, APN: 117-020-19, 6010 & 6020 North Lake Boulevard, Placer County, File No. 20050843.

Staff member Brenda Hunt presented the proposed expansion and conversion of this single use pier.

Public Comment:

Kevin Agan, representing the applicants, stated the benefits of this expansion and conversion.

Michael Donahoe, Sierra Club, stated his concerns that this be done during a dry year so there is not so much lake disturbance. He would not like to set precedence with this project, in light of the new Shorezone ordinances being adopted.

John Friedrich, League to Save Lake Tahoe, stated that the Board should take a look at how many more of these expansions they are going to consider under the current rules and about what should be allowed in fish habitat.

Mr. Galloway moved the findings with no significant environmental effect with additional conditions of "if after three years following project

completion, the planting in front of the Metas property continues to fail, the applicants will, as substitute mitigation, enhance the plantings on the adjoining Reinhard property to achieve 100% compliance. Other onsite mitigations may be considered as appropriate alternatives. Additionally, monitoring fees are to be paid by the applicant for TRPA staff to analyze reports, conduct annual monitoring and periodic site visits”.

Motion carried.

Mr. Waldie voted no.

Mr. Galloway moved approval of the project based on the staff summary with the modifications noted above.

Motion carried.

Mr. Waldie voted no.

XII. PUBLIC HEARINGS

- A. Proposed amendment to the Stateline/Ski Run Community Plan, City of South Lake Tahoe, El Dorado County, CA adding: *Timeshare-Residential Design, Timeshare-Hotel/Motel Design and Hotel, Motel, and Other Transient Dwelling Units* as allowable uses for the six-acre Van Sickle District (District 6a) at maximum densities of 15 units/acre.

Staff member Brenda Hunt presented the proposed amendment.

Public Comment:

Michael Donahoe, Sierra Club, stated that if this project was for affordable housing, as was the intent for this land, then it should be approved. If not, then it should not be approved. Falcon Capital has reneged on their previous commitment to build affordable housing. They are 40 units shy and he would recommend that the Board not approve any further projects from Falcon Capital until they live up to their commitment.

John Friedrich, League to Save Lake Tahoe, stated that going back to the Community Plan and the place-based process and trying to empower local residents to discuss how we want to use our land. Affordable housing keeps coming up as a top need and the Community Plan specifically says that they encourage adequate housing in close proximity to employment generators; which is affordable to workers in the visitor industry. This kind of substantial land use change should happen within the Regional Planning process given its inter-related environmental and community ramifications.

Ed Moser stated that he feels that if this is approved, it should be tied to the Plan Area Statements being enforced. The City hasn't enforced the Plan Area Statements and that is a complaint of his. This project

should be tied to enforcement of Plan Area Statements and free up homes to residential and affordable housing use.

Lew Feldman, representing the applicant, stated that Falcon Capital purchased 9 acres that was behind the old TRPA building to build 70 units of affordable housing and the League to Save Lake Tahoe and the Sierra Club fought this because it was outside the urban boundary. They also wanted to extend the urban boundary so they could build this affordable housing project and now it is a single family estate that is fenced off when it could have had multiple families.

Then they went and looked at the Burt Creek property and this was the subject of enormous controversy. The Sierra Club also fought against this and said "don't build your affordable housing there". They have tried to uphold their commitment, but without success.

Ms. Motamedi moved approval with no significant effect.

Motion failed.

Ms. Bresnick, Ms. Santiago, Mr. Waldie voted no.

XIII. APPEALS

- A. Appeal of Executive Director Denial of Swim Platform Relocation Application, Robert Cook, 750 & 770 West Lake Boulevard, Tahoe City, Placer County, California, APNs 083-172-11 & 083-172-12

Agency Counsel, Ms. Marchetta presented background on the application to relocate Mr. Cook's swim platform and the denial of the application by the Executive Director.

Mr. Cook presented his information and background on the application.

Mr. Brown, representing the Buckman's, presented their information and background on the application.

No Public Comment

Mr. Ruthe moved to uphold the Executive Director's denial of the swim platform application.

Motion carried unanimously.

XIV. PLANNING MATTERS

- A. Update on Lake Tahoe Clarity Model/Total Maximum Daily Load Presentation

Dave Roberts, Lahontan Regional Water Quality Control Board, presented the results of the Pollutant Source and Lake Clarity Evaluation.

- B. Update on Pathway 2007

Deputy Director Carl Hasty presented a list of Pathway items to be presented to the Governing Board at future meetings.

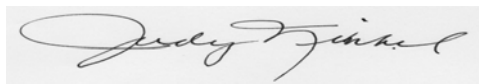
XV. COMMITTEE REPORTS

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

XVI. ADJOURNMENT

Chairman Biaggi adjourned the meeting at 5:00 p.m.

Respectfully submitted,

A rectangular box containing a handwritten signature in cursive script, which appears to read "Judy Nikkel".

Judy Nikkel
Clerk to the Board

The above meeting was taped. 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.