

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV

June 22-23, 2005

REGULAR MEETING MINUTES - UPDATED

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Smith called the meeting to order at 9:35 a.m.

Members Present: Mr. Burnham for Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. DeLanoy, Mr. Galloway, Mr. Kranz, Mr. Merrill, Ms. Motamedi, Mr. Smith, Mr. Maurer for Mr. Solaro, Mr. Swobe, Mr. Upton, Mr. Waldie, Mr. Yount

Members Absent: Mr. Heller

III. PUBLIC INTEREST COMMENTS

Jim Smith, Nick and Willy's Pizza, stated that the economic environment in South Lake Tahoe has been damaged because of the banner ordinance and asked that it be put on a future agenda.

Douglas Dale, Wolfe Dale's Restaurant, stated that he was not notified of the Tahoe City Master Plan adoption and wants to be involved in the actual project.

Jan Brisco, representing the Tahoe Lake Front Owners' Association, stated that they are anxiously waiting for the release of Alternative 6 of the Shorezone EIS.

IV. APPROVAL OF AGENDA

Mr. Singlaub asked that Item XII and XIII be reversed so that the Committee Reports come before the Closed Session.

Mr. Upton moved to approve the agenda with the proposed changes.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. DeLanoy asked that the word counsel be corrected in the minutes as well as adjusting the wording in paragraph two to state "opposing counsel or us" and to change the word president to precedent.

Mr. Waldie asked that when the Legal Committee asked that an item be approved with modifications that the modification be written in detail.

Ms. Motamedi moved to approve the minutes as amended.
Motion carried unanimously.

VI. CONSENT CALENDAR

The Legal Committee recommended approval of Consent Calendar items 3 through 6 with one dissenting vote on item 5.

Staff member Jordan Kahn stated that the Legal Committee recommended approval on Item 6 with minor modifications to the settlement agreement located on page 77. Mr. David Esch is no longer associated with the property and his name will be removed from the settlement agreement. Momentum Development will be replaced with Momentum Construction which is the name of the contractor and an additional signature will be added for Dean Anderson as co-owner of Momentum Construction.

The Operations Committee recommended approval of Consent Calendar items 1 and 2.

Mr. Galloway moved to approve the Consent Calendar as amended.
Motion carried unanimously.

The following Consent Calendar items were approved per staff recommendation:

1. Acceptance of May 2005 Monthly Financial Statement
2. Approval of the FY 05/06 Agency Budget
3. Approval of Agency 5-Year Strategic Plan and FY 05/06 Work Program
4. Release of \$39,420 in Water Quality and Stream Environment Zone (SEZ) Mitigation Funds to Douglas County
5. Resolution of Enforcement Action, Unauthorized Grading and Coverage Creation, Scott Erickson, Mark Faedi/ M & R Construction Corporation, 648 Jack Circle (formerly 650 Bonnie Court), Stateline, Douglas County, Nevada, Assessor's Parcel Number (APN) 011-226-44
6. Resolution of Enforcement Action, Unauthorized Grading, Ms. Annika Sorenstam & Mr. David Esch/Momentum Construction, 1705 State Route 28, Incline Village, Washoe County, Nevada, Assessor's Parcel Number (APN) 130-331-01

VII. GOVERNING BOARD MEMBER REPORTS

Mr. Swobe stated that the Incline Village Library is scheduled to open and he wanted to commend the effort that Mr. Galloway put into this project.

Mr. Kranz stated that Placer County requested immediate action on workforce housing in the Tahoe Basin and passed out a Resolution that was adopted by their

Board. He also stated that their Board supported a letter sent to Diane Feinstein and other members of the Federal Government asking for legislation to deal with wild fires in the Tahoe Basin and other areas.

Mr. Merrill stated that the Board should have been more involved in the draft Shorezone EIS.

Mr. Galloway stated that the Governing Board Shorezone Committee did review and approve the direction for staff to take regarding the draft EIS and the alternatives.

VIII. REPORTS

A. Executive Director Status Report.

Mr. Singlaub gave the Director's Status Report.

B. Legal Division Monthly Status Report.

Assistant Agency Counsel Jordan Kahn updated the Board on Glenbrook and the Committee for Reasonable Regulation of Lake Tahoe case decision by the Ninth Circuit Court of Appeals. He also updated the Board on the Canepa, Bluth and DeVore cases.

IX. RESOLUTIONS

A. Resolution for the Creation of a Committee of the TRPA Governing Board to Avoid Catastrophic Wildfires in the Lake Tahoe Basin

Governing Board Member Coe Swobe presented the resolution.

Public Comment:

Jan Brisco, Tahoe Lake Front Homeowner's Association, stated that TRPA needs to be a beacon to the public and needs to send a message to the public that TRPA does take this seriously.

Michael Donahoe, Sierra Club, stated that it is a top priority with them and they have hired someone to assist them in working on the fire issue in the Basin.

Rochele Nason, League to Save Lake Tahoe, stated that they are deeply concerned about this issue and urged the Board to consider their appropriate role and how best they can help move this forward in particular on private lands under the Board's regulatory control.

Board Member Coe Swobe moved to continue this discussion to the July meeting and to work with the Nuts and Bolts Committee.

Motion carried unanimously.

X. PUBLIC HEARINGS

A. Approval of the South Y Tahoe Valley Preliminary Community Plan

Staff member John Hitchcock presented the preliminary South Y Tahoe Valley Community Plan.

Public Comment:

Rochele Nason, League to Save Lake Tahoe, stated there is a lot about this plan that they like and commended staff and the City. A couple of concerns need to be addressed, are the "big box" retail potential and extending coverage incentives to residential projects and single parcels. When permits are issued on parcels, they should be brought up to fire safety standards.

Lisa O'Daly, City of South Lake Tahoe, stated that the City Council has adopted the preliminary plan and it has also been heard by the City's Planning Commission and TRPA Advisory Planning Commission and their comments taken into account.

Michael Donahoe, Sierra Club, stated that he appreciates the work that has been done on the plan and also supports keeping the "big box" retail approach out of the plan. He would like to also see the U.S. Forest Service visitor center in this location.

Rochele Nason, League to Save Lake Tahoe, stated that as part of Pathway 2007 she suggests that the Agency examine a Basin-wide mechanism to create a parcel fee and the funding should go to fire risk reduction.

Ms. Bresnick moved to approve the Preliminary plan with the understanding that a fire safe element be incorporated into the plan.

Motion carried.

Mr. Upton abstained.

B. Amendments to the TRPA Code, Specifically Section 4.3 (List of Qualified Exempt Activities), Chapter 4, Appendix A. (Projects and Matters to be Approved by Governing Board and Hearings Officer), Section 7.2 (General Standards), and Section 52.2 (Definitions)

Staff member Lyn Barnett presented the amendments to the TRPA Code that pertains to Hearings Officer and Governing Board approvals.

Public Comment:

Jan Brisco, Tahoe Lake Front Homeowner's Association, stated that they support these amendments to the Rules of Procedure.

Mr. Maurer moved to approve the findings with amendments to Section 52.2B/C and Exhibit 4.3A clarifying the "cost of materials only". Also add language that EIS's certified before this date, could be brought to the Governing Board by the Executive

Director.

Motion carried unanimously.

Mr. Maurer moved to adopt the ordinance with amendments.

Motion carried unanimously.

C. Amendment of Rules of Procedure, Article VI, to Amend Section 6.10 (b),
Acceptance of an Environmental Document Submitted by the Applicant

Staff member Jordan Kahn presented the amendment of Rules of Procedure, Article VI regarding Environmental Document submittal.

Public Comment:

Jan Brisco, Tahoe Lake Front Homeowner's Association, stated that she is concerned about TRPA choosing the consultants. They prefer to have language that protects both the applicant and TRPA.

Michael Donahoe, Sierra Club, stated that there is perception of bias locally, and that people believe TRPA is the rich people's agency. He thinks a direction that moves away from that perception and allows TRPA control of who are the consultants, would assist conflicts of interest and help the perception and overall sense of fairness in the Basin.

Mr. Upton moved to approve the amendment as recommended with a change in 6.10 Subsection B that would read "TRPA may accept an EA submitted by the applicant" and remove the words "at the discretion of the Executive Director".

Motion carried unanimously.

XI. PLANNING MATTERS

A. Discussion Regarding Expansion of Memoranda of Understanding (MOU)
With Local Jurisdictions for Permitting of Residential Projects, Five Units or
Greater

Staff member Peter Elchar presented the discussion of expanding the MOU with local jurisdictions.

No Public Comment

Mr. Upton moved to direct staff to send a letter to each local jurisdiction inviting them to accept an expanded delegation of authority regarding residential project permitting beyond current limitations, consistent with the Regional Plan.

Motion carried unanimously.

XII. ADMINISTRATIVE MATTERS

A. Closed Session for Executive Director's Performance Review

Mr. Swobe moved to continue this item until the July Governing Board Meeting.

Motion carried unanimously.

XIII. COMMITTEE REPORTS

A. Operations Committee – no other reports

B. Legal Committee – no other reports

C. Public Outreach/Communications – no other reports

Chairman Smith recessed the meeting until tomorrow, June 23, 2005 at 10:00 a.m. at the Thunderbird Lodge.

Governing Board Meeting, June 22, 2005 and June 23, 2005 continued.

Chairman Smith called the Governing Board meeting to order at 10:00 a.m. at the Thunderbird Lodge.

XIV. RETREAT

A. Discussion of Building Board/Staff Relationships

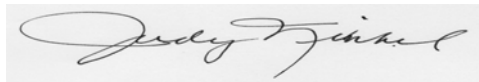
B. Discussion of Performance Goals for the Executive Director for FY05/06

C. Discussion of Roles and Responsibilities of the Governing Board

XV. ADJOURNMENT

Vice Chairman Motamedi adjourned the meeting at 5:00 p.m. on June 23, 2005.

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.