

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

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

March 28, 2007

REGULAR MEETING MINUTES-REVISED

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

Governing Board Chair Ms. Motamedi called the meeting to order at 9:40 a.m.

Members Present:

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

Ms. Santiago left the meeting at 3:15 p.m.

- III. PUBLIC INTEREST COMMENTS

Art George, Washoe Nation, thanked the APC for allowing him to sit on the TTC Board at their last meeting because the Tribe wasn't present. The Washoe has a lot to say about all the things going on in their homelands. He feels that a lot of wrongs were done to the Washoe people and their lands and they want to make sure all things stay in balance. He feels that there should be a Washoe voice on TRPA's Board.

Renee Smokey, Washoe Nation, she wants everyone to think about the future. She encourages everyone to come to these meetings and speak and to empower the Board.

Jim Hildinger stated that for 34 years the Tahoe Regional Planning Agency has never yet said no to a project that came in front of them. Something is wrong. For 34 years TRPA has given away the environment at Lake Tahoe with a condo that blocks the view or an airport that is willing to cut down the entire forest to get some golfers to their tee time on time without even a slap on the wrist for it. When are you going to start to protect and preserve Lake Tahoe? Start protecting Lake Tahoe with some hard decisions and that making money is not as important as saving this national treasure for future generations.

Mike Hawkins stated he is concerned with the continued erosion of the environmental quality of Lake Tahoe and the Basin. The need to prevent this

degradation is the reason that TRPA was created. Before TRPA existed, the local government agencies were permitted all sorts of development without any environmental restrictions. In his opinion, the stewardship of TRPA up to now has not resulted in any significant improvement over that previously provided by local agencies. This has not been due to any lack of authority provided by TRPA's Compact, but a lack of willingness to comply with the intent and mandate of the Compact and in particular to consider economic benefits to be of equal or greater importance than the preservation, restoration and enhancement of the unique and natural human environment.

Rochelle Nason stated that she emailed to the Board a copy of an article from the High Country News about the discovery of the Quaga Mussels in Lake Mead and she urges the Board to read it and if you would like to get a hard copy, please let her know. She feels that there may need to be preventive measures put in place to make sure these do not get into the lake.

IV. APPROVAL OF AGENDA

Mr. Galloway moved approval with moving the Governing Board Members Reports after the agenda.
Motion carried unanimously.

XII. GOVERNING BOARD MEMBER REPORTS (*moved up on the agenda*)

Mr. Galloway stated that he thinks it is easy enough to stand up and say TRPA has not protected anything, but the public doesn't see sitting in their homes or reading the newspapers how many things never get to this Board. There is a perception that this Board is supposed to decide every project and there are codes and policies that have been protecting this lake and there are things that never get to this table and they never get to a project review. You can't for instance subdivide lots in this Basin. So there are protections in place on coverage, building standards, etc. The Basin is far better off today then it would have been if TRPA had not existed. The people that manage to weave their way through the tangled web of all of this and then sometimes when some people disagree with one decision, TRPA gets accused that it's not an effective agency. He represents the interest of Washoe County and it's an environment interest, not just economic interest and its human interest not just economic interest. He believes that the only way any economics is figured into these decisions is as one of many considerations. It isn't the Board's job to kill the economy, but it is our job to do good land use planning and good environmental protection with doing the least damage we can to the human condition and population of the Basin; and also recreational, scenic and cultural opportunities for those who live outside the Basin. He thinks that the Agency has done a good job at walking the tight rope. There are always people that want us to do something a little differently. He is offended by the broad brush condemnation he heard this morning.

Mr. Biaggi reminded the Nevada TRPA Board members that they will be holding a meeting on the afternoon of April 11, 2007 in order to address some gaming space and it's important that the Nevada members be there.

Mr. Swobe stated that last March this Board voted for the 60-day rule to apply to consideration of the Shorezone ordinance. The rule mandated that there be a 60-

day review period between the final release of the ordinance and the final public hearing, debate and consideration by the Board. His recollection is the release was in November of last year and a public hearing was held on January 31st of this year. However, since the ordinance was released to the present time, it has been amended and changed so much and so often that few members of the Board, let alone the general public, have complete knowledge of exactly what is now contained in the ordinance. TRPA staff has stated on several occasions that there will be a complete "amended" or "red line" version released which will contain all the changes, deletions and additions to the ordinance for consideration by the members of the Governing Body and the general public. However, to this date the 60-day rule, passed last year has not been repealed by this Board, and in his opinion, the yet to be released "amended" or "red line" version constitutes a new release of the shoreline ordinance as contemplated by the 60-day rule when it was adopted. Therefore, he requests the Board members and the general public review the purpose and intent of the 60-day rule, in light of the numerous and often made changes to the November version of the Shorezone ordinance to determine if his request to restart the 60-day rule to the new "amended" or "red line" version is fair and reasonable to the public and the right thing to do. Also, he believes the TRPA has a serious credibility problem in that many residents in and out of the Tahoe Basin perceive that the TRPA favors big corporations and wealthy individuals. He believes that we can counter that perception by inviting and encouraging the general public to become part of the development and finalization of the Shorezone ordinance. The average boat owner, buoy owner and Shorezone homeowner are mostly here at Lake Tahoe in the summer time. They are the ones who will be mostly affected by the ordinance. Further, most of the users of boats, buoys and Shorezone residents cannot conveniently or economically attend meetings at Lake Tahoe concerning summer uses scheduled in the middle of winter. I believe we should schedule public hearings when it is most convenient and timely for the using public to participate. The input and contribution from the boat owners buoy owners and homeowners should be one of our highest priorities. After all, the provisions of the ordinance will affect them the most. There, he intends to ask the Board to set and well notice convenient hearings at Lake Tahoe this summer either in July or August and invite and encourage the general public to participate to help counter the perception that the TRPA favors big corporations and the wealthy. He hopes that other Board members will agree that one or more public meetings should be held this summer on the Shorezone prior to the Board's debate and consideration. As he stated when the Board voted last March on the 60-day rule, "people need to feel part of the process" and the process has to be open and fully and adequately noticed.

Mr. Weber stated that simply doing nothing is not an option as there are blighted areas around the lake that have been developed in urban areas that need to be fixed with a smaller environmental footprint. If anyone thinks that today's business person in this Basin thinks they can or wants to do business the old way or any way which is other than with a total respect for the environment and understanding that the environment is the economy and the economy is the environment, is living in the past and really needs to start attending some of the Chamber meetings where they have a strong initiative themselves as well. He believes that we have more in common than we have that divides us and if we work together we will have a better solution for the next several generations.

Ms. Bresnick stated that she thinks that all on the Board and the public want to be good stewards of the lake and there are different approaches to it and she doesn't take offense with people's comments. People coming out and reminding us of what we need to do, is okay. The Board makes difficult decisions and there are lots of factors, but she certainly wouldn't want people to walk away and think that they are not welcome to come and voice their opinions and remind us of the decisions that we make and the effect on the lake and the people who live here. We need to work together with mutual respect and understanding to try and reach decisions that are going to foster the people who live here as well as preserving the environment and this treasure that we have here.

V. APPROVAL OF MINUTES

Ms. Aldean moved approval with amendments.
Motion carried.
Ms. Bresnick, Ms. Thomas and Mr. Kranz abstained.

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

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

The following Consent Calendar items were approved:

1. Acceptance of February 2007 Monthly Financial Statement
2. APC Membership Appointments of Jepson, Riley, Upton
3. Approval of 2006 Regional Transportation Improvement Program (RTIP) Amendment #1

VII. ADMINISTRATIVE MATTERS

- A. Reconsideration of Governing Board's Denial of Alternative 4A for the Heavenly Mountain Resort North Bowl Ski Lift (Lift S) and North Bowl Ski Trails (S8, S9, and S10) Project

Ms. Bresnick stated that at the Legal Committee, three organizations that had filed a challenge to the decision on Heavenly spoke and she was one of the motion makers for reconsideration. As an accommodation to the public and the people who have requested a rehearing of the Heavenly matter and with the representative from Heavenly stating that they would not object to whatever process TRPA wanted to take in this matter, she will like to make an alternate motion to rehear the entire Heavenly Mountain Resort matter at the April, 2007 Board meeting in place of the motion for reconsideration with the understanding that if the motion for the rehearing does not pass, then they would consider the motion for reconsideration.

Mr. Waldie as a partner to the reconsideration concurs with Ms. Bresnick.

Mr. Santiago stated she would also support Ms. Bresnick's motion.

Agency General Counsel Joanne Marchetta stated the ninth circuit court of appeals decision in 1984 and the ruling in that case was that TRPA was subject to the Nevada open meeting law. TRPA has interpreted the Compact at least since that 1984 opinion to mean that TRPA is generally subject to the Nevada open session law. Nevertheless, as Ms. Bresnick pointed out, opponents of TRPA have issued a notice letter as of last week expressing a clear intent to file suit against TRPA questioning what procedural law should apply to this body. She doesn't believe that they have raised a winning legal claim and today she will make no recommendations or representations to this Board or admissions or conclusions or provide any analysis at this time on the issues of law that were raised in that letter. TRPA has received the letter as of last Thursday and legal staff is considering its points. If there is need to re-look at how the law has developed, she will advise the Board subsequently on that issue. As TRPA's Counsel the Board knows her as a pragmatist and these types of issues of law where there is fundamental disagreement on two sides of an issue can regularly take years of litigation to resolve and in this instance where litigation on this issue is a near certainty by virtue of having delivered the notice of intent to litigate, this motion is being made in the interests of avoiding delay and saving expense and limiting the available claims in the litigation when it occurs. She is recommending that the Governing Board make this motion as an accommodation without any prejudice to future legal positions that TRPA may take in litigation or may take as an agency. She understands that Ms. Brunswick's motion is being made as an accommodation to the public concerns that have been raised over the last several weeks over the removal of large trees in the North Bowl. As well as the applicants sentiment to follow the will of the Board in terms of what procedure this Board thinks is best to follow in this instance. She is recommending to the Board that this motion be adopted, but subject to your vote.

Mr. Galloway asked that Heavenly Mountain Resort make a statement that if the Board does this that we would not end up in litigation initiated by Heavenly for taking away something that they left the last month's meeting thinking they had a permit and approval for their various action items.

Mr. Carrig, Chief Operating Officer for Heavenly Resort, stated that they presented a letter today to Chair Ms. Motamedi and Executive Director Mr. Singlaub stating their position, which is that they understand that the Board has a challenge regarding the February 28, 2007 meeting. Their position is that they will support whatever decision the Board makes.

Ms. Aldean stated that she is struggling with this a little bit and we have had three members of this Board which she respects tremendously, requesting reconsideration. One of those members with the concurrence of the other two have now requested that this be reheard and she is prepared to support the motion providing that next month she would hope that the testimony for next month can be consolidated and those with concerns about the project or support the project, provide the Board with your opinions in writing so they can be reviewed and digested, so everyone can be spared another 8 hour ordeal.

Mr. Yount stated that he is in full support of the motion even though he does not have a vote.

Ms. McDermid stated she will support it because she will not be at the April meeting. However, she has saved all of the Heavenly documents that were submitted, plus all of her notes from last months' meeting and she will pass those along to her alternate for next month's meeting.

Motion carried.

Mr. Weber voted no.

B. Governing Board Assignments to Local Government Committee

Mr. Singlaub stated that TRPA would like to convene the Local Government Committee to address the Socio-economic issues that have been raised and to provide input into the Regional Plan and to consider the creation of an alternate entity in addressing this. They would look to the Local Government Committee to set a meeting date that would be convenient for members. Some of the issues to be looked at would be housing, perhaps green building, a combined redevelopment and to be the keeper of the Socio-economic indicators that have been proposed in the regional planning process.

Staff member Neil Crescenti stated that the proposed action is for the Governing Board to assign responsibility to local government committee to further discuss and review and form policy recommendations pertaining to the Pathway Socio-economic program. TRPA would facilitate those discussions and the discussions would focus on the development of a framework for indicators and monitoring, as well as, a collaborative process for discussion and decision making on Socio-economic issues.

Ms. Aldean stated that before these recommendations go before the agency that they get confirmation from the local jurisdictions and they would feel more comfortable for the representatives to make a presentation to their own Boards and get their endorsement before they make a recommendation to the agency that is potentially binding.

Mr. Galloway is reluctant to use the Local Government Committee for this purpose because they are not charged with advising any of the local governments. It is charged with advising TRPA. The local government committee took on some issues because they involved policies that affected populations, for example the vacation rental issue and workforce housing which is keeping within the role of the agency. These social economic things are just one of many considerations that they must take into account when we make decisions that regulate environmental and development issues. He also suggested that Mr. Crescenti should not be presented as the Socio-economic Program Manager when presenting him to the local government Boards, as their Board will say, we do that, not TRPA.

Ms. Santiago stated that she sees this as a planning process only to decide what they want to recommend to their Boards.

Mr. Weber sees this group as a safety net to make sure the local governments get what they want in the Pathway process as well as try to live up to the triple bottom line.

Ms. Aldean suggested that they meet to make some sort of proposal to take back to their jurisdictions and Boards so we can make a presentation so they understand what our proposal and recommendation is and right now we have nothing that is concrete.

Staff member Neil Crescenti will contact the Board members to reschedule this meeting so the members can decide what they want to do and whether they will continue to meet on a regular basis.

Ms. McDermid moved to have one meeting of the Local Government Committee at a time to be determined and noticed appropriately for the purposes of scoping.

No Public Comment

Motion carried unanimously.

Adjourn as the TRPA and convene as the TMPO and Terri Marceron, U. S. Forest Service joined the Board.

VIII. TAHOE METROPOLITIAN PLANNING ORGANIZATION

A. Resolution Adopting the Tahoe Transportation Commission Membership

Staff Member Nick Haven presented the resolution for adopting the membership of the Tahoe Transportation Commission.

Public Comment:

Max Kalama, Planner for Washoe Tribe, stated that membership on the future Tahoe Transportation Commission might want to contemplate the permanent membership of the Washoe Tribe not as an At Large Member. They would like to have representation on the Governing Board also.

Staff Member Nick Haven stated there is a permanent seat for the Washoe Tribe and they have been on the transportation Commission since its inception in 1999.

Ms. McDermid moved approval of the resolution.

Motion carried unanimously.

Adjourn as the TMPO and convene as the TRPA and Terri Marceron, U.S. Forest Service left the Board.

IX. PLANNING MATTERS

A. Resolution Adopting the Tahoe Transportation Commission Membership

Ms. Aldean moved approval of the resolution.

Public Comment:

Renee Smokey asked if is anyone from the environmental research and science profession on the Tahoe Transportation Commission.

Staff member Nick Haven stated no.

Motion carried unanimously.

B. Pathway 2007 Schedule and Budget Update

Staff member John Hitchcock presented an updated Pathway schedule and budget.

No action item.

X. PUBLIC HEARINGS

A. Apportionment of 50,000 Square Feet of Commercial Floor Area Pursuant to Subsection 33.3.D (1) (c) of the TRPA Code of Ordinances

Staff member Peter Eichar presented the proposed apportionment of 50,000 square feet of commercial floor area.

No Public Comment.

Ms. Aldean moved approval of the findings with no significant affect.
Motion carried unanimously.

Ms. Santiago moved adoption of the resolution.
Motion carried unanimously.

XI. PROJECTS

A. Villas at Harbor side (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, 28d 029, File No. 20050823

Staff member Theresa Avance presented the proposed project and relocation and change in use of the five hotel/motel TAUs to timeshare TAUs.

Randy Faccinto, representing the applicant, presented additional mitigations that are included in the new proposed project and addressed the original issues that were previously raised.

Gordon Shaw, Principal Engineer, LSC Transportation Consultants, stated TRPA standard for timeshares requires 10.1 trips per day. It is higher than the rate for hotels and it's equal to the rate that's used for a single family home that is permanently occupied. The 10.1 trips per day are on the high side then if it were a recreational use. We used this standard to comply with the TRPA Code and be conservative.

Greg Motion, Gary Davis Group, stated that they evaluated the feasibility of maneuvering in and out of the proposed parking spaces and concluded that this

was very viable and utilizes national standards. There will also be snow melting systems in place to melt the snow to further avoid any parking problems.

Bret Trams, Landscape Architect and Scenic Consultant, stated the proposal will screen the boat racks from the lake and the highway and will significantly reduce the visual impacts.

Samantha Topol stated that the project that is being considered today is a result of a lifetime worth of work from her father. Their entire family calls Lake Tahoe their home and they are deeply invested in not losing the magic of the area.

Board members Ms. Bresnick, Ms. Motamedi, Ms. McDermid, Mr. Yount, Mr. Swobe, Mr. Kranz, Mr. Merrill, Mr. Waldie, Mr. Galloway, Ms. Thomas, Mr. Ruthe, Ms. Aldean disclosed they had met with either/or the applicant and opponents of the project.

Public Comment:

Ron Grosse, retired attorney, stated he read and reviewed the 1995 Settlement Agreement and feels that it says that Homewood will submit to TRPA an application to subdivide existing structures currently existing on its properties and hereafter application into a single family residential, commercial subdivision. There is not one mention of timeshares. This agreement limits Mr. Topol to what was drafted and what he signed which is single family residences based on this agreement and for him to abide by the original agreement.

John Colette, retired attorney, stated he read and reviewed the 1995 Settlement Agreement and feels that it allows for both the possibility of a single family residential development or a commercial development that is specifically referred to in the agreement as Homewood will submit an application to subdivide existing structures currently existing on its property into a single family residential/commercial subdivision. The inclusion of the residential/commercial would allow all commercial uses described under TRPA's ordinances which includes a timeshare use.

Susan Gearhart does not support the project.

Michael Jokes supports the project.

John Friedrich does not support the project.

Renee Smokey stated that her grandfathers built the road that goes from South Shore all the way past Homewood.

Steve Buorna, Senior Planner, Placer County, stated that with regards to parking requirements. They have determined that they will be using the requirements of two parking spaces per unit.

Joe Critchfield and Michael Raftery support the project.

Mike Hawkins does not support the project.

Carol Gray does not support the project.

Steve Tomei, representing the Homewood Homeowners Association, stated they do not support the project.

Paul Neiberg supports the project.

Mike Johnson, attorney for Hugh Harris, supports the project.

Judy Tournes does not support the project.

Ed Miller supports the project.

Benjamin Pignatelli, League to Save Lake Tahoe, does not support the project.

Laura Lyon supports the project.

Duane Taylor supports the project.

David Powell does not support the project.

Ron Parson supports the project.

Laurie Kress does not support the project.

Dan Higgins does not support the project.

Bob Mortensen supports the project.

David Bardelli supports the project.

Ted Grabetus does not support the project.

Rob Weston supports the project.

David Antinucchi stated that the marina is not in violation of storm water pollution. Lahontan has revised all the waste discharge permits for all the marinas in the Tahoe Basin and has put them on a time schedule to prepare a compliance plan to upgrade their compliance.

Jennifer Quashnick, Sierra Club, does not support the project.

Bruce Olsen supports the project.

Lollie Quebeck supports the project.

Michael Donahoe, Sierra Club, does not support the project.

Kay Williams supports the project.

Further Board discussion was held.

The applicant requested the ability to work with staff and the Board to discuss the potential reduction in density.

Role was taken for a straw vote to approve the reduction in number of units.

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Ms. Thomas, Mr. Ruthe, Ms. McDermid, Mr. Swobe, Mr. Merrill, Ms. Motamedi, Mr. Weber voted yes.

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

Ms. Santiago was absent.
Motion failed.

Mr. Biaggi moved to continue the project.

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Ms. Thomas, Mr. Ruthe, Ms. McDermid, Mr. Swobe, Ms. Bresnick, Mr. Kranz, Mr. Merrill, Ms. Motamedi, Mr. Waldie, Mr. Weber voted yes.

Ms. Santiago was absent.
Motion carried.

- B. Heavenly Mountain Resort, North Bowl Ski Lift (Lift S) and North Bowl Ski Trails (S8, S9, and S10), Assessor's Parcel Number 1319-30-301-002, TRPA File Number 20050411 (***to be acted upon only if reconsideration is approved – Agenda item VII.A.***)

XIII. REPORTS

A. Executive Director Status Report

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

Executive Director John Singlaub gave the Executive Director's status report.

B. Legal Status Report

General Agency Counsel Joanne Marchetta stated that she has received a letter from the City of South Lake Tahoe indicating that the City was interested in engaging in settlement discussions with TRPA concerning the tree removal violation at the airport. She appreciates the opportunity to sit down with the City of South Lake Tahoe before bringing this matter to a hearing in front of the Board.

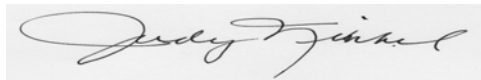
XIV. COMMITTEE REPORTS

A. Legal Committee – no report

XV. ADJOURNMENT

Governing Board Chair Ms. Motamedi adjourned the meeting at 8:55 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 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.