

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

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

September 26, 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

Absent: Mr. Yount

Mr. Galloway arrived at 10:00 a.m.

Ms. Motamedi left the meeting at 4:15 p.m.

Mr. Ruthe left the meeting at 5:00 p.m.

Mr. Kranz left the meeting at 5:00 p.m.

PUBLIC INTEREST COMMENTS

Rochelle Nason, Executive Director of the League to Save Lake Tahoe, stated that they urge the Board members to join the League for the 10th Annual Tahoe Forest Stewardship Day. She also stated that there's a rumor circulating that the League to Save Lake Tahoe has opposed funding for the Tahoe Regional Planning Agency. She explained the history of their support for the EIP and for many years they have been a very strong advocate of funding for the EIP. They are very proud to have played that role. The League has been questioning the use of funds, for purposes that do not achieve the EIP, but have other issues or problems with them, that could set the way for potential waste. Two things they feel are very important are: 1) that Federal dollars spent at Lake Tahoe, not be wasted; and 2) Federal investments at Lake Tahoe need to legitimately serve the national interest and need to leverage State and local investments and not simply replace State and local support.

Michael Donahoe, Tahoe Area Sierra Club, stated that when the fire Commission was appointed, he was delighted that we had an ally to make our communities more fire safe. The Sierra Club sponsored the legislation in California that got the

defensible space rules changed from 30' to 100' and have asked Nevada's Governor Gibbons to do the same. They do not think there is a conflict between good lake stewardship and good fire protection. There are those who would weaken TRPA and they think that would be a grave mistake. They hope the Board will resist any kind of attempt to weaken their role in the Basin.

David Polivy, Kings Beach resident and Supervisor Kranz's appointed representative on the North Tahoe Regional Advisory Council, stated that when the Kings Beach Commercial Core Improvement Project comes to the Board that they believe that the Board should support the 3-lane alternative, as 2/3 of the community support this alternative.

David McClure, local resident, stated that it is not true that 2/3 of the community supports the 3-lane alternative but rather, they support the 4-lane alternative.

Gail High, local resident, stated that she supports the 4-lane approach.

Andrew Ryan, Kings Beach resident and business owner, stated that he supports the 3-Lane alternative, because this alternative will help the lake.

IV. APPROVAL OF AGENDA

Agency Counsel, Joanne Marchetta stated that a request was made to pull Consent Calendar Item No. 4 for further discussion.

Mr. Biaggi moved approval.

Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Aldean moved approval with amendments.

Motion carried unanimously.

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

Mr. Waldie stated that the Legal Committee unanimously recommended approval of Consent Calendar Item Numbers 4 and 5.

Mr. Merrill stated that the Operations Committee unanimously recommended approval of Consent Calendar Item Number 1, 2, 6, 7 and 8. Item Number 7 has an added condition placed on the release that has been handed out to the Board, which the Operations Committee approved.

Ms. McDermid moved approval of the Consent Calendar with the removal of Item Number 4 for additional discussion.

Motion carried unanimously.

Agency Counsel, Joanne Marchetta, along with staff member Brian Judge presented the proposed settlement agreement and proposed project.

Ms. Aldean stated that any misgivings that the members of the Legal Committee may have had about this proposed project has been put to rest.

Public Comment:

Gil Gaus stated that he does not support the project and the majority of the adjacent homeowners do not support this plan.

Jeffrey Laurer doesn't support the project

Chris Dale doesn't support the project.

Sue Daniels, represents a buyer for two of the parcels on this property, and as a Director for the North Tahoe Public Utility District, stated that they have tried to address concerns of the other property owners that was presented today. The fire department has asked that the road be widened which helps the neighbors concerns. The NTPUD is concerned with water pressure, fire safety and now with the development of the other four properties, we have applied for easement rights to connect to the Beaver Street Loop which will be better protected from fire and also increase water flow to all the homes on this street.

Richard Reeder doesn't support the project.

Craig Pridgen, attorney, stated that Mr. Bertagnolli has worked hard to take into account the concerns of the other property owners. The problems are being remedied by widening and straightening the road, so that the fire department has better access to the properties for emergencies and fighting fires.

Dave Ruben, Fire Marshall for North Tahoe Fire District, stated that this project meets the minimum that they find acceptable to allow the project to go through. The project also provides a benefit to the other property owners and better Addresses emergency needs.

Board Comment:

Ms. Motamedi stated that she met with the applicant and walked the property. She feels that the improvements are going to be good for the property owners. This will assist the emergency vehicles with improved access and thanked the applicant for working through these tough issues.

After considerable Board discussion, Mr. Galloway moved approval of the findings set forth and a finding of no significant environmental effect, subject to the approval of the Settlement Agreement by the Court.

Motion carried unanimously.

Mr. Galloway moved approval of the project subject to the conditions contained in

the Draft TRPA Park Lane ROW Improvement Permit, subject to the approval of the Settlement Agreement by the Court.

Motion carried unanimously.

Mr. Galloway moved to approve the proposed Settlement Agreement.

Motion carried unanimously.

The following Consent Calendar items were approved/accepted:

1. Acceptance of June 2007 and July 2007 Monthly Financial Statements
2. Acceptance of August 2007 Monthly Financial Statement
3. North Tahoe Community Church, Building Replacement and Parking Expansion at 300 Country Club Drive, Washoe County, Nevada, APN 130-050-01, TRPA File Number ERSP2007-0174
4. Bertagnolli v. TRPA (Case No. 2:06-CV-02295-MCE-KLM (USD Ct. for E.D.CA)) Litigation Settlement and associated Park Lane Right-of-Way Improvement Project, APN 090-212-039, TRPA File No. ERSP2007-0359(**this item was approved after staff presentation and Board Member discussion**)
5. Resolution of Enforcement Action, Dan Achondo and John Evans, Unauthorized Grading and Unauthorized Construction of a Road on Nevada State Lands, 180 Lakeview, Washoe County, Crystal Bay, Nevada, APN No. 123-071-27
6. Resolution Allocating \$682,579 in FY 2007-2008 Local Transportation Funds (LTF) to Placer County for Operational Assistance of the Tahoe Area Regional Transit (TART) system
7. Release of \$846,829.08 in Water Quality Funds to the City of South Lake Tahoe
8. Release of \$780,000 in Water Quality Mitigation Funds and \$393,240 in Air Quality Mitigation Funds to Placer County
9. APC Membership Appointment of Steve Teshara as an Alternate for Ron McIntyre

VII. GOVERNING BOARD MEMBER REPORTS

Ms. Motamedi gave an update on the California/Nevada Fire Commission meeting. Ms. Motamedi stated that she appreciates Supervisor's Kranz's letter. She had been meeting with fire district chiefs prior to the Washoe Fire. She thinks that the partnerships are great. We need to do the same thing for Washoe fire homeowners that lost homes as we did for the Angora fire homeowners by waiving permit fees and fast tracking the application process. Another issue we need to address is with small local private water purveyors around the lake. These small purveyors need to be able to show that they can produce adequate water pressure to accommodate the fire demands and needs around the basin. We should grant stronger MOU's to the local fire districts who can see to enforcement. They need to include the coverage exemption for emergency vehicle right of way and turn around areas.

A final report will be issued to the Governors of each State no later than March, 2008.

Mr. Kranz stated that he hosted a meeting with Senator Cox, the Bear League and some homeowners' associations that have been impacted by the bear issues. They also have talked with Fish & Wildlife and County officials to discuss how this issue can be resolved so they don't have to kill bears. They will be looking at some of their ordinances that will make food less available to the bears. Fish & Wildlife is willing to give them advice on what has been successful in other areas.

Mr. Merrill stated that he has been very frustrated with the inability to adopt a Shorezone Ordinance. This failure continues to have several consequences that are environmentally damaging.

VIII. REPORTS

A. Executive Director Status Report

1. Monthly Status Reports on Permit Processing
2. Regional Plan Update
3. Forest Fuels Management Update
4. Agency Work Program Priorities for September

Executive Director Singlaub gave the Executive Directors' report. Executive Director Singlaub asked Mr. Swobe to update the Board on the first Catastrophic Wildfire Prevention Committee meeting.

Mr. Swobe stated that they had elections and he was elected Chairman and Mr. Kranz was elected Vice-Chairman. They discussed the priorities of the committee and the first meeting was focused on defensible space. They also set the dates for future committee meetings, which will be held the first Monday of each month. The Basin Fire Chiefs discussed their 9-point letter and California Statute 4291, as well as the BMP information. Mr. Galloway moved to expand the Technical Advisory Committee, which will include a representative from each County, and a representative from the Fire Districts.

B. Legal Division Status Report

Agency Legal Counsel, Joanne Marchetta gave an update on Defendants' pending motions to dismiss pending litigation regarding McNeil vs. TRPA, and stated that oral arguments are scheduled for October 4th in Reno, Nevada.

IX. ADMINISTRATIVE MATTERS

A. Discussion and Direction to TRPA staff on Forest Fuels Management Activities on Forest Service Lands

Executive Director John Singlaub stated that this agenda item was brought forward to the Board at the request of the Agenda Review Group. The original MOU TRPA-USFS was last updated in 1989 and covers all activities on Forest Service land in the

Basin. With post Angora Fire, one of the obstacles to doing fuels treatments on Forest Service and other lands are regulations that are required by TRPA and our desire to remove those obstacles which will improve implementing forest fuels' treatments on Forest Service lands. We are currently in discussions with the Forest Service to change the Memorandum of Understanding, but because there are a range of issues involved, we felt it might be prudent to pull out those related to forest fuels and do a separate MOU.

Terri Marceron, U. S. Forest Service Tahoe Basin Management Unit, stated that she appreciates the Board's input and supports the concept. She will have their legal counsel review the proposed MOU when it has been received, to review the language which has not been presented today.

Public Comment:

Michael Donahoe, Tahoe Area Sierra Club, stated that the intention is to expedite fuels management and fuels reduction and appreciates this. They have some comments that they feel may be helpful, as there are problems with the current language.

Jennifer Quashnick, Sierra Forest Legacy, supports the letter of comments that the Sierra Club handed out.

Ms. Santiago stated that what the Board is voting on now is to formulize an existing policy statement that we currently have. The perception is that TRPA is getting in the way and what we are doing is supporting the existing policy statement and recognizing the fact that there are newer restrictions or things that the USFS has to comply with in Section 208, as well as their own forest plan and the Basin plan. So this is just formulizing an existing policy statement.

Mr. Weber stated that he supports the staff recommendation and he sees this Board giving the Executive Director clear direction to say whatever the perception is, real or imagined, that we work with the Forest Service and expedite the forest fuel reduction program on US Forest Service lands and then our staff can focus on Shorezone and some of the other EIP projects that we are dealing with.

Ms. McDermid thanked staff for expediting this as this was the direction that the Board gave in terms of working with the Forest Service and she would encourage anything that we can do to foster doing things concurrently and that is the way to move forward and she fully supports this action.

Ms. Santiago moved approval to formulize the existing policy statement in the TRPA MOU with the U. S. Forest Service.

Motion carried unanimously.

X. PLANNING MATTERS

A. Aquatic Invasive Species Presentation

Staff member Steve Chilton introduced Phil Caterino, Tahoe Divers Conservancy,

Jenny Francis, Tahoe Resource Conservation District, Damien Higgins, U. S. Fish & Wildlife Service and Tricia York, California Tahoe Conservancy who gave a presentation on Aquatic Invasive Species and what the agencies are doing to eradicate what is currently in the lake and what they are doing to prevent further infestation.

No action item.

B. Report on the Proposed Lake Tahoe Management System

Staff member Shane Romsos introduced Jeremy Sokulsky, Environmental Incentives, who presented the Lake Tahoe Management System and how it will work.

No action item.

XI. PUBLIC HEARINGS

A. Resolution Issuing the 2006 Threshold Evaluation Report and Adopting the Amended Compliance Forms (Targets, Indicators, Compliance Measures, Attainment Schedules and Related Items) Pursuant to Chapter 32 of the Code of Ordinances

Staff member Ted Thayer presented the 2006 Threshold Evaluation Report and resolution adopting the amended compliance forms.

Public Comment:

Jennifer Quashnick, representing the conservation community collectively, stated they have raised several concerns regarding statements in the draft evaluation report and the associated compliance forms. This report will play a role in guiding future actions that the Board will consider. They ask for two modifications to this item. The first is there remains significant opposition and concern about many factors in the evaluation report and with the compliance forms that have not been addressed. The second pertains to the compliance forms themselves, as they are concerned with proposed amendments to compliance forms that appear to conclude that specific future threshold modifications or deletions will be taken. Any such actions and associated alternatives have yet to be analyzed with an appropriate environment review. They ask that such language be removed in all proposed compliance forms. Instead they propose that it be stated that the potential modifications or alternatives to subject thresholds will be evaluated in future environmental analyses.

Ron Grasse stated that he has reviewed the report from Keep Tahoe Blue/Tahoe Area Sierra Club/Sierra Forest Legacy/UC Davis and the Executive summary of the 2006 Threshold Evaluation and as a neutral person, there seems to be three choices for the Board; that is voting for the proposal, against the proposal or defer the vote. He recommends deferring the vote as some of the scientists are not sure that these are the proper measures for threshold standards.

Agency Counsel Ms. Marchetta stated that she disputes comments from one member of the public who stated that comments on the threshold evaluation report have gone unaddressed. Comments were based on the 130 pages of comments that were reviewed from a consortium of the conservation community and anything that they objected to in their comment letter has been removed from the report. Those comments have been fully addressed by substantial revisions to the document. As to recommendations to remove references to potential future threshold changes in future threshold updates, we have not made any recommendations to remove any thresholds. The recommendation reads that we would review certain thresholds for removal, and that review is completely open ended and doesn't say we will or will not remove it. The process is to consider, contemplate and study these items and there is no final action without this process.

Executive Director Singlaub stated that the report also recommends that we change the VMT and the scenic threshold; but this would be in Phase II. A vote for this is a recommendation to consider those changes in the future.

Ms. Aldean moved approval of the required findings including a finding of no significant effect and adoption of the compliance forms.

Mr. Galloway will vote yes but protests with regard to the vehicle miles traveled and the scenic ratings.

Mr. Weber stated that he is voting yes with the same qualifications as Mr. Galloway.

Mr. Kranz stated that he is voting no because he has a lot of questions and he thinks that some of the comments made by the public are accurate. He is also concerned about the scenic issues. He thinks that if you vote yes for this it means that everything is good and he doesn't believe it is.

Yes Votes: Ms. Aldean, Mr. Biaggi, Mr. Galloway, Ms. Thomas, Ms. Bresnick, Mr. Merrill, Mr. Waldie, Ms. Santiago, Mr. Weber

No Votes: Mr. Ruthe, Mr. Kranz, Mr. Swobe

Motion carried.

Ms. Aldean moved approval of the resolution contained in Attachment B.

Yes Votes: Ms. Aldean, Mr. Biaggi, Mr. Galloway, Ms. Thomas, Ms. Bresnick, Mr. Merrill, Mr. Waldie, Ms. Santiago, Mr. Weber

No Votes: Mr. Ruthe, Mr. Kranz, Mr. Swobe

Motion carried.

- B. Amendment of Chapter 82, Water Quality Mitigation and Amendment of Chapter 93, Traffic and Air Quality Mitigation Program, to Raise the Mitigation Fees to Reflect Increased Cost of Construction

Staff member Rita Whitney-Kelley presented the Chapter 82 amendment for Water Quality Mitigation with amendments to Chapter 93, Traffic and Air Quality Mitigation Program to raise the mitigation fees to reflect increased cost of construction.

No Public Comment.

Ms. Bresnick moved approval of the findings including a finding of no significant effect.

Motion carried unanimously.

Ms. Bresnick moved approval of the proposed ordinance subject to the conditions contained in the draft ordinance.

Motion carried unanimously.

C. Notice of Preparation and Scoping Hearing for the Environmental Impact Statement for the Proposed Update of TRPA's Environmental Thresholds and Regional Plan

Staff members John Hitchcock and Shane Romsos made presentations and requested scoping comments on the EIS for the proposed update of TRPA's Environmental Thresholds and Regional Plan.

Public Comment:

Rochelle Nason, League to Save Lake Tahoe, stated that there are things that they applaud but also things that they disagree with. They will be submitting quite a few scoping comments. The Board should be trying to establish a process that leads to a solid Regional Plan for the next twenty years. They have been voicing concern and opposition about the notion of collapsing a process to decide what standards should be and with a process for deciding how to achieve those standards. These are very different sets of discussions. When the Regional Plan was first adopted, it was recognized that it was very critically important that there be the broadest possible support for the goals of the Regional Plan, that is, for the thresholds. Without broad support for the thresholds, no real future for a plan could be conceived. Keep in mind that was a time that was far more contentious than today. The members of the Governing Board at that time, were able to study the issues, raise their concerns and were able to unanimously approve a set of thresholds. The Regional Plan is a method for achieving a goal. If you are going to establish the goal and the method for achieving it at the same time, you are in effect depriving yourself of any meaningful consideration of alternatives in the goal area. You are going to end up with an up or down vote on something that contains both goals and the way you get to the goals. This is not the way to plan for a twenty year plan for a very significant area. They recommend doing an EIS on threshold changes.

John Falk, Tahoe Sierra Board of Realtors, stated that the issue is how do we approach or get to the next step and actually look at where we want to spend the

next twenty years. He thinks the report does an excellent job of highlighting the critical or core factors, from shifting from the last plan to this plan and that is the shift from a restrictive, cautious no new development approach to a plan that now recognizes that we are nearing build-out and that redevelopment is going to be the order of the day. There is a fundamental shift that needs to occur for this to be a functional plan and that functional plan shift needs to get away from “shall, must, required, shall not” and move more towards shaping the future with incentives. They are excited about the transect concept and they think it is a great move which will help to better focus the land uses in a much more refined and accurate manner. They are also looking for methods that will create a win-win situation for the environment, the economy and our community as well.

Jennifer Merchant, Placer County, stated they believe that what the staff is proposing is definitely a step in the right direction and they are pleased to see the acknowledgement of the place-based planning process and the vision that the community came up with that highlights the need to maintain and improve the natural beauty of the Lake Tahoe Basin and to bring up the level of quality of development in the Basin to the same level as the beauty of the area. They are not certain that this proposal gets us there. We think we have a lot of great discussion on our goals and policies and vision, but on the code side we don't think that the recommendations in this package will put us in that place. When you look at the proposed amendments to the code regarding no new commercial floor area, no new tourist accommodation units, we will find ourselves in the same place that we currently are in.

Patrick Wright, California Tahoe Conservancy, stated that he also wants to applaud the efforts that have taken place over the last two years to develop a new vision for the Basin with a new emphasis on redevelopment, mixed use, affordable housing and transit. Most communities in California are not near the same common vision that we have here. The challenge is, even though you are close on a vision, how to get there.

Michael Donahoe, Tahoe Area Sierra Club, stated that he would like an extension on the comment period to incorporate what we learn tomorrow regarding the TMDL study which is so central to this whole process.

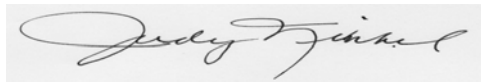
XII. COMMITTEE REPORTS

- A. Legal Committee – no additional report
- B. Operations Committee – no additional report
- C. Public Outreach/Environmental Education – no additional report
- D. Catastrophic Wildfire Prevention Committee – no additional report

XIII. ADJOURNMENT

Governing Board Vice-Chair Mr. Biaggi adjourned the meeting at 7:08 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Judy Nikkel", is centered on a light gray rectangular background.

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.