

TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, April 28, 2010**, commencing at **9:30 a.m. at the TRPA Offices**, 128 Market Street, Stateline, NV, and **Thursday, April 29, 2010 at 9:00 a.m. at the same location**, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on **Wednesday, April 28, 2010**, commencing at **8:00 a.m.**, at TRPA, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Resolution of Enforcement Action, Robert Montoya, Unauthorized Underground Tank Removal and Indirect Discharge to the Waters of Lake Tahoe, 314 Wassou Road, Crystal Bay, NV, Assessor's Parcel Number 123-152-09; (Page 51) 3) Resolution of Enforcement Action, Joe Besson and Peter Eichler, Unauthorized Grading, 2134 The Back Road, Glenbrook, NV, Douglas County, Assessor's Parcel Number 1418-11-110-014; (Page 47) 4) Resolution of Enforcement Action, Cruz Construction Inc., Failure to Install and Maintain Temporary BMPs, Unauthorized Disposal of Construction Materials, Unauthorized Placement of Fill in a Stream Environment Zone, Direct Discharge to the Waters of Lake Tahoe, APN: 1418-11-310-00, Permit No. BMPP2008-0003; (Page 83) 5) Closed Session with Counsel to Discuss Existing and Potential Litigation; 6) Potential Direction Regarding Agenda Item No. 5; 6) Member Comments; (Committee: Chair – Aldean, Vice Chair – Bresnick, Biaggi, Santiago, Miller, Sher)**

NOTICE IS FURTHER GIVEN that on **Wednesday, April 28, 2010**, commencing at **8:30 a.m.**, at TRPA, the **TRPA Operations Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Acceptance of March 2010 Monthly Financial Statement; (Page 1) 3) Release of \$15,000 in Water Quality Mitigation Funds Interest to Washoe County for the Lake Clarity Crediting Program Support Services Project; (Page 55) 4) Transfer of Previously Released Placer County Water Quality Mitigation Funds in the Amount of \$123,715.39 to the Brockway Water Quality Improvement Project; (Page 59) 5) Release of \$80,738 in Water Quality Mitigation Funds to Washoe County for the Hybrid BMP Retrofit of a Primary Roadway Project; (Page 63) 6) Filing Fee Report; 7) Mooring Fee Report; 8) Report on Security Balances; 9) Update on Mitigation Fund Policy Review; 10) Member Comments;(Committee: Chair – Ruthe, Vice Chair – Breternitz, Cashman, Merrill, McDermid)**

NOTICE IS FURTHER GIVEN that on **Wednesday, April 28, 2010**, commencing at **noon.**, at the same location, the TRPA **Public Outreach/Environmental Education Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Communications Update and Public Education Overview; 3) Member Comments (Committee: Chair – Santiago, Vice Chair – Reid, Aldean, Miller, Merrill)**

April 21, 2010

A handwritten signature in blue ink that reads "J. Marchetta". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Joanne S. Marchetta, Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Stateline, Nevada and Tahoe Valley, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village IVGID office and the North Tahoe Chamber of Commerce.

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| TAHOE REGIONAL PLANNING AGENCY | |
| GOVERNING BOARD | |
| TRPA | Apr. 28 & 29, 2010 |
| Stateline, NV | 9:30 a.m. & 9:00 a.m. |

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments (3 minutes for individuals and 5 minutes for group representatives). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting.

“Teleconference locations are open to the public ONLY IF SPECIFICALLY MADE OPERATIONAL BEFORE THE MEETING by agenda notice and/or phone message referenced below.”

In the event of hardship, TRPA Board members may participate in any meeting by teleconference. Teleconference means connected from a remote location by electronic means (audio or video). The public will be notified by telephone message at (775) 588-4547 no later than 6:30 a.m. PST on the day of the meeting if any member will be participating by teleconference and the location(s) of the member(s) participation. Unless otherwise noted, in California, the location is 175 Fulweiler Avenue, Conference Room A, Auburn, CA; and in Nevada the location is 901 South Stewart Street, Second Floor, Tahoe Hearing Room, Carson City, NV. If a location is made operational for a meeting, members of the public may attend and provide public comment at the remote location.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Judy Nikkel at (775) 589-5243 if you would like to attend the meeting and are in need of assistance.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC INTEREST COMMENTS – All comments may be limited by the Chair.

Any member of the public wishing to address the Governing Board on any item not listed on the agenda may do so at this time. However, public comment on Project Review, Public Hearing, and Appeal items will be taken at the time those agenda

items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

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

VII. ADMINISTRATIVE MATTERS

- A. Appointment of Governing Board member to the Public Outreach and Environmental Education Committee
- B. Award presented by the Nevada Fire Safe Council

VIII. PLANNING MATTERS

- A. "FactSheet Followup" for Regional Plan Update Milestone #2: Public Lands **Page 87**
- B. Status Report on Aquatic Invasive Species Program **Page 93**
- C. Tahoe Science Program Briefing **Page 95**

IX. APPEALS

- A. Angelo Tonozzi's Appeal of Executive Director's Decision to Deny Verification of a Second Residential Unit of Use at 1904 B Street, South Lake Tahoe, El Dorado County, California, APN: 032-242-28, TRPA File No. ADMIN2008-002 **Page 97**

X. STRATEGIC PLAN

- A. Strategic Plan Assessment Initiative **Page 155**

XI. REPORTS

- A. Executive Director Status Report **Page 159**
 - 1. Agency Work Program Priorities for April
 - a. Regional Plan Update
 - b. Forest Fuels Management Update
 - c. Aquatic Invasive Species
 - d. EIP Implementation
 - e. Shorezone Implementation
 - f. CEP Update
- B. Agency Counsel Status Report

XII. GOVERNING BOARD MEMBER REPORTS

XIII. COMMITTEE REPORTS

- A. Legal Committee
- B. Operations Committee
- C. Public Outreach & Environmental Education Committee
- D. Catastrophic Wildfire Committee
- E. Local Government Committee

XIV. ADJOURNMENT

CONSENT CALENDAR

| <u>Item</u> | <u>Recommendation</u> | |
|---|-----------------------|-----------------------|
| 1. Acceptance of March 2010 Monthly Financial Statement | Acceptance | <u>Page 1</u> |
| 2. Resolution of Enforcement Action, Joe Besson and Peter Eichler, Unauthorized Grading, 2134 The Back Road, Glenbrook, NV, Douglas County, Assessor's Parcel Number 1418-11-110-014. | Approved | <u>Page 47</u> |
| 3. Resolution of Enforcement Action, Robert Montoya, Unauthorized Underground Tank Removal and Indirect Discharge to the Waters of Lake Tahoe, 314 Wassou Road, Crystal Bay, NV, Assessor's Parcel Number 123-152-09 | Approved | <u>Page 51</u> |
| 4. Release of \$15,000 in Water Quality Mitigation Funds Interest to Washoe County for the Lake Clarity Crediting Program Support Services Project | Approved | <u>Page 55</u> |
| 5. Transfer of Previously Released Placer County Water Quality Mitigation Funds in the Amount of \$123,715.39 to the Brockway Water Quality Improvement Project | Approved | <u>Page 59</u> |
| 6. Release of \$80,738 in Water Quality Mitigation Funds to Washoe County for the Hybrid BMP Retrofit of a Primary Roadway Project | Approved | <u>Page 63</u> |
| 7. South Tahoe High School Modification-Plan Revision, Performing Arts Center, 1735 Lake Tahoe Blvd., City of South Lake Tahoe, California, Assessor Parcel Number (APN) 32-040-04, TRPA File Number ERSP2010-0219 | Approved | <u>Page 65</u> |
| 8. Resolution of Enforcement Action, Cruz Construction Inc., Failure to Install and Maintain Temporary BMPs, Unauthorized Disposal of Construction Materials, Unauthorized Placement of Fill in a Stream Environment Zone, Direct Discharge to the Waters of Lake Tahoe, APN: 1418-11-310-001, Permit No. BMPP2008-0003 | Approved | <u>Page 83</u> |

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be

removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, Allen Biaggi, Director of Nevada Dept. of Conservation & Natural Resources; Vice-Chair, Norma Santiago, El Dorado County Supervisor; Mara Bresnick, California Assembly Speaker's Appointee; Shelly Aldean, Carson City Supervisor; John Breternitz, Washoe County Commissioner; Jennifer Montgomery, Placer County Supervisor; Nancy McDermid, Douglas County Commissioner; Steven Merrill, California Governor's Appointee; Casey Beyer, California Governor's Appointee; Ross Miller, Nevada Secretary of State; Donna Ruthe, Nevada Governor's Appointee; Timothy Cashman, Nevada At-Large Member; Byron Sher, California Senate Rules Committee Appointee; Hal Cole, City of South Lake Tahoe Council; Josh Reid, Presidential Appointee.