

TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, March 24, 2010**, commencing at **9:30 a.m. at the Chateau**, Incline Village, NV, and **Thursday, March 25, 2010 at 9:00 a.m. at the TRPA Offices**, 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, March 24, 2010**, commencing at **8:00 a.m.**, at **the Chateau**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Resolution of Enforcement Action, Stan Sutton, Unauthorized Rock Removal in the Shorezone, 4523 West Lake Blvd., Placer County, CA, Assessor's Parcel Number 085-343-025; (Page 117) 3) Resolution of Enforcement Action, Richard Buschkoetter, Unauthorized Addition of Coverage and Illegally Converted Triplex, 519 Laurel Lane, Douglas County, NV, Assessor's Parcel Number 1318-24-710-015; (Page 121) 4) Closed Session with Counsel to Discuss Existing and Potential Litigation; 5) Potential Direction Regarding Agenda Item No. 4; 6) Member Comments; (Committee: Chair – Aldean, Vice Chair – Bresnick, Biaggi, Santiago, Miller, Sher)**

NOTICE IS FURTHER GIVEN that on **Wednesday, March 24, 2010**, commencing at **8:00 a.m.**, at **the Chateau** the **TRPA Operations Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Acceptance of January 2010 Monthly Financial Statement; (Page 1) 3) Acceptance of February 2010 Monthly Financial Statement; (Page 59) 4) Investment Report; 5) Authorization for Use of Abandoned Cash Securities; (Page 173) 6) Release of \$15,000 in Water Quality Mitigation Funds Interest to the City of South Lake Tahoe for the Lake Clarity Crediting Program Support Services Project; (Page 175) 7) Release of \$15,000 in Water Quality Mitigation Funds Interest to Douglas County for the Lake Clarity Crediting Program Support Services; (Page 179) 8) Transfer of Previously Released Douglas County Water Quality Mitigation Funds in the Amount of \$6,500 to the Lake Village Phase II Water Quality Improvement Project; (Page 183) 9) 2008 Federal Transportation Improvement Program Amendment #16 and Regional Transportation Plan #1; (Page 199) 10) FY 2011 Agency Budget and Work Program Timeline; 11) Filing Fee Report; 12) Mooring Fee Report; 13) Member Comments; (Committee: Chair – Ruthe, Vice Chair – Breternitz, Cashman, Merrill, McDermid)**

March 17, 2010



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.

| TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD | |
|---|---------------|
| Chateau | Mar. 24, 2010 |
| Incline Village, NV | 9:30 a.m. |
| TRPA | Mar. 25, 2010 |
| Stateline, NV | 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)

Adjourn as the TRPA and convene as the TMPO

VII. TAHOE METROPOLITAN PLANNING ORGANIZATION

- A. TMPO Consent Calendar (see Consent Calendar agenda below for **(Page 199)** specific items)

Adjourn as the TMPO and reconvene as the TRPA

VIII. ADMINISTRATIVE MATTERS

- A. Closed Session to Discuss Pending or Potential Litigation

IX. LITIGATION MATTERS

- A. Settlement of Litigation, League to Save Lake Tahoe, Friends of Tahoe Vista v. Tahoe Regional Planning Agency, Tahoe Vista Partners, LLP, Placer County, USDC E.D. Cal. Case No. 2:08-cv-2447 JAM-KJM **(Page 233)**

X. COMPLIANCE MATTERS

- A. Resolution of Compliance Investigation, Tahoe Vista Partners, LLP **(Page 259)** (TVP), Adjustment of Legally Existing Coverage, 6873 North Lake Tahoe Blvd., Placer County, CA, Assessors Parcel Number (APN) 117-071-29 and Tahoe Meadows HOA Property, South Lake Tahoe, CA

(This item will only be considered if the Settlement Agreement in agenda item IX.A. is not considered or is rejected by the Governing Board)

XI. PROJECTS

- A. Amendments to Existing Permit, Tahoe Vista Partners, LLC Interval Ownership and Affordable Housing Development Project, 6873 North Lake Blvd., Placer County, California, Assessor's Parcel Number (APN) 117-071-29, TRPA File Numbers 20021872 **(Page 331)**

(This item will only be considered if the Settlement Agreement in

agenda item IX.A. is approved by the Governing Board)

XII. PUBLIC HEARINGS

- A. Presentation of 2010 Annual Shorezone Program Report **(Page 339)**
- B. Action on the Phase II Blue Boating Program and Adoption of Related Chapter 54 & 81 Clean Up Code Amendments **(Page 471)**
- C. Action on Proposed 2010 Watercraft Inspection Fees **(Page 549)**

XIII. PLANNING MATTERS

- A. Regional Plan Update Education Discussion and Direction to Staff **(Page 559)**
(time certain Thursday, 9:00 a.m.)
 - 1) State of the Tahoe Basin Educational Briefing: A Snapshot of the Environment, Economy and the Community

XIV. REPORTS

- A. Executive Director Status Report **(Page 737)**
 - 1. Agency Work Program Priorities for March
 - 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

XV. GOVERNING BOARD MEMBER REPORTS

XVI. COMMITTEE REPORTS

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

XVII. ADJOURNMENT

CONSENT CALENDAR

| <u>Item</u> | <u>Recommendation</u> | |
|---|-----------------------|--------------------------|
| 1. Acceptance of January 2010 Monthly Financial Statement | Acceptance | <u>(Page 1)</u> |
| 2. Acceptance of February 2010 Monthly Financial Statement | Acceptance | <u>(Page 59)</u> |
| 3. Resolution of Enforcement Action, Stan Sutton, Unauthorized Rock Removal in the Shorezone, 4523 West Lake Blvd., Placer County, CA, Assessor's Parcel Number 085-343-025 | Approval | <u>(Page 117)</u> |
| 4. Resolution of Enforcement Action, Richard Buschkoetter, Unauthorized Addition of Coverage and Illegally Converted Triplex, 519 Laurel Lane, Douglas County, NV, Assessor's Parcel Number 1318-24-710-015. | Approval | <u>(Page 121)</u> |
| 5. Heavenly Valley Limited Partnership, Construction of a new Day Lodge and the Relocation of the Existing Surface Ski Lift at the Top of the Gondola, 4480 Lake Tahoe, Blvd, El Dorado County, California, Assessor's Parcel Number (APN) 030-030-01, TRPA File Number ERSP2009-3571 | Approval | <u>(Page 125)</u> |
| 6. Incline Village General Improvement District (IVGID), Relocation of existing skier services facility at Diamond Peak Ski Resort, 1210 Ski Way, Incline Village, Washoe County, Nevada, Assessor's Parcel Number (APN) 126-010-060, TRPA File Number ERSP2009-3602 | Approval | <u>(Page 149)</u> |
| 7. Authorization for Use of Abandoned Cash Securities | Approval | <u>(Page 173)</u> |
| 8. Release of \$15,000 in Water Quality Mitigation Funds Interest to the City of South Lake Tahoe for the Lake Clarity Crediting Program Support Services Project | Approval | <u>(Page 175)</u> |
| 9. Release of \$15,000 in Water Quality Mitigation Funds Interest to Douglas County for the Lake Clarity Crediting Program Support Services Project | Approval | <u>(Page 179)</u> |
| 10. Transfer of Previously Released Douglas County Water Quality Mitigation Funds in the Amount of \$6,500 to the Lake Village Phase II Water Quality Improvement Project | Approval | <u>(Page 183)</u> |
| 11. North Tahoe Middle/High School Track and Field Improvement Project, Tahoe Truckee Unified School District, 2949 Polaris Rd., Placer County, Assessor Parcel Number 93-010-015, TRPA File Number ERSP2010-0001 | Approval | <u>(Page 187)</u> |

TMPO CONSENT CALENDAR

| <u>Item</u> | <u>Recommendation</u> | |
|--|-----------------------|--------------------------|
| 1. 2008 Federal Transportation Improvement Program Amendment #16 and Regional Transportation Plan #1 | Approval | <u>(Page 199)</u> |
| 2. TMPO FY 2010 Overall Work Program Amendment #1 | Approval | <u>(Page 205)</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.