REGULAR MEETING MINUTES - REVISED

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chair Ms. Bresnick called the meeting to order at 9:30 a.m.

Members Present:

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

III. PUBLIC INTEREST COMMENTS

Ellie Waller thanked John Singlaub for extending the Sandy Beach EA/EIS public comment period until March 8, 2008. This allows the community to respond, in light of their confusion. They look forward to presenting to the Board in an official public hearing. Many in the Tahoe Vista area question the outdated Community Plan that expired in 2007. They believe the Sandy Beach fractional project is not what the contributors to this plan had in mind 20 years ago. She believes that Tahoe Vista deserves an independent consultant to study their area because of the progress that is going on in their community.

Carl Ribardo stated that he wrote an editorial relative to the review process of the Executive Director. He feels there is a need for the Board to take this opportunity to review its own performance. There has not been a review of the Board’s performance ever, as he understands it, and he believes it is critical in a good government way for the Board to review its strengths, weaknesses as well as significant strategies to improve its overall performance. It is critical that the Board understand that they own the successes and failures of the organization. It is not the staff’s failures, as the buck stops with this Board and you own the successes and failures. When it takes 12 years to get a Shorezone policy, this he believes is the Board’s responsibility. He urges that the Board take this under consideration.

Ellis Waller, representing Randy Hill, stated that he wants to urge the Board to read his letter as it mirrors what she said previously, that the framers of the outdated Tahoe Vista Community Plan did not have the Sandy Beach project or any other development in mind. He asks the TRPA staff, Governing Board and related parties to recognize that until Tahoe Vista has an updated community plan, projects of the
magnitude of Sandy Beach should be denied. This discussion should be held in a public hearing venue.

Michael Donahoe, Sierra Club, thanked Mara Bresnick for taking on her new role, which is an enormous task. He also thanked Chuck Ruthe and wished him well. He has heard inside and outside the agency that the Board seems fragmented. It is a given in this complex environment that we live in, that there will be differences between Board members. He is hoping that during the retreat that the Board can begin to find the unifying principle that pulls them together. He would like to see this perception kept from being seen in the community.

IV. APPROVAL OF AGENDA

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)

1. Acceptance of January 2008 Monthly Financial Statement
2. Resolution Adopting the 2008 RTIP
3. New Industrial Building, B & G Excavation, 7011 Donner Road, Tahoe Vista, CA, Placer County, APN 112-050-008
4. Release of $20,000 of Water Quality Mitigation Funds Interest to Douglas County to Partially Fund a Stormwater Utility Rate Study
5. Resolution Amending TRPA Application Filing Fee Schedule
6. Resolution Amending Agency Retirement Plan Default Fund
7. Industrial Buildings Plan Revision, Cul De Sac Holdings, 1772 D Street, South Lake Tahoe, CA APN 032-313-41, ERSP 2007-0866
9. Resolution of Enforcement Action, Marlene Sheff and Thomas Atteberry, 695 Bidwell Court, Incline Village, NV, APN 125-382-02
10. Tahoe Senior Lodge, American Baptist Homes, Affordable Moderate Multi-Family Dwellings, 144 Herbert Ave, South Lake Tahoe, CA, APN 25-510-02, 20061455
12. Release of $200,000 of Air Quality Mitigation Funds and $180,000 of Water Quality Mitigation Funds to El Dorado County for the Sawmill Bike Path and the Angora Fire Rehabilitation Projects
13. Acceptance of the Agency Annual Financial Audit for FY 06-07

Item Number 10 was pulled for discussion at the request of David Belkin, an adjoining property owner.
Jerry Wells stated that there were changes to Items 3, 7 and 8 which were handed out to the Board. On Item No. 3, there is a correction to a typographical error regarding the amount of commercial floor area that is being applied to the project. On Item No. 7 there was a clerical error on the amount of land coverage that is being transferred. On item No. 8 there is a condition being added regarding the shoreline protective structure, to respond to a concern of a neighboring property owner and also a condition that is being removed.

Mr. Waldie stated that on Items 9 & 11, the Legal Committee’s approval was unanimous.

Mr. Merrill stated that on Items 1, 2, 4, 5, 6 12 & 13, the Operations Committee unanimously approved all items.

Mr. Biaggi moved approval as amended, with the exception of Item No. 10 which was removed for discussion.
Motion carried unanimously.

Consent Calendar Item Number 10 discussion:

David Belkin, stated that his primary concern with this item is the intersection at Pioneer Trail and Herbert. This is already an issue in the wintertime when the road is frozen. There is a large amount of traffic during weekends and multiple collisions have occurred at this intersection. He feels that at the very least, a signal or a stop sign should be required. The location is not suited for what the project is supposed to achieve. It is a very low density neighborhood, with a high density project proposed. It doesn’t serve the citizens that are proposed to be housed there. It is remote and not close to the downtown area where services are provided. He believes that their very pristine meadow should also be preserved.

Cindy Hannah, Executive Director of St. Joseph’s Community Land Trust, stated they support this project.

Susan Saucier, representing American Baptist Homes, stated that they are sponsoring this project, and have been working on this project since 2004. They have notified, either through the City of South Lake Tahoe, or personally notified property owners at least three times. They also held a community meeting to discuss this proposed property and no one from the community showed up.

Ted Long stated that there is a great need for this type of project. He and the City of South Lake Tahoe supports this project.

Ms. Aldean moved approval of Consent Calendar Item No. 10 with a finding of no significant effect.
Motion carried unanimously.

Ms. Aldean moved approval of the proposed project.
Motion carried unanimously.
Mr. Swobe stated that February 23rd, 1969 was the date that the Nevada version of the Compact was signed by Governor Laxalt. It was then sent to the California legislature and was immediately rejected. It took four times for it to pass. It then went to Washington in November, 1968 and in December 19, 1969, President Nixon signed it. This information was provided to observe the 40th anniversary of the approval of the Compact.

Mr. Biaggi stated the Tahoe Fire Commission continues to meet four times a month and to-date there has been 120 recommendations submitted for consideration. The ongoing effort of the Commission is to consolidate and consider each one. Also a reminder that the Nevada Legislature’s TRPA/Marlette Water System Oversight Committee will meet at 2pm Friday, February 29.

Mr. Galloway stated that he doesn’t understand why Mr. Ribaudo did not know that the Governing Board, through its retreats, has had discussions regarding Board performance. We have had this same discussion in previous years. The Board does do a self evaluation, but in a more informal manner, such as a retreat.

Mr. Ruthe stated that he is resigning from the Board effective today, because of health reasons. The Governor will be appointing his wife Donna to replace him for the duration of his term. He has thoroughly enjoyed sitting on the Board and believes the Board has the right attitude.

Mr. Weber stated that the City has launched an ad-hoc committee for the Green Cities Initiative, and will be utilizing the sustainable green cities program. They will be working through and with the state at the Sacramento level, to see how their community plan ties in with all the other plans. Part of their strategy also is to get their community plan as integrated into the Regional Plan as possible. They will hold their first meeting on Monday, March 3 with the City sub-committee.

VIII. RESOLUTIONS

A. Enumerate TRPA’s Progress in Avoiding Catastrophic Wildfires and Continue TRPA’s Commitment to Avoidance of Catastrophic Wildfires as its Number One Priority

Mr. Swobe presented the resolution.

Mr. Swobe moved approval.
Motion carried.
Mr. Merrill voted no. Mr. Merrill stated that he objected to the use of Board initiated resolutions for setting agency priorities, in light of the fact we have a well established process for doing so. The timing was particularly inappropriate since we had an offsite meeting the following day to specifically go over agency priorities.

Mr. Swobe commended Mike Vollmer and Steve Chilton on how they have not only helped the fire committee cope with these different issues, but also the wonderful work they have done with the bi-state commission.
IX. PROJECT REVIEW

A. South Tahoe Refuse Resource Recovery Facility and Truck Parking Facilities, 2140 Ruth Avenue, South Lake Tahoe, California APN, 023-201-02 20050539

Staff member Wendy Jepson presented the proposed project.

Jeff Tillman, President of South Tahoe Refuse Company, gave a history of the refuse and how they arrived at where they are today.

Gary Midkiff, representing the refuse company, stated that this has been approved by the City of South Lake Tahoe. This is clearly the next step forward to enable them to better handle green waste, construction waste and other materials that to-date have been difficult for the current site configuration to handle.

Public Comment:

Ted Long stated that he believes that this is a great project that will include recycling and fewer trucks being utilized. He is a member of the City Counsel and voted against this project. His dissent was in no way a reference to the quality of the management, the staff or the intentions of the South Tahoe Refuse Company. As an elected official and a person who is responsible for looking at the community as a whole, it was his conclusion that the ideal location back in 1960 & 1970 was a key area in development of the City for future commercial or mixed use development. He would have liked to see a study of other locations that would serve the City and South Tahoe Refuse better in a more remote area. His second dissent was that the City should take a look at the entire area affected. Given the nature of this facility and given the things that are enclosed, this might be more consistent with some other residential/commercial development that we have not yet thought of, as this is not consistent with a residential neighborhood.

Doug Cushman stated that he disagrees with Mr. Long. He can’t believe there is single stream refuse removal here. Putting the recycling in the garbage is unconscionable to him. He doesn’t believe it gets recycled, but goes into the land fill and into the environment. He believes that the refuse should provide homeowners with a green plastic bag to separate their recycling items.

Governing Board Questions & Comments:

Mr. Galloway asked staff if they should add a condition to the permit to include recycling.

Jeff Tillman, South Tahoe Refuse stated that this proposal offers more opportunity to recycle more items, and it cuts down on vehicle trips and mileage used. What they currently ask residents to do is to take the garbage that is not recyclable, re-bag it and leave the recyclables in the can, so when that material goes across the belt it can be seen easily. They would have to do a feasibility study on costs to provide bags to the community.
Mr. Weber stated that they have studied all the options for eight years. If they were just starting this project, they could look at another site. But since they are not just starting, this is the best alternative that is available.

Ms. McDermid stated that as the representative to the JPA, along with Norma Santiago and Kathay Lovell with the City of South Lake Tahoe, they have reviewed this project and feels that it needs to go forward. There was discussion about recycling and they were confident with the respective contracts in place that those issues will be addressed. It is not the perrogative of this Board to condition the project. This would come from the JPA and has already been discussed with the applicant.

Mr. Waldie stated that he agrees with Ms. McDermid. He believes that the Board’s duty is land use planning. He doesn’t believe that the Board would have the authority under the Compact to condition this project.

Agency Counsel Ms. Marchetta stated that she agrees with Mr. Waldie. She believes that this would be a stretch of their discretionary authority, to enter into a condition that requires this individual to adopt a certain business practice. She would recommend that the Board not add this condition to the application.

Ms. Santiago stated that she would like to remind the Board, that under the project description background, there is a sentence that states that a residential green waste collection route would be added which would capture the waste stream, as well as increase sorting efficiency on the materials recovery facility line. She agrees with Ms. McDermid.

Ms. Santiago moved approval with a finding of no significant affect. Motion carried unanimously.

Ms. Santiago moved approval of the proposed project. Motion carried unanimously.

X. PUBLIC HEARINGS

A. Reservation of Allocations (Commercial Floor Area, Tourist Accommodation Bonus Units and Residential Bonus Units) for Projects Applying under the Community Enhancement Program

Agency Counsel Ms. Marchetta stated that she will address the scope and the effects of the decision that the Board will be making, and to do that she would like to call attention to a section of the resolution. Staff has clarified the second to the last paragraph regarding the scope and effect of the decision being recommended. This action is merely to set aside commodities for TRPA’s special projects pool. This set aside is not a project approval either implicit or explicit and it is not a guarantee that the project will ultimately be approved. You will retain your discretion to consider the project and make a decision at a later time, after the environmental review is complete and after the final details of the projects are brought forward. It doesn’t vest any right, unless the project satisfies all of the other TRPA conditions, some of which will be discussed today, and some that will be developed as the process proceeds. This is not a final
agency action, but simply a contingent set aside.

Staff member Brenda Hunt presented the proposed reservation of allocations for projects applying under the Community Enhancement Program.

Ray James, representing Placer County, presented the six Placer County projects.

Staff member Brenda Hunt presented and the Washoe County Boulder Bay LLC project, as well as the South Shore Mikassa and Raleys projects.

Governing Board Questions & Comments:

Ms. Santiago stated that there is an evaluation executive summary matrix in the packet addressing this issue. There is a goal of the CEP and an evaluation rating for each. These issues will be addressed at the application process, is that correct?

Staff member Brenda Hunt stated that yes they will either be addressed when they actually apply or during the project review process.

Mr. Waldie stated he is very impressed with what the staff and project proponents have done. He feels that one of the weaknesses of the process is the amount of information that needs to be digested. He is concerned with nine projects before the Board for determination within a short period of time. He feels that each of these projects deserves a lot more time and consideration. He asked what the performance review committee’s duties were.

Staff member Brenda Hunt stated that it is a committee that was set up through TRPA to review the allocation issues. The members represent all of the local jurisdictions and members of TRPA’s staff.

Mr. Waldie asked what is the local joint review team and how is that different from the performance review committee.

Agency Counsel Ms. Marchetta stated that there is a provision in the Code that was added at a time when we were trying to gain some special environmental benefits out of large development projects. That section of the Code is in Chapter 33. The Special Projects Program was intended to make big gains and it is that program that Project 3 used to put the redevelopment project in the South Shore on the ground. It was a project that was hopefully intended to try to get Meeks moved out of the Upper Truckee River Stream Environment Zone, but this project never came to pass. The Community Enhancement Program is an enhancement of the intention with which the special projects program was enacted. When we enacted that program, we set up a Performance Review Committee (PRC) in order to bring together planning experts to assess whether the environmental benefits that we were getting from those special projects warranted the incentive, which was the set aside of commodities for those projects. So the PRC duties are to analyze if a project meets the requirements of the Code. We used the PRC as part of the Community Enhancement Program
because the foundation of the CEP program is the Chapter 33 special projects provision.

Mr. Waldie asked who comprises this committee.

Agency Counsel Ms. Marchetta stated that it is primarily the Planning Directors for all of the local jurisdictions.

Mr. Waldie asked if they have the right to kill one of these projects as it is moving along.

Executive Director Singlaub stated certainly, if the committee determined that it didn’t meet those criteria, they could recommend against that project.

Staff member Brenda Hunt stated that the local joint review team was a group of local jurisdiction planners, as well as TRPA staff from each Branch. They met to go through each one of the projects and look at them against the CEP criteria. This group did not vote on any project.

Agency Counsel Ms. Marchetta stated that these commodities are part of the current Regional Plan that is in existence today.

Mr. Waldie stated that in the resolution there is a reference to the PRC and the APC and he asked if both votes were unanimous.

Staff member Brenda Hunt stated yes, the votes were unanimous from both committees.

Mr. Weber stated that he intends to support the staff recommendation. From what he has heard, the three most important items that developers are talking about are coverage, height and the nature of the uses. He stated that with the 6,000 square feet of commodities that is left, it should go back into the original pool.

Mr. Galloway asked why all of the exhibits that go with the resolution weren’t finalized. He tried to go through the ones in Washoe County and compare them with the letter that was received on Boulder Bay from the Director of Community Development. He stated that because these exhibits have been constructed and because everything has not been addressed in this exhibit, he has a problem that failure to identify concerns in the exhibit, which is a failure to identify specific drainage projects identified in his letter and there was participation in utility under-grounding also identified in the Washoe County letter. There were Pathway items in the Washoe County letter and none of these things were addressed.

Agency Counsel Ms. Marchetta stated that there is another provision in the resolution that was added in recognition of the fact that these projects are still at the conceptual stage and that it is early in the planning process. This paragraph was intended to state that we recognize that the development process is fluid and some of the conditions that are being attached to these projects at this time may or may not remain relevant or may or may not be able to be met in their
entirety, because the project concept may change. She would recommend that language be added to this paragraph of the resolution that says, and furthermore, we recognize that not all conditions that may be necessary in order to ultimately consider this project for approval may not be included in the exhibits. This would allow the flexibility to take into account whatever new issues or existing issues that may have been left out.

The Board members stated for the record if they had met with anyone on these projects.

Public Comment:

Gladys Marshall, representing residents of Kings Beach, stated that their children have a right to live and grow in a healthy, safe and secure environment. It is their responsibility that this be provided, so they can be good citizens in the community.

Anna Romos stated that some of the families live with their parents and work two jobs to support their children. They are worried because they don’t have a lot of time to spend with their children. It is very expensive to live in Lake Tahoe.

Sylvia Ambrise, Executive Director of the North Tahoe Family Resource Center, stated that they urge the Board to consider moving these projects to the next step. Please allow the community to move into better housing so they can provide healthier homes for their children.

John Falk, Tahoe Sierra Board of Realtors, stated that they urge the Board to look at this as a positive sign for the next Regional Plan. The next Regional Plan is designed to accommodate redevelopment. The plan in place today addresses constraints on new development which is out of touch and out of date with what is occurring at present in the Basin. We have to regain our focus and our focus needs to be on redevelopment, doing things better with what is already on the ground. These projects may influence the Code in a productive manner and the Regional Plan for the next 20 years. We should move the process along as this process will be very important in informing the next Regional Plan, so we can do it better and do it right.

Ellie Waller stated if the Board and the general public could spell out their acronyms it would be helpful to everyone. She asked that the compliance matrix be separately linked to the site so the public can look at it. At the Advisory Planning Commission, the BBLC Team mentioned that the government center was going too be located in their project and she doesn’t believe that this has been qualified as yet. She urges all the developers go through with their projects even if they ultimately don’t retain CEP status, as Kings Beach deserves much needed revitalization. The Tahoe Vista and Kings Beach areas should be one linked cumulative impact corridor.

Steve Leman, representing the Gateway Neighbors Alliance, stated that as the Tahoe Valley Community Plan is coming after the CEP project, they want to see as much of the community plan goals come forward as possible. They would like as neighbors, property owners and citizens to support, integrate and enhance the
Gateway CEP project by adding some confluent areas and adding several more acres of blighted properties into the product that is before the Board. This way they can succeed economically and environmentally.

Ralph Silverman stated he is in favor of the Homewood project.

Thomas Hobbday, representing the Lake Tahoe Music Festival, stated they have a 25 year old cultural treasure at the North Shore of Tahoe and for several years they had lost their venue at the Homewood location. Last year the Homewood organization invited the festival back to Tahoe. Sponsorship went up by 30% and ticket sales went up 300%. The Homewood plan presented has a permanent home for the festival and we urge the Board to approve the project.

Ann Nichols, representing Friends of Crystal Bay Brockway, stated they are concerned about the lack of infrastructure in the area. They hope the Board will consider all aspects of this project.

Alex Moureltos, Vice President of the North Lake Tahoe Business Association, stated the development of the CEP project is a fantastic path forward in terms of collaboration and outcome. They endorse the staff’s recommendation.

Pat Davidson, Executive Director of the Contractors Association of Truckee/Tahoe, stated they support the staff’s recommendation.

Sue Gont, Public Health Nurse for Placer County, stated she has been to some of these substandard homes. Some of these families have four people living in a studio apartment, which is an example of many of the substandard housing issues that she sees. She encourages the Board to support any affordable housing that is part of these projects.

Mike Dunsford stated that he is impressed with the effort and investment that has been made by all the applicants at this stage in the CEP process. Clearly it is time to support what TRPA is setting out to accomplish in this process. He supports the staff’s recommendation.

Sara Curtis, League to Save Lake Tahoe, stated they support the concept of rewarding redevelopment projects that go farther than other projects and that offer substantial environment benefits. They are concerned that the CEP process does not go far enough to define or demand this substantial environmental benefit. They believe that the criteria needs to be more clearly defined with specific examples of what elements constitute substantial environmental benefit.

Raina Patrocinio, League to Save Lake Tahoe, stated that currently there are 12-14 projects within a 3 mile radius proposed for the Kings Beach & Tahoe Vista areas. While measures are being taken to mitigate for the effects of each of these projects on a separate basis, it is necessary to consider the cumulative effects that these projects will have.

Breeze Cross, representing the Workforce Housing Association Truckee/Tahoe, stated that there is a great need in the area and the challenge that they are
facing is that there are so few opportunities to apply resources to create quality, affordable workforce housing is available. They are excited about the concept of a multi-site infill project that can be managed as a rental unit is being considered. This allows management of rental projects on multi-sites. They believe this is a model that will work well if it can be accomplished. They urge the Board to support this proposal.

Jennifer Quashnick stated that she doesn’t really agree with the CEP concept. She believes that the developments are going against one of the very key issues that residents identified, which is small business. She fears that this will be another Marriott, where we loose the small business aspect as they cannot afford to stay in an environment like that. She urges the Board to keep this in mind. She is also concerned about the staff time to turn this entire project out with the schedule that has been identified. There is a lot going on and she is concerned that other programs will suffer because staff will be diverted to help get this program going.

Mia Cong, President of Domus Development, stated their project is the workforce housing project in Kings Beach. They support this resolution and all of the CEP projects.

Jim Hallahan stated he is concerned about the Domus project being next door to him, if the density is changed to make it higher. He feels that the applicant should back out of their project, because of what is going on in the area.

Tom Balou, Workforce Housing Association of Truckee/Tahoe, stated they support all the affordable components of these CEP projects.

George Koster stated he feels that the CEP has been born out of all the great work that the TPRA has done so far with the counties and cities around the Basin. This is the outcome from the public outreach and place-based planning effort. It also ties into the goal of waterborne transit and lowering the carbon emission around the lake including soil runoff into the lake.

Dwight McCarthy stated he supports the CEP and the downtown Kings Beach projects.

Susan Gearhart, on the Board of the North Tahoe Citizens Action Alliance, stated that they are not against the Homewood project, but would like to see it reduced in size.

Rob Weston stated that he finds it alarming that many non-residents or part-time residents are the ones that are against the Homewood project. He feels there are many misconceptions that are being voiced to the Board about this project. After talking with local residents and businesses, he has not heard any opposition to the project and urges the Board to support this proposed Homewood project.

John Bervid stated he recommends that the Board move forward on all the CEP projects.
Judy Tornese stated that she is in favor of the Homewood project and the need to upgrade the resort. However, the current proposal is too large in size and scope.

James Gearhart stated that he wants the TRPA to live by its creed, which is the protection of Lake Tahoe and the Basin. The CEP program is not necessary for a community such as Homewood and does not belong in this rural environment.

Gary Chaney stated that he encourages the Board to go forward with the CEP process.

Michael Hogan explained the TMDL (Total Maximum Daily Load) and how this fits into the CEP program. His understanding is that the Pathway 2007 program is built on the foundation of the TMDL, so we can deal with the water quality issues in the Lake Tahoe Basin. This will be the mandate of this Board in the next five years, how to make the TMDL interface with the rest of the processes that are going on in the Basin today. If we don’t turn that around, the rest of the conversations that we are having today will probably be trivial by comparison. He is working with Homewood and other entities to try to figure out how to reduce sediment yield. He has personally been involved with Homewood on over 100,000 square feet of coverage removal, road removal and using the same metrics that was used on the TMDL model.

Gary Midkiff, representing the Ferrari project, stated a lot has been heard about all these projects, but there is a great deal more detail to be presented. There are additional items that have not been presented, that addresses some of the issues that have been raised today.

Dave Ferrari stated that he supports the Domus housing proposal as they are at a crisis situation in Kings Beach. Something needs to happen now. Within their project, they have tried to show their love for the lake and the respect for our guests by having public access to the beach for people that visit the area. They are moving the project back from the lake to give public access back to the public and reflect the values of the CEP.

Gary Midkiff, representing the Homewood project, stated that the key issue with regards to the project is height. They will meet the minimum density requirements that are being established by TRPA staff, and will put all the parking under the units. The property will provide extensive transit improvements also. They will not sell any ski tickets after the parking is full and the only way to get a ticket will be to use public transit. They are making major improvements and contributions to the community.

Michael Donahoe, Sierra Club, stated that they believe we absolutely need a CEP. It has been stated that CEP is a model. If it truly is a model, then we need to limit it. He thinks we should be using adaptive management instead of going forward with all these projects. There are still bugs in the program, but it is essential that it succeed. Let’s load it for success. Let’s test it out, as we don’t want this to fail.
Steven Brown, owner of the BBLLC property in Kings Beach, stated that sewage runs across the sidewalks and streets there, as the infrastructure is very old. They plan to install a storm water system which would be placed under their parking garage and would reach out to all the areas to correct the problems with runoff. This is a great way to help clean up the lake.

Steve Knoll stated that the CEP has given the opportunity for projects to come forward with a vision, even though you are not voting on any project today. He has been involved with assisting in community plans for many years. He thinks that the two projects at the South Shore Y can both contribute to environmental improvements and also contribute back to the community.

Catherine Edwards stated that we are all here to preserve Lake Tahoe and she would ask that the Board make sure that someone, like Michael Hogan, oversees every project to make sure that the water quality is not going to be harmed any further.

Julie Wainscoat stated that she believes that Kings Beach needs many improvements and would like small business to be part of the mix.

Corey Richie stated that she encourages the Board to make sure a condition is added that the highest possible LEED certification be achieved.

Governing Board Questions & Comments:

Mr. Yount thanked Brenda Hunt for all her efforts, as this takes a tremendous amount of work behind the scenes. He also thanked the applicants, as they have invested time, money and effort to be considered for this with no promise or guarantee. He is encouraged with the proposed benefits for the lake and the environment, which are apparent on the surface of these projects.

Mr. Merrill agrees with Mr. Yount, but was hoping that there would be some ranking of these projects. Even though they are moving targets, he would have liked at least a prioritizing without eliminating any. To continue to review all of these in parallel, he feels that staff time will be impacted. Regarding the cumulative impacts in the Kings Beach/Tahoe Vista area, his concerns are that when analysis is done that we will identify impacts on a cumulative basis, that wouldn’t show up on a project basis. What if this cannot be mitigated? What will we do then?

Executive Director Singlaub stated that is the purpose of the environmental review process. We hope that there will be cumulative mitigations as well. There are a number of traffic, transit and other improvements that are being proposed which will be included in the next step of the process.

Mr. Weber stated that he heard that we have a 75% reduction in wetlands in the Lake Tahoe Basin, is that correct?

Executive Director Singlaub stated that from the original pre-development, that is probably accurate here as well as nationally.
Mr. Weber asked with the TMDL model, is the urban run-off still 70% in the urban areas, where we will get our biggest bang for the buck on reduction of fine sediment?

Executive Director Singlaub stated that the source of the fine sediment is from those urban areas.

Mr. Weber asked if the urban developed area in the Basin is still at about 1.7% of the total land mass.

Executive Director Singlaub stated that he believes that is accurate.

Mr. Weber stated that he keeps hearing that 9 projects are too many and it will overwhelm staff. He believes what we are dealing with is commodities that have been available since 1987. What these projects seem to be offering is the sediment reduction and environmental improvement. Doing nothing is not an option and would be an injustice to the environment. He believes that the people habitat should get at least as much consideration as anything else we do.

Mr. Swobe also thanked Brenda Hunt for her presentation and the applicants for all their hard work.

Ms. Santiago stated that everyone needs to understand that this is a baby step in a very long process. She is very impressed with the goals in terms of a positive environmental change. Change is always difficult, but change is what we need. We have an opportunity with a public/private partnership goal that will generate some positive environmental impacts. She applauds this process and believes we are heading in the right direction. She looks forward to more information on these projects in future meetings.

Mr. Galloway stated he was impressed that one of the concepts of the CEP is that all projects go above and beyond what a project would normally need to do in order to get two things: 1) commodities and 2) some special allowances. He would like to see, as this project moves forward, what the above and beyond for the special allowances and commodities are. He would like to see all of this as part of the matrix in the future.

Mr. Ruthe supports all nine, but really supports the Kings Beach projects.

Mr. Waldie supports the process and is impressed with the staff work and the entire concept. He asked how often would these nine projects come before the Board, before their disposition in 2009?

Agency Counsel Ms. Marchetta stated she doesn’t think there is a firm answer to that, but we can certainly take direction from the Board and bring these back on a periodic basis to brief the Board as to where we are in the process.

Executive Director Singlaub stated that at a minimum there will be four Environmental Impact Statements (EIS) at the draft stage, and we will present what the findings are.
Mr. Waldie asked if they proceed, would it be by early 2009?

Executive Director Singlaub stated that they have a year to submit the application, but most will probably submit them tomorrow. The environmental review usually takes a year or more to complete.

Mr. Waldie asked that in the ensuing months, while this system is moving ahead, will new applicants be able to apply for such privilege status?

Executive Director Singlaub stated that special project consideration remains. Since we’ve reserved so much of the commodities, we will have a smaller pool, but if any of these projects drop out, we could have another round.

Mr. Waldie asked if that would be the Board’s decision or is that a process that is available to any applicant.

Executive Director Singlaub stated that applicants can submit a request for this special project pool, and we may have outstanding applications. We will have to see how this progresses. If there is not substantial movement forward over the next year, those commodities would go back to the pool.

Ms. McDermid stated that she believes this is a cumulative environmental gain for the Basin, and is replacing bad with good. If they don’t do the pre-application process and work through it, we will never get anywhere. Applicants are taking a big risk and putting a lot of money into this, so they need to be able to feel that over the course of time, this will pay off.

Mr. Kranz stated that he is in favor of all nine projects. TRPA is 40 years old and how much improvements have we really made to make Tahoe better. We have an opportunity here to make major improvements. When he looks at the Community Enhancement Program, he looks at it as cumulative benefits. That is what this program is all about. What kind of cumulative benefits are we getting? The North Shore is struggling and run down. We need to fix this problem. This is the best opportunity to do just that.

Ms. Aldean stated that Mr. Kranz is right. Developing the Tahoe Basin is not for the faint hearted. There are a lot of obstacles to be overcome, but she applauds the applicants and the property owners who are willing to take this leap of faith. She is proud to be affiliated with this type of agency. This is a very progressive program and she applauds staff, leadership and members of the community that support this innovative approach to achieving our environmental goals. Without this partnership between the private and public sector, we would not be able to make the strides that we hope to make.

Mr. Biaggi stated that he agrees with this process and the projects and will support the recommendation.

Ms. Bresnick stated that this is a difficult process, but we are at a critical time. We also need to make sure, as we go forward, that we identify the substantial environmental benefits that we know can occur and are quantifiable. She would like to have regular reports to the Board on how this is progressing. She would
like staff and the community to remember that this is still under our special projects Code section, and that we make sure we are looking at those sections, as we move forward to comply with these regulations. Since these projects are in the concept stage, when people apply, we will have a better sense of what these environmental improvements are and that they are quantified. We need to work with the applicants and the local jurisdictions so that these applications are as complete as possible. As we progress, we have a good sense upfront of what we are going to gain from this. If there is some way to bring Lahontan into the mix or talking with Michael Hogan to make sure that the water quality improvements are quantified, this will give us the improvements that are being represented by the applicants. Maybe for the next report, we could get a sense of what are the things that are part of the project that would not otherwise be required. The applicants need to know going into this application process what will be expected, so that they can move forward. She thinks that the coordination with the local jurisdictions is great and would like to see that continue. She would also like to see the continuation of input from the community. She would like us to schedule some regular community forums.

Ms. Aldean asked in the event that all nine projects do not qualify, do we have other project proponents that are waiting as alternates.

Executive Director Singlaub stated that he believes that if we move forward with another round, we could see some other projects.

Mr. Merrill stated that he was struck by the number of Board members that say they are willing to support this resolution and the projects. He feels that he doesn’t know enough to support any of these projects, and he doesn’t know enough to turn any of them down. He needs to be educated on the projects and suggests that we hold workshops. If the other Board members do not feel the same, he would be willing to meet with each applicant to go through the aspects of their projects.

Ms. Santiago stated that there be clarity in the process. While we are working with the applicants, make sure certain environmental criteria is addressed along the way.

Agency Counsel Ms. Marchetta passed around the marked up copy of the third page of the resolution for review by the Board. She amended the language to try to address comments of multiple Board members so there is flexibility drafted into the project conditions which can either be amended, added or potentially deleted and may not need to be met in every detail. She believes that this gives us absolutely all of the discretion and flexibility that both staff and the Board may need, as the details of the projects continue to be developed.

Ms. Santiago moved to adopt the resolution with the amendments presented by Agency Counsel and that the excess CFA (Commercial Floor Area) or any other commodities that may be excess, go back into the special projects pool as per staff’s recommendation.

Motion carried unanimously.
B. Public Comment on the Draft Environmental Impact Statement for the Beach Club on Lake Tahoe at 346 Eugene Drive in Douglas County, Beach Club, LLC., APN 1318-22-002-002

Staff member Theresa Avance stated staff is looking for public comment on the Beach Club on Lake Tahoe Draft Environmental Impact Statement. This is to evaluate the environmental impacts of the proposed project and alternatives. The purpose of this hearing is to receive comments on the merits of the document. There will be a future Governing Board meeting where the final document and the proposed project will be reviewed by the Board. That will not happen today as we are only looking at the merits of the EIS document.

Lew Feldman, representing the applicant, presented the proposed project.

Governing Board Questions & Comments:

Mr. Biaggi asked if the number of units had been reduced from the original proposal. He also stated that there was a very startling number regarding reduction of carbon emissions. What is making the carbon emissions so improved over the existing facility with the proposed new project?

Mr. Feldman stated that they had reduced the number of units from the original proposal. He also stated that the bulk of the current utilities are natural gas heaters and other appliances that are not contemporary. There are not very many coaches that have double pane windows, so insulation in these units is not what you would expect in a more contemporary product. A combination of wood burning stoves, older appliances and lack of insulation all cumulatively combine to create a large amount of green house gas.

Ms. Aldean asked how many of the original coaches would survive relocation.

Mr. Feldman stated that not very many would survive. He believes that a number of residents have moved on. The applicant has purchased about 90 of the 155 coaches that are onsite. There are between 35-40 full time residents remaining at the park, who own their own units.

Ms. Aldean asked for those units that can be relocated, have other relocation sites been identified.

Mr. Feldman stated that there are opportunities at Tahoe Verde, which is the mobile home park at the South Y and would most likely have relocation opportunities.

Mr. Merrill asked that in selecting these alternatives, is the one for 2 single family estates a serious alternative?

Mr. Feldman stated it is a very serious alternative. If you look at the economic value of the 10-acre residential parcel on the lake, not many are in existence, particularly with the lack of development to either side of this site.
Mr. Swobe asked Mr. Feldman to discuss what they did to accommodate the 4-H Club concerns.

Mr. Feldman stated that in addition to the swim beach that he mentioned earlier, they are constructing a security fence along the entire length of the property. They had a couple of buildings that they felt had been positioned in such a way that didn’t create the privacy that they desired. They relocated and repositioned two very large buildings within this area to address their concerns. We are providing some security cameras for them. In addition, we are making sure that the water source that comes from their spring is not interrupted, which may flow across the applicant’s property.

Nanette Hansel with EDAW briefed the Board on the environmental document.

Mr. Waldie asked that if the boat use of the pier would remain the same, why is it being extended?

Mr. Feldman stated that the pier is proposed as a multi-use pier as it will serve the association. However, there are no overnight mooring facilities proposed. They are anticipating that at some point in time there will be waterborne transit available, so by extending the pier to 159 feet, which is the pierhead line, it would be approachable in periods of low water.

Public Comment:

Travis Lee, representing the Nevada State 4-H Camp Advisory Council, stated that they have been working very closely with the applicant concerning the development, to address a number of major concerns. The camp is a very noisy place, so we asked that the buildings be moved away from the noise. Security at the beach was a big issue for them so the applicant developed a number of opportunities for security personnel at the beach, which will provide more security for public use. They appreciate the no boating zone on their side of the beach, so the kids can play in that area. The applicant also added more emergency exits to provide better access for emergency vehicles. They support Alternative A and are not open to any of the other alternatives.

Bob Cook, member of the Kingsbury General Improvement District and the Tahoe Douglas Fire Protection District Board, stated that he is opposed to the extension of the pier. As a fisherman, this will further hamper their fishing on the lake.

Jan Christiansen stated that the Lake Tahoe Basin, as well as the nation, is in a recession and a depression could soon follow. Building is at a virtual standstill, especially here at Tahoe. The South Shore Tahoe LLC has their financing. When they bought Tahoe Shores, they used Fanny Mae funds for affordable housing. They are trying to get rid of this affordable housing. Tahoe Shores used to be affordable, clean, well maintained and a safe place to live. South Shore Tahoe LLC has turned it from Tahoe Shores Mobile Home Estates to Tahoe Shores Trailer Park. They haven’t cared about the residents. Table 5.2-2, included in the EIS, shows a census of Tahoe Shores in 2000 which is not relevant today. Those figures should not have any weight in this environmental
impact study. The same goes for 5.2-3, which uses statistics from 2004. They have moved out several of their rental units and many of the ones that remain are uninhabitable. The mobile home park is run down and the roads are dangerous. They have caused the home values in the area to go down in value, because of what the park looks like. The South Shore Tahoe LLC has not kept up the park like it once was. Most of the residents have been in their homes for 20 years and own their homes outright, which means they don’t have a mortgage. Most of them are under the poverty level. If these residents are not compensated fairly for their homes, they will be homeless.

Monroe Freedling stated he has lived and owned his home in Tahoe Shore when it was originally Oliver’s#2 in 1979. He will become homeless if the Board chooses Alternative A. Tahoe Shores doesn’t need any more high-rise condos to replace the current tax paying homeowners. They used to have a well maintained complex until 1986, and then their community of 155 individually owned homes was purchased and many improvements were added to the community. The park was sold in 2002 and everything has gone downhill since then. They are now the most expensive mobile home park rentals in the State of Nevada. They were also forced to pay for sewer and water or face eviction, in spite of their existing rental agreements, which specified that these were included in their rent. They all paid because of fear. Last year he filed a small claims suit against management and he won. Just thinking that he has to move out of his home is very emotional and to replace his home with expensive condos have made him very depressed. He encourages the Board to choose Alternative D.

Mike Knowles stated that he works for some of the elderly residents in the park. Artifacts are found throughout the park. The park is currently run down because currently the owners own 2/3 of the mobile homes and the properties are not kept up. All the current owners just want is to be compensated fairly.

Michael Faith, Civil Engineer, stated they were hired by the Kingsburg General Improvement District to review the EIS. Their concerns are to the water plan and to the water utilities at the park. There is a treatment plant and pumping station located onsite that supplies water for the entire Kingsburg area. They have been working with the developers to address some of the issues that were identified when the EIS was reviewed and hope to have an agreement worked out with them in the next few days.

Diane Carroll stated they make a good living for the Tahoe area, but if they have to leave their mobile home that they currently own, to buy a house of equal size with a small yard it will cost $400,000 to $500,000 to stay in Stateline, NV. They would have to move to the valley to afford a comparable home. They don’t want to live in California. They want to live in Nevada. Gas is extremely expensive and they would need two cars just to go back and forth from the Valley to maintain their jobs in Tahoe. This would also add more cars on the road and add to the pollution that is already here.

Frank Liberiani stated that the current owners have taken a high-standard gated mobile home park and turned it into a very high crime park by renting the mobile
homes that they own. The residents that have paid the high rent and utilities and stayed should be compensated fairly.

Eric Olsen, Board Member of 4-H Camp, stated that the Board has spent a lot of time on this. The applicants have worked really hard to address their concerns and they support the project.

Ernie Bishop stated that the parcel of land is a swamp and they backfilled it to build the airport. He walks the perimeter every day and the last two winters were poor and even in late August – October it was still swampy everywhere. He feels that the land should be turned back into what it is “a swamp.” This would be a wonderful green belt that runs from the Casinos and the Edgewood Golf Course all the way through to Elks Point Road. It is an environmental crime that that the mobile home park is even there. To let this project go through would cause further environmental crime.

June Jimenez, small business owner, stated that the current owners made an offer on her mobile that faced the lake. They offered her $13,000 and she agreed. They told her they didn’t want any tenants in the mobile, as she had it rented at the time. Then they offered her $9,000 after she told her tenants to move out. She said no that they agreed to $13,000. Two days later they offered her $10,000 and she said no. This is how they handle their offers.

Karen Saunders stated that they bought their mobile out right so they would be able to afford to retire on their retirement income. Now it is being taken away from them and there isn’t any place for them to go.

Jack Wiglen, Vice President of the Homeowners Association at the park, stated that Tahoe Verde, that was suggested as a relocation, told him they were not taking any outside units. There are virtually no other parks in the Basin. The owners have not been forthcoming regarding the fair market value offers to residents or any information regarding relocation. In terms of the environmental impact reduction, he believes that he finds the numbers very suspect and they should be reviewed, checked and verified.

Board Member Questions & Comments:

Mr. Waldie asked if there are any legal requirements for people who find themselves in this dilemma and if they are aided by some special legislation that requires a guarantee for them to move to a more reasonable place?

Agency Counsel Ms. Marchetta stated that she is not versed in this area of State law. There is some provision in the Nevada law that deals with closure of mobile home parks, but she has never personally worked in this area.

Mr. Waldie stated that someone should be listening to their problem. His opinion is that we are not the group that could satisfy their need. He doesn’t understand where their need is in the jurisdiction of what TRPA can do. If that is the case, the residents should not be mislead.
Agency Counsel Ms. Marchetta stated that Mr. Waldie’s point is well taken. She would remind the Board that the scope of their position is set forth in their goals and policies which relates to our Environmental Threshold Carrying Capacities. We do have a requirement for a housing element in our plan. It is our judgment that the mitigations that are being proposed in this project for replacement units, meet the standards of those goals and policies. We don’t have the authority to go the next step and impose requirements on this developer, nor negotiate details of any other buy-out plans, that may be a matter of state law.

Ms. Aldean stated that because there is a housing element in our plan, we do have the right to direct an applicant to make certain that the impacts, in terms of reducing affordable, is properly mitigated. Maybe those could be mitigated in accordance with some state law. She doesn’t think any Board member has not been touched by the some of the comments stated, and if she were in their position, she would want to be justly compensated. She would hope that the developer would take a look at a reasonable compensation package that might be above and beyond what would be statutorily required, to enable these residents to relocate. She asked Mr. Feldman if the 18 units of low income housing are for rent or for sale.

Mr. Feldman stated that originally they were going to be for sale units, but there had been some discussion at the Advisory Planning Commission and with staff as to whether or not that is the appropriate mix. There are 35 units today of rental housing and 18 proposed for sale housing, but that might change through the course of these deliberations.

Ms. Alden stated that even though the beach is not currently open to the public, if these residents were to relocate to those existing offsite units, would they have access to the beach.

Mr. Feldman didn’t know, but would bring back an answer.

Mr. Merrill stated that he agrees with the other Board members and feels there is a problem that needs to be addressed. At some point, when we need to make a decision on this project, this would be a tough sell in light of the testimony today. Mr. Merrill asked if State Lands has considered purchasing this piece of property.

Executive Director Singlaub stated that State Lands purchases property only from willing sellers and this is private land that is already developed and is generally not a priority for retirement. What we usually do is work with the owners to minimize the impacts and reduce the amount of SEZ that is available.

No action required.

XI. ADMINISTRATIVE MATTERS

A. Governing Board Committee Assignments

Ms. Bresnick recommended that this item to be continued. She feels that there has been some inconsistency in the past. She would like staff to come up with some rules of procedures for committee assignments.
The Board members approved the recommendation.

B. Governing Board Approval of TRPA’s Response to the Basin Fire Chief’s 9-Point Letter with Direction to Staff to Forward TRPA’s Response to the Blue Ribbon Fire Commission for Inclusion in the Final Fire Commission Report

Executive Director John Singlaub presented the 9 point letter from the Basin Fire Chief’s and his response to each one of those points. The last remaining issue is related to item numbers 4 & 9. The language included is a proposal that has been put forth to the Fire Commission. He presented a letter that has been signed by all the Fire Chiefs stating they have worked together with TRPA, and feel that they have a tentative agreement on each of the 9 issues. If the Fire Commission passes the last one, we don’t expect any additional actions to be taken by the Board in response to those 9 points. We feel we have reached a reasonable conclusion to all their concerns. The Fire Commission asked us to bring this forward to the Board for approval.

Mr. Swobe moved approval of the report.

Motion carried unanimously.

C. Status Report on Shorezone EIS

Vice Chair Mr. Biaggi gave a status report on the Shorezone EIS issues discussed with the two states with regard to piers, buoys and the boat sticker program and inspections.

XII. REPORTS

A. Executive Director Status Report

1. Monthly and Annual Status Report on Permit Processing
2. Regional Plan Update
3. Forest Fuels Management Update
4. Agency Work Program Priorities for March

Executive Director Singlaub gave the monthly status report which will now be in writing and included in each Governing Board packet.

Staff member Lyn Barnett presented the annual status report on permit processing.

B. Legal Division Status Report

Agency Counsel Ms. Marchetta had no report.

XIII. COMMITTEE REPORTS

A. Legal Committee – no additional report
B. Operations Committee – no additional report

C. Catastrophic Wildfire Prevention Committee – no additional report

Mr. Galloway stated that if any Board member wanted to learn more about the Placer County CEP proposals, there will be a meeting at the Biltmore on Boulder Bay on Wednesday, March 19.

XIV. GOVERNING BOARD RETREAT (time certain 9:00 a.m., February 28, 2008 at Fresh Ketch Restaurant)

A. Agency 5-Year Strategic Plan Priorities and FY08-09 Annual Work Program and Budget

B. Executive Director’s Leadership Development Plan

C. Governing Board Operations

The Governing Board held the retreat and directed staff to prepare a draft update of the 5-Year Strategic Plan objectives for Governing Board review in the next few months. The Board also approved the Executive Director’s proposed leadership development plan and discussed Governing Board meeting procedures and protocols, and potential Agency budget management ideas.

XV. ADJOURNMENT

Governing Board Chair Ms. Bresnick adjourned the meeting at 3 p.m.

Respectfully submitted,

Judy Nikkel
Clerk to the Board

The above meeting was taped with the exception of the Governing Board Retreat. 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.