Tahoe Regional Planning Agency
128 Market Street
Stateline, NV

REGULAR MEETING MINUTES - UPDATED

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Smith called the meeting to order at 9:35 a.m.

Members Present: Ms. Aldean, Mr. Biaggi, Mr. DeLanoy, Mr. Galloway, Mr. Holderman, Mr. Kranz, Mr. Merrill, Ms. Motamedi, Mr. Smith, Mr. Solaro, Mr. Swobe, Mr. Upton, Mr. Waldie, Mr. Yount

Members Absent: Mr. Heller

III. PUBLIC INTEREST COMMENTS

Ken Kurtzwater, a Lake Tahoe property owner stated that he has been unable to get a response from TRPA on 1089 Magra St. regarding developmental rights and would like some assistance.

IV. APPROVAL OF AGENDA

Mr. Upton moved to approve the agenda.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. Solaro moved to approve the minutes as amended.
Motion carried unanimously.

VI. CONSENT CALENDAR

_The following Consent Calendar items were approved per staff recommendation except as noted:_

1. Resolution to Amend TRPA Retirement Plan Fund List
4. Acceptance of 4th Quarter Investment Report
5. Approval of Augmentation to the TRPA 2004/05 Budget
6. Resolution to Enter into Contract with the CA State Water Resources Control Board to Receive CA 319(h) Grant Monies
7. Authorization for Prosecution of Litigation Against Frank McCreary, Unauthorized Tree Removal, Undeveloped Property Behind O'Malley Drive, El Dorado County, California, APN 025-061-2718

8. Resolution of Enforcement Action, Tim Kenneally, Rob Sproehnle/ JRS Construction, Unauthorized Grading, 274 Bend Ave., Placer County, California, APN Number 090-224-09

Notes:

The Legal Committee recommended approval of item 7.
The Legal Committee recommended a change to item 8 stating that the $5,000 violation be reduced to $2500 and be divided between the property owner and the construction company.
The Operations Committee recommended acceptance of item 1 through 8.
Mr. DeLanoy asked that item 3 be removed for further discussion.

Ms. Aldean moved to approve the consent calendar with the exception of item 3. Motion carried unanimously.

Mr. Solaro moved to approve consent calendar item 3 upon conclusion of discussion. Motion carried.
Ms. Motamedi abstained.

VII. GOVERNING BOARD MEMBER REPORTS

Mr. DeLanoy stated that after the Gondola fire we were able to put together a brochure that brought up to date at that time of the things that we needed for the fire break. It’s available and if you haven’t seen it, he would like to discuss it later. We did that and moved forward and at that time the fire districts also moved forward and they began indicating the importance to each individual property owner of which there is 25,000 residents in the area and brought forward the fact that they were going to have to be involved with defensible space. In other words, they owed a duty to themselves and to their families and to their neighbors to bring forward the defensible space and that came forward through five of the seven fire districts. Then at the end of 2003 we had Congress pass what we call the National Forest Health Plan, and they had asked for $760M dollars and only half of that was approved, unfortunately. Then we went forward again with the fire districts and the fire district people began accumulating the facts and the information that was needed to qualify for the Federal funding and as of January 2005, that was completed. So the two steps were completed. The defensible space; there is no one in the Basin that doesn’t know about the defensible space and that is attributable to this Board and the members and the fire districts. Likewise, they have completed their applications for funding from the Federal Government. Now, Dr. Bonnicksen pointed something out that he thinks is extremely important and that is that we need to reach some kind of an agreement with the U.S. Forest Service. That the Forest Service is needs to cooperate as there is 166,000 acres that is not under the jurisdiction of the TRPA. We have completed our work with the fire districts but there is 166,000 acres out there that is under the jurisdiction of the Forest Service and their last release in the
press indicated of that amount, 50,000 acres are susceptible to fire and we are going to half to work some program out where we need to be able to get the private sector to come into work with the Forest Service on some type of an agreement, probably 10 years or so to eliminate the bio-mass out of that particular area. One of our Board members is already working on the bio-mass situation down in Carson County and Dr. Bonnicksen said he would be working with her to facilitate that. But in the meantime, we need to enter into a plan so we get the Forest Service to work with us on this and he is going to recommend that we have an adhoc group with California and Nevada and that we contact our representatives in Congress and that we also contact the representatives in the States and would like to have the governors involved and local government people; possibly the President of the United States could be involved so we could get the funds to bring about a situation that the Tahoe Basin could be a demonstration area for the rest of the United States as to how to prevent forest fires.

Mr. Kranz stated that he was impressed with Dr. Bonnicksen’s presentation last month and he has contacted him to bring this in front of Placer County’s Board of Supervisors. On April 26, Dr. Bonnicksen will be speaking to our Board of Supervisors. They will also be announcing this to the community so they can hear Dr. Bonnicksen speak.

Mr. Yount stated that he attended the Tahoe Pathway 2007 last Friday and he commends the people working so hard on behalf of the P7 process. They are very dedicated to their work and very dedicated to the Lake and they deserve the Board’s support. The one concern he has is that the communication of our wants and desires be improved and that Board members should attend these meetings if possible.

Mr. DeLanoy stated that if we don’t do something about this fire hazard situation, we won’t have to worry about the Pathway 2007 program, or the clarity of the Lake. Dr. Charles Goldman indicated that if the forest fire that occurred down in Carson Valley was in the Lake Tahoe area, you would loose the clarity for about 100 years.

VIII. REPORTS

A. Executive Director Status Report.

Mr. Singlaub gave the Director’s Status Report.

B. Legal Division Monthly Status Report.

Agency Counsel John Marshall updated the Governing Board on legal actions for McDonald, Franklin and action taken by the Supreme Court that could be of interest to the Governing Board regarding a “takings case”. This could reduce our transaction costs in future takings litigation.

Agency Counsel Marshall handed out a document on prioritization of Thresholds and the authority of the Board to delete Thresholds and explained the document.

IX. RESOLUTIONS
A. Resolution in Support of Basing a “Helitanker” in the Immediate Area of Northern Nevada or the Lake Tahoe Basin

Governing Board Member Swobe presented the resolution. Mr. Swobe moved to adopt the resolution. Motion carried unanimously.

B. Resolution Recognizing Governing Board Member Tom Quinn

Chairman Smith presented the Resolution. Mr. Galloway moved to approve. Motion carried unanimously.

C. Resolution Recognizing Governing Board Member Ron Slaven

Chairman Smith presented the Resolution. Mr. Solaro moved to approve. Motion carried unanimously.

D. Resolution Recognizing Governing Board Chairman Dave Solaro

Chairman Smith presented the Resolution. Ms. Aldean moved to approve. Motion carried unanimously.

Adjourn as TRPA, convene as TMPO

X. TMPO ADMINISTRATIVE MATTERS

A. Resolution Authorizing the Revisions to the FY 2004-2005 Overall Work Program to Incorporate Changes to the Indirect Cost Allocation Rate

Staff Member Carl Hasty presented the resolution. No Public Comment. The Operations Committee recommended approval. Mr. Upton moved to approve. Motion carried unanimously.

Adjourn as TMPO, convene as TRPA

XI. PROJECT REVIEW

A. Incline Village General Improvement District, Sewer Export Line Replacement, Highway 28 right-of-way between Sweetwater Road
and 0.06 miles south of Sand Harbor, Washoe County, TRPA Project Number 540-301-05, TRPA File Number 20031076

Staff Member Lyn Barnett presented the project.

Public Comment:

Jill Sutherland, Resource Concepts, stated that they were contracted by the TRPA and the Army Corp of Engineers to prepare the environmental assessment.

Joe Pomeroy, Engineering Manager, IVGID stated that IVGID is in agreement with the findings made in the environmental assessment and also support staff recommendations.

Mr. Galloway moved to approve the findings with no significant environmental effect.
Motion carried unanimously.

Mr. Galloway moved to approve the project with changes mentioned by Staff Member Barnett regarding condition 6.
Motion carried unanimously.

B. Tahoe Keys Marina Pier/Slip Reconfiguration APNs: 022-210-21, 32, 40, & 44, 2435 Venice Drive East, SLT

Staff member Brenda Hunt presented the Tahoe Keys Marina reconfiguration and an addendum to the draft conditions that were agreed upon by the applicant and those persons that had concerns with the project. 1) Modify condition number 3J12 to include a section of the code that relates to water craft noise, 2) modify condition number 9 to include that the mooring of boats at the fuel and pump out facilities dock for purposes other than fueling and pump out is prohibited, and 3) modify condition number 10 to include noise issues.

Jay Kniep, agent for Tahoe Keys Marina addressed the concern that was not addressed in the modifications above as to recycling of old material and stated that they would be using all new material and properly dispose of the old materials.

Mr. Solaro moved to approve the staff summary and the staff addendum plus Ms. Aldean’s amendment to section 3J requiring that boaters be advised that they are using the access channels in the marina at their own risk and the willingness of the applicant to cooperate with the development of a Basin-wide boat sticker program.
Motion carried unanimously.

XII. PUBLIC HEARINGS

A. Amendment of the Boundary of Plan Area Statement 002, Fairway Tract, to incorporate Placer County APNs 094-010-007, 015, and 013 into Plan
Area Statement 002, and Providing for Other Matters Properly Relating Thereto

Staff member John Hitchcock presented the amendment.

No Public Comment

Ms. Aldean moved to approve the findings of Chapter 6 and Chapter 13. Motion carried. Ms. Motamedi abstained.

Ms. Aldean moved to approve with no significant effect. Motion carried. Ms. Motamedi abstained.

Ms. Aldean moved to adopt the implementing ordinance. Motion carried. Ms. Motamedi abstained.

B. Adoption of Tahoe City Marina Master Plan and Certification of EIS

Staff member Brenda Hunt presented the adoption of the master plan.

Public Comment

Mark Hecky, Redevelopment Program Manager of Placer County, stated that the fee for transportation is administered by the Department of Public Works based on trip generation.

Dave Wilderaldo, Tahoe City Resident and Business Owner, stated that he has a concern regarding whether these are seasonal births or whether this is on a lottery basis. He would also like to limit boat access in July/August when there are major traffic problems.

Rochelle Nason, League to Save Lake Tahoe, stated that they support Phase 1A and they support the conclusion that Phase II should not be done at this time. They do have some concerns regarding Phase I and she urges the Board to defer approval of the project to give time to examine more specific plans that need to be developed.

Mary Wagner, Water Quality Control Board, stated that they support the project.

Mr. Swobe moved to certify the Tahoe Marina Master Plan EIS. Motion carried. Ms. Motamedi abstained.

Mr. Swobe moved to approve Chapter 6 findings and article 7D findings. Motion carried. Ms. Motamedi abstained.
Ms. Aldean moved to adopt the Tahoe City Marina Master Plan dated 11/2000 subject to the addition of an element prohibiting the condominiumizing of any of the new slips and restriction of 10 slips to one week rentals for a two year period, subject to possible extension based on periodic review, the erata that is Attachment A. Motion carried. Ms. Motamedi abstained.

XIII. ADMINISTRATIVE MATTERS

A. Amendment of the TRPA Application Filing Fee Schedule

Staff member Carl Hasty stated the goals for the amendment.

Staff member Lyn Barnett presented the amendment.

Public Comment:

Jan Brisco, Consultant and Planner in Basin, stated that she supports putting this decision off for further study for another month. They are supportive of a fee increase but one that is appropriate.

Sara Ellis, Government Affairs Director for Nevada Realtors, stated they would support anything to help the agency run more efficiently, but they are concerned with writing a blank check to the General Fund.

Mr. Upton moved to adopt the schedule as proposed, removing the minimums in Categories A, B, C and Shorezone. The fee schedule will expire June 30 and will be brought back to the Governing Board for any necessary adjustments if any at the May and June, 2005 meeting. Motion carried unanimously.

B. Assignments of Governing Board Committee Membership

Mr. Merrill requested appointment to Shorezone. Motion Carried unanimously.

C. Election of Governing Board Vice-Chair

Mr. Upton moved to appoint Ms. Motamedi as Vice-Chair. Motion carried unanimously.

D. Workshop on Developing Policy on Governing Board Ex Parte Communication and Discussion of Conflict of Interest Rules

A motion was made to continue this item until the April Governing Board meeting. Motion carried unanimously.

XIV. COMMITTEE REPORTS

A. Operations Committee – none
B. Legal Committee – none
C. Public Outreach – Mr. Swobe stated that the Pathway 2007 survey and workshops that were held in January was presented by Julie Regan.

D. Shorezone Committee – none

XV. ADJOURNMENT

Chairman Smith adjourned the meeting at 6:00 p.m. on February 23, 2005.

Respectfully submitted,

[Signature]

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.