I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

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

Members Present:

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

Ms. Bresnick joined the meeting at 10:40 a.m.
Mr. Weber left the meeting at 12:45 p.m.
Mr. Miller left the meeting at 2:30 p.m. and Ms. Thomas sat representing Mr. Miller.
Mr. Kranz left the meeting at 4:00 p.m.
Ms. McDermid left the meeting at 4:00 p.m.
Mr. Ruthe left the meeting at 4:30 p.m.

PUBLIC INTEREST COMMENTS

Jerry Wotel, North Tahoe Citizens Action Alliance, stated that the Tahoe City Marina parking garage project that will be coming to the Board, should not be funded, when there are conditions of blight that are much more severe in Kings Beach. He was told that this was being built for economic blight, but recently there was an article that stated that the sales tax revenues for Tahoe City have increased more than any other North Shore and Tahoe area communities, which is a direct indicator of business health. He feels that this is contrary to the decision that this is tied to economic blight.

Dave McClure stated that the Tahoe City Marina parking garage is an extremely critical issue to the community, because it represents an estimated budget of $14M of redevelopment money that is so badly needed in other areas of North Tahoe. He co-sponsored a grand jury request for investigation into this project and the investigation is moving forward. He urged the Board to keep in mind that a lot of citizens are challenging the basis and validity of the project. There are so many needs in the area. One in particular that will not have money spent on it if we spend
the $14M on the garage, is the area of fire suppression and fire distribution systems in both Kings Beach and Lake Forest.

Ty Polastri, President of the Lake Tahoe Bicycle Coalition, stated that they are asking TRPA to strongly support the Lake Tahoe Bicycle Pedestrian Master Plan. The coalition endorses and supports this and is committed to be a collaborator in helping it to become a reality. Over the last couple of years there has been a breakdown in the planning process and a disconnect from the master plan, as we see significant highway projects in the area, specifically Highway 50 on the East Shore and now in the heart of South Lake Tahoe, being constructed and planned without full compliance with the master plan. We are asking the Governing Board to direct staff to flex its muscle and insist that all highway projects be in compliance with the master plan and Caltrans’ own Deputy Directive 64.

Jeffrey Miner handed out a letter and a bumper sticker that supports the Lake Tahoe Bicycle Coalition. Their goal is to put a Class 2 bike lane around the entire lake.

Paul Vatistas, North Tahoe Citizens Action Alliance, stated that they are offering potentially $20-$30M worth of benefits to applicants who are applying to the CEP Program. They hope that as the program is developed, there will be milestones that are tied to performance against the goals of CEP. We need to make sure we get the things that the public wants.

IV. APPROVAL OF AGENDA

Ms. Motamedi stated that with recent comments from Board members and the public, she is requesting that the agenda be changed to move items VII and VIII after item XIII on the agenda and item IX be included under item number XIII.C, the Catastrophic Wildfire Prevention Committee as it falls under this venue. In the future, if there are resolutions that pertain to a Committee, they should fall under that Committee for purposes of expediting the action. Under Item XI, the order will be reversed to take item B before A.

Mr. Swobe opposed the change to the agenda of items VII and IX.

Mr. Kranz opposed the change to the agenda of numbers VII and IX also. He believes, however, that we should make sure the Public Hearing items are heard first to prevent the public from waiting around for these items.

Mr. Galloway supported changing the Executive Directors' Report and the Legal Division Status Report, but the Board listens to the public and the Board should have time to address their comments. However, he urges constraint on the part of the Board with their comments.

Ms. Aldean stated that part of the reason why the discussion was extended at the last meeting, was because of questions being asked by Governing Board members. It is very important that the Board understand the issues before voting on items on the agenda. If a Board member is not grasping a concept, it is important that they ask clarifying questions to prevent acting out of ignorance. We have some very complex issues before us and we need to understand the issues and vote in accordance with our understanding.
Ms. Motamedi asked for a role call vote on her proposed Agenda changes.

Yes Votes: Mr. Merrill, Ms. Motamedi, Ms. Santiago

No Votes: Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Kranz, Ms. McDermid, Mr. Miller, Mr. Ruthe, Mr. Swobe, Mr. Waldie, Mr. Weber

Motion failed.

Ms. Aldean moved that items VIII. A and B be moved right before Item XIII, Committee Reports and change the Planning Matters (Item XI) to consider Item B before Item A.

Motion carried unanimously.

Ms. McDermid moved approval of the agenda, as amended.

Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Aldean moved approval as amended.

Motion carried unanimously.

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

Mr. Weber moved approval of the Consent Calendar.

Motion carried unanimously.

VII. GOVERNING BOARD MEMBER REPORTS

Mr. Kranz distributed an ordinance that Placer County passed at their recent Board meeting, which will help deal with some of their defensible space issues on unimproved properties. This is in order to protect the community from fire.

Mr. Biaggi asked for an item to be placed on the next Board meeting regarding the bike issues that have been stated in public comment today, to make sure we have safe bike paths throughout the Tahoe Basin.

VIII. REPORTS

A. Executive Director Status Report

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

Executive Director Singlaub stated that he would put his report in writing and send to the Board.

B. Legal Division Status Report

Legal Counsel Ms. Marchetta stated that she will also put her report in writing. She stated recently prevailed in the litigation McNeil vs. TRPA and she has copies of the judge's discussion if anyone is interested in receiving a copy. She was also given direction from the Legal Committee to move forward on negotiation of a confidential settlement offer that the City of South Lake Tahoe has presented to TRPA. Staff will continue to negotiate on that settlement offer and keep the Legal Committee apprised.

IX. RESOLUTIONS

A. Resolution Urging Support of Fire Suppression Professionals’ Determination of the Need to Station a Quick-Response Firefighting Helicopter to Serve the Tahoe Basin

Mr. Swobe presented the resolution.

Public Comment:

Jennifer Quashnick, representing the Sierra Forest Legacy, stated that she pulled together some costs associated with this resolution, and it comes down to the basic question of priorities. She feels we should follow what the fire professionals tell us, who are looking at prevention as a priority. Some issues with helicopters, as well as aircraft, are the winds. If the winds are too strong, aircraft cannot fly, which was the case during the Angora Fire.

Paul Vatistas stated that he is the Director of the Truckee/Tahoe Airport District, and they have discussed this issue. Everyone is right. The priorities are thinning and ground crews, but there is a desire to have a Type 2 Helicopter available. They have had a request from the North Tahoe Fire District for a Type 2 Helicopter based at their airport and are willing to work with the Board on this issue.

Mr. Swobe moved approval of the resolution as amended.

Yes Votes: Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Miller, Mr. Ruthe, Ms. McDermid, Mr. Swobe, Mr. Waldie, Ms. Motamedi, Mr. Kranz, Mr. Weber

No Votes: Mr. Merrill, Ms. Santiago

Abstained: Ms. Bresnick

Motion carried.
X. PUBLIC HEARINGS

A. Amendment to Chapter 33, Special Projects, to Change Eligibility Requirements to Allow Projects in Community Plan or TRPA Master Plan Designated Areas

Staff member Brenda Hunt presented the proposed amendment to Chapter 33 to change eligibility requirements to allow Special Projects in Community Plan or TRPA Master Plan designated areas.

Public Comment:

John Runnels, President of the Citizens Alliance on the South Shore, stated that he does not support the amendment, as they proposed a plan that was totally ignored by the City of South Lake Tahoe.

John Falk, Tahoe Sierra Board of Realtors, stated that they support this proposed amendment.

Rochelle Nason, League to Save Lake Tahoe, stated that they do not support this proposed amendment.

Susan Gearhart stated that she does not support the proposed amendment, as the Homewood project does not need any additional commercial floor area and that the project is too large already.

Paul Vatistas does not support the proposed amendment, and we should not change the rules.

Ernie Claudio does not support the proposed amendment, as this is a change in the rules.

Gary Midkiff supports the amendment.

Jennifer Quashnick stated that the community should determine what they want and do an environmental analysis before anything is done.

Michael Donahoe, Tahoe Area Sierra Club, stated they do not support the proposed amendment.

Rick Angelocci, Assistant City Manager of the City of South Lake Tahoe, stated they support the proposed amendment.

Dr. James Gearhart stated that the West Shore general plan designates Homewood as a conservation area and extreme fire hazard area, and he feels this project is too large.

Governing Board Comment:

Ms. Motamedi commented that she feels that due process has been followed with the public forums that were available. Any conservation or environmental group that feels that they have not been part of the process is reminded that
everything was publicly noticed, through each applicant along the way. She takes exception to the comment that Homewood is an extreme fire hazard area, as they have spent several hundred thousands dollars to treat over 400 acres for fire suppression.

Mr. Weber clarified that we are not approving the Homewood project, or the Tahoe Valley Community Plan, but under this change, the environmental documents would come forward and nothing would slow any of the other projects down. What we would have is an even bigger, potentially better menu of environmental enhancement improvement projects for this Board to decide on. If the mission is environmental improvement and lake clarity, why wouldn’t we want to do this? Why wouldn’t we want to give the Board the opportunity to make the decision on what will give us the biggest environmental net gain and triple bottom line gain that is possible.

Ms. Bresnick asked several clarifying questions: 1) for special projects through the CEP program, the allocations and commodities are Basin-wide, correct? (staff’s response was yes); 2) do they rely in any way on prior environmental documentation for adopted community or master plans? (staff responded that the CEP plan that comes forward would be consistent with the community or master plans in which they are located); 3) but these additional allocations were not assigned to an adopted plan or considered through an environmental review process in that adopted plan, right? (staff’s response was no they were not); 4) Do we potentially have enough allocations for all the projects that have come through the door under the program? (staff’s response was potentially yes); 5) is it possible when we are reviewing projects, that the adoption of the community plan and what the process is with a pending community plan or master plan may come into consideration? (staff’s response was correct); 6) with Homewood, the master plan and project are the same thing and will be analyzed through a complete environmental review, right? (staff’s response was correct); 7) does the Tahoe Valley Community Plan as a plan go through some kind of environmental review? (staff’s response was correct); 8) so if the environmental review has not already been done, it will be done, right? (staff’s response was correct); and 9) this amendment implementing the expansion of eligibility was noticed up front, right? (staff’s response was correct).

Agency Counsel, Ms. Marchetta stated that every applicant will have to come forward with their environmental review. We are anticipating that all of these projects are likely to be in the form of an EIS.

Ms. Aldean moved approval of the finding of no significant affect.

Yes Votes: Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Miller, Ms. McDermid, Mr. Swobe, Ms. Bresnick, Mr. Merrill, Ms. Motamedi, Ms. Santiago, Mr. Kranz, Mr. Weber

No Votes: Mr. Waldie, Mr. Ruthe

Motion carried.
Ms. Aldean moved approval of the ordinance with the amendment, that this will be effective immediately upon adoption.

Yes Votes: Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Miller, Ms. McDermid, Mr. Swobe, Ms. Bresnick, Mr. Merrill, Ms. Motamedi, Ms. Santiago, Mr. Kranz, Mr. Weber

No Votes: Mr. Waldie, Mr. Ruthe

Motion carried.

Ms. Aldean stated on the record that it is her understanding that the Board has agreed to allow the Executive Director to extend the time period to maintain any allocation of commodities obtained through the CEP process.

B. Notice of Preparation and Scoping Hearing for the Environmental Impact Statement for the Proposed Tahoe Valley Community Plan in the City of South Lake Tahoe

Staff member Melissa Shaw presented the scoping of the environmental Impact Statement for the Proposed Tahoe Valley Community Plan in the City of South Lake Tahoe.

Public Comment:

Jerome Evans, former member of the Tahoe Valley Community Plan Team, stated he is a persistent advocate of the round-about at the intersection, commonly known as the South Y. He feels that the current plan has many serious weaknesses. The original planning team plan that was presented in 2005 is just barely visible in the alternatives that are shown here.

Nicole Zaborsky, former Tahoe Valley Community Plan Team member, stated that the three alternatives for any change at the Y do not reflect much, if any of what the Tahoe Valley Community Plan Team had originally proposed. They did a lot of communication with the public and the original plan had 15,000 sq. feet of commercial floor area, three stories and a lot of incentives for workforce owner occupied low income and moderate income housing. What never came up in this checklist are the comments from Lahontan Water Quality Control Board regarding some of the known contaminated sites in the Tahoe Valley Community Plan and she finds that worrisome. We don’t want to excavate near those areas.

Ken Ganyo, property owner, stated that he would like to do something for the community with his property on Bonanza. This is a prime location close to the Y and the businesses, and he would encourage that the Board look at approving the housing element also.

John Runnels, President of the Citizens Alliance and one of the principal property owners at the Y, stated that nothing much remains of what the local citizens had decided. It started with 40 acres and now it is between 1750 – 1900 acres. Caltrans has also stated that they do not have funding for a round-about. The document presented for the scoping by the City of South Lake Tahoe is based on
fabrication, misdirection and outright lies. They are not against redevelopment or renewing, but want what the locals want.

Governing Board Comment:

Ms. Santiago asked if Caltrans will not fund a round-about, how this would impact the scoping of the project.

Staff member Melissa Shaw stated that they would take this into consideration in the traffic study for the traffic impact. She believes there were additional conversations with Caltrans on the design and they have accepted them. This will definitely be checked with the traffic consultant.

Ms. Brenick asked if there is a possibility that an alternative could be added to the document that reflects what the community planning team came up with.

Staff member Melissa Shaw stated it is very likely that a separate alternative will come out of the final process, and we will look at some sort of blended alternative as a final recommendation.

Mr. Galloway stated that he would like to have these items included in the scoping of the environmental document: 1) an alternative that is essentially the original planning team proposal, 2) wildlife impacts, 3) known contamination site effects, and include emergency evacuation and ingress and egress, 4) and the impact of economic and social condemnation.

Mr. Waldie stated that he is concerned that public participation seems to have a short-cut somewhere in the procedure, if their alternative was not considered.

Ms. Aldean asked about the absence of information and adequate economic demographic information, and with an increase in population, are we planning to accommodate the people who are currently in this planning area. We should accommodate their needs, and be added to the scoping.

Mr. Galloway requested that the following be added to the scoping, irrespective of the alternatives already presented:

1) an alternative verified by TRPA to be equivalent to the original planning team alternative be considered, irrespective of the size of the redevelopment district
2) the economic, demographic and total population for each alternative be analyzed in the EIS
3) for each alternative, that the known contamination sites and the effects of dealing with those be considered
4) wildlife impacts be considered for each alternative
5) not only that ingress and egress impacts be analyzed for each alternative, but also for emergency evacuation situations and those effects also should be included in the analysis

Ms. Marchetta stated that this does not limit additional issues that may need to be taken into consideration.
No action was taken.

XI. PLANNING MATTERS

A. Status Report on TRPA’s Transportation Model

Staff member Keith Norberg presented a status report on TRPA’s Transportation Model.

No action was taken.

B. Presentation on TMDL Results

Harold Singer, Executive Director Lahontan Water Quality Control Board, presented the results of the Total Daily Maximum Load status report.

No action was taken.

XII. PATHWAY WORKSHOP

1. Presentation and Overview of Current Situation and Proposed Process
2. Presentation and Results of EIS Scoping
3. Presentation of Draft Matrix
4. Questions and Answers

Staff members John Hitchcock and Eileen Carey-Illano presented an overview of the Pathway status and proposed process. Sydney Coatsworth facilitated the workshop and captured all Governing Board comments to be included in the EIS scoping.

Governing Board Comment:

Mr. Galloway stated that with the real estate decline, people have discovered a way around this, and that is to fractionalize homes that are zoned to be single owner. We need to deal with this, because when you talk about density, there is a problem with increasing density. If you increase density and all you end up with is units that are fractionalized, essentially they are time shares. Is this plan tough enough to enforce restrictions on time shares, and if you can’t, you will find people who aren’t going to support a transportation system by taking the bus or shuttle, as they are only here a fraction of the year? There is no way, if this happens to put things back as they were. We need to look at requiring people be single resident owners and not fractional owners.

Mr. Merrill stated that he has three issues: 1) the suggestion is that we are doing an abbreviated plan and putting off consideration of changing thresholds; his concern is how we ensure that we follow up and continue to do the next phase of the Regional Plan, and not wait another 20 years from now; 2) his traffic concern is a local issue and wants to make sure that in the three key areas around the Lake, that the EIS focus on those areas and the cumulative impacts studied. We need some traffic standards that we can judge these new developments by; 3) on near shore turbidity, he feels it is disappointing that we have not spent the scientific resources to find out
more about this. Hopefully it will turn out to be caused by the same things that we
are going to address through the other water quality standards.

Ms. Santiago asked about the place-based land use theme versus the concentrated
land use theme. What is the major difference?

Staff member John Hitchcock stated that the major difference is the number of
development allocations being proposed.

Ms. Santiago asked that during this process are we then taking the agreed upon
indicators to see how they work within each of these themes.

Agency Counsel, Ms. Marchetta stated that for each of the land use themes, which
will turn into an alternative at some point, there will be an alternate analysis. For
each alternative, you will analyze against the existing threshold and the proposed
change to the threshold. Most of the recommended changes are based on current
changes in State or Federal law, as the Compact requires us to incorporate these
changes into our plan.

Mr. Galloway asked that we analyze each alternative, including one that would look
at the urban boundaries and maybe contracting them. Why not let this work both
ways and call it the alternative that allows adjustment of urban boundaries, so that
you can adjust urban boundaries, if that was the only way you have enough land to
have workforce housing. Make sure this addresses the government services
implications of all alternatives. Regarding the transfer of commodities, make sure at
least one study look at what would be the effect if TRPA does not require local
government consent to transfer commodities around the Basin.

Ms. Aldean stated that if the science is compelling, she would hope that we update
the plan more frequently than 5 years.

Mr. Waldie stated that with existing thresholds, we should look at an alternative
which has certain constraints on development, and as we amend these existing
thresholds and as a consequence of that action, that development opportunities be
diminished or enhanced?

Public Comment:

Rochelle Nason, League to Save Lake Tahoe, stated the basic structure of
establishing standards or thresholds and then developing a regional plan on a
regional basis that achieves those goals is one that has specific plans and projects
that contribute to that regional picture that in turn achieves the over arching goals.
That basic structure has simply vanished in this process. Instead of a viewpoint that
is built on achieving and maintaining the environmental threshold carrying capacity,
this plan is proceeding from exactly the other premise and that is there are certain
kinds of projects that we should all want, high density, mixed use projects that make
it possible for people to travel by foot from one activity to another. This doesn’t give
you any way that your plan is or is not achieving what you want it to do, because you
haven’t decided what you want to do. She suggests that you would look at an
interim plan to develop allocations that could suffice long enough to develop
thresholds that are science based and you would do that for all of the thresholds, not
just water quality. You would make the most current science available, establish a new set of thresholds that everyone can say, yes we agree those are the thresholds.

Agency Counsel, Ms. Marchetta stated for the record that there have bee assertions made that we have thrown out the basic structure of our Compact and in terms of making it clear to the Board, we have absolutely not thrown out the structure of the Compact. We are so entrenched in this process that you can encompass 100% of your ideas in any one discussion of this Regional Plan, because there are so many moving parts. One of the things about the thresholds is there was unanimity on the thresholds in 1987. We could not change a single threshold today and there would still be unanimity on the thresholds. We can build a plan around the existing thresholds, and we are looking at some changes that have been made in the law. We are looking at incorporating that limited set of changes into our threshold standards. That is by no means throwing out the foundation of building a plan around our thresholds. As Legal Counsel, I have not forgotten that we are beholden to the Compact and I won’t let the Board forget that we are beholden to the Compact. There are many common concepts. We are trying to achieve thresholds, but the concept of net gain is the concept of accelerating attainment of thresholds. The 1987 plan is a plan that was directed at growth control. We are trying to move from basic growth control concepts to redevelopment concepts. How do we improve the environment that we have? We are trying to take into account the desires of the local communities as we heard them through place-based. We are not substituting only what we heard through place-based for what the goals of this plan are, but we are trying to take that process into account. This set of updates is focusing on our urban areas, because as you heard from Harold Singer, that is where we have substantial opportunity today to make some gains in at least one of our thresholds, which is lake clarity. Given what we know about the science in terms of fine sediments, we will focus on that and this is relatively accepted. We will continue to use science in this process. It is important to know that we have not thrown the Compact into the Lake.

XIII. COMMITTEE REPORTS

A. Legal Committee – no additional report

B. Operations Committee – Mr. Merrill stated that they accepted the September Monthly Financial Statement with a note that filing fees are down and we assume that will continue. They approved the $6,000 water mitigation fund release. They talked about the Pathway Budget and the discussion will be continued next month.

C. Catastrophic Wildfire Prevention Committee – Mr. Swobe stated that they met on October 8 and went over with the Fire Chief’s their letter points and we will be reducing some of the points to be included in the MOUs. They will meet next on November 15 where they will have a discussion on Stream Zone treatments and further discussion on defensible space.

XV. ADJOURNMENT

Governing Board Chair Ms. Motamedi adjourned the meeting at 5:20 p.m.
Respectfully submitted,

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.