TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe City Council Chambers
South Lake Tahoe, California

December 20, 1995

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular December 20, 1995, meeting of the Governing Board of the Tahoe Regional Planning Agency to order at 9:40 a.m. and asked Vice Chairman Drake DeLancy to lead in the Pledge of Allegiance.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLancy, Mr. Waldie, Dr. Minar, Mr. Sevison, Mr. Heller, Mr. Cole, Ms. Bennett, Mr. Westergard, Ms. Neft, Mr. Bradhurst, Mr. Wynn, Mr. Upton

Members Absent: Mr. Cronk, Ms. Hagedorn, Mr. Neumann

III. PUBLIC INTEREST COMMENTS

Mr. Dwight Steele, from Alpine Meadows, urged the Board in the new year to focus its efforts on reducing traffic congestion and Vehicle Miles Traveled (VMTs). In spite of the commitment to reduce VMT, every year project approvals made the problem worse. He would like the Board to adopt a policy that no project would be approved unless it would result in the reduction of VMTs. There would need to be exceptions for residential approvals, but in these cases the Board might require as mitigation a substantial contribution to public transit. Hopefully by the end of the century there would be a no-fare bus system. Mr. Steele also urged the Board in its review of the shorezone to provide for the protection and enhancement of natural scenic beauty. Every year, more and more of the Lake's views were blocked off between the roads and highways and the Lake. This was an area where drastic work was needed. The third area where there was long delay was in the provision of public access to the Lake and along the shore. He urged the Board to take more action in these areas.

Mr. Don Kornreich submitted for the record a copy of his December 19, 1995, letter to Carl Ribaudo summarizing Incline Village/Crystal Bay data on hotel/motel occupancy rates, retail sales, assessed values and tax rates, visitor data, gaming revenues, and winter passenger counts. In two months, Mr. Ribaudo would finish his economic assessment indicator report for TTREC; this would be of interest to all Board members. Mr. Kornreich also summarized the contents of his December 20 memo to the Board on study funding and the TRPA Regional Transportation Plan/Air Quality Plan. Mr. Kornreich questioned the need for VMTs as a measurement of the air quality threshold, since the correlation between VMTs and air pollution was not a good one. While it was recognized that increased traffic meant more particulates in the air, worsened visibility, more road maintenance, and more erosion problems, those doing the 1996 plan update should be advised now that the 10 percent VMT reduction was an impossible goal. If this was still the direction the Board wished to go, there would be things required in the plan that would be impractical. He asked that the Board give those working on the updated plan direction now.
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The last plan called for $125 million to be spent on projects through 1996. Less than 10 percent of the $125 million had been raised through air quality mitigation funds and grants. If there would be a meaningful plan, he urged the Board to give guidance before the update work commenced.

Mr. Cole asked that a future agenda contain a discussion item on how TRPA would address VMTs as a measure of air quality. Although traffic was an issue to be addressed, it was generally accepted that VMTs were not a valid measure. The Board should determine how to proceed on this whole issue of air quality and traffic.

Executive Director Jim Baetge noted that all thresholds would be brought to the Board in 1996. This was one that would be considered. VMT related not only to air quality but also to water quality. While he would not jump too quickly at changing the way air quality was measured, the Board should be sure that everyone was still comfortable with the goal. The goal was clearly to reduce automobile travel. This could come to the Board in February.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, agreed that VMT was directly related to water quality and air quality. Road dust was increasingly being viewed as a very serious problem. Economically, South Lake Tahoe and the entire Tahoe Basin suffered dramatically in comparison to more up-to-date communities that had worked hard to install transit. The primary tourist markets of Sacramento and San Francisco had made enormous strides in public transportation since 1980. People were acclimated to using it. The fact it did not exist here was one of the major problems for Tahoe as a tourist area. There was enormous potential in the Basin for public transit in a variety of areas. To say that Tahoe did not have the political will to accomplish change and to therefore look at changing the environmental standard was wrong.

IV. APPROVAL OF MINUTES

MOTION by Mr. DeLanoy to approve the regular November 15, 1995, meeting minutes as submitted. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells asked that the amendment of the Meyers Community Plan (item VII.B.) be taken up early in the meeting.

Chairman Upton noted there were several time certain items. Also the NTRPA was scheduled to meet from 1:00 to 1:30 p.m., and the Capital Financing Committee would be meeting at noon.

MOTION by Ms. Neft to approve the agenda. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Cole asked to take item #2 (Vista Pines) off the calendar so staff could respond to a question regarding the transfer in of development rights.

Mr. Waldie suggested that item #1 (Myers enforcement) be taken off so the Legal Committee could explain its recommendation.
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Mr. Bradhurst asked that separate action also be taken on item #4 (Washoe County Incline High School Gym Addition).

Deputy Director Wells noted that items #3 (Nahas Shoreline Protective Structure) and #5 (United Methodist Church new modular preschool building) were to be continued.

(There were no remaining items on the consent calendar.)

C. C. Myers/Norman Nagel, Resolution of Enforcement, Multiple Use Determination, 4904 and 4910 North Lake Boulevard, Placer County APNs 115-050-38 and 115-050-39 (consent calendar item #1)

Legal Committee Chairman Drake Delaney advised that the Committee unanimously recommended approval of staff's recommendation. Staff had met with the principals involved and had resolved the problem.

Associate Planner Jon Paul Kiel, with the Compliance Division, explained the violation entailed expansion of a catwalk without permits from TRPA. A permit was drafted after the fact; however, the property owner determined that the conditions (in particular the scenic mitigation package) were too stringent. He decided to return the expanded portion of the catwalk to its original configuration. The settlement agreement required that this would occur along with payment of a monetary penalty ($5,000 total penalty to be remitted once the original penalty was submitted). A deed restriction for both property owners would require that the pier be a multiple use.

Mr. Wynn suggested that this was a classic example of confusing regulations for what amounted to an appropriate use for a handicap ramp. To make the ramp conditional upon the pier being a multiple use seemed to impose, especially in the face of the American Disability Act, an unreasonable restriction. The Shorezone Policy Committee would be correcting this. The property owner while sloppy in his procedure was caught in a quagmire that really underscored the need for shorezone review and reform.

MOTION by Mr. Sevison to approve the Myers/Nagel resolution of enforcement. The motion carried unanimously.

Vista Pines, New 8-Unit Multi-Family Dwelling, Special Use Determination and Condominium Subdivision, Placer County APN 117-071-14 (consent calendar item #2)

Mr. Cole asked for clarification on the requirement to transfer in development rights. In his opinion, this requirement seemed almost like a penalty.

Associate Planner Paul Nielsen explained that Section 21.6 of the Density Chapter of the Code required that parcels legally existing on the effective date of the plan that were in a high capability area, that were also in a Community Plan area, and that were eligible for tourist or commercial uses did not have a development right. This parcel met all those criteria and was therefore required to transfer in development rights for the requested use.
Deputy Director Jerry Wells explained that only residential parcels had a development right. Commercial properties had a right to develop but needed to receive allocations; they did not require development rights. Tourist units and commercial floor area could be transferred in without a development right. Residential uses were permitted but required transfer in of development rights.

Ms. Bennett noted that the second step in this application was to remove the property from affordable housing capability. Had this requirement not existed, perhaps the applicant would not have been compelled to convert to a condominium. Decent affordable housing would have been available for the people who lived and worked in the Basin. She was frustrated with the whole process.

MOTION by Mr. Severson to approve the Vista Pines proposal. The motion carried on the following vote:

Ayes: Mr. Cole, Mr. Wynn, Mr. Severson, Mr. Bradhurst, Ms. Neft,
Mr. Waldie, Mr. Heller, Dr. Miner, Mr. Delancy, Mr. Upton
Nays: Mr. Westergard, Ms. Bennett
Abstain: None
Absent: Ms. Hagedorn, Mr. Cronk

Washoe County School District, Incline High School Gym Addition,
499 Village Boulevard, Washoe County APN 124-071-42 (consent calendar item #4)

Mr. Bradhurst explained that some Incline Village residents were concerned that the School District had not complied with conditions placed on a previous action. Completion of these conditions was still required as noted in condition C on this project.

Mr. Wells noted that staff would not release the $10,000 security until previous conditions were satisfied. Another option would be to make the unsatisfied conditions a requirement of this action to be accomplished prior to acknowledgement of the permit. Under this option, the condition would be renumbered Condition II.B.5.

MOTION by Mr. Bradhurst to approve the Washoe County School District high school gym addition with the amended condition requiring completion of earlier requirements prior to acknowledgement of the permit. The motion carried unanimously.

VII. PUBLIC HEARING

B. Amendment of Meyers Community Plan for Consistency with El Dorado County Action

Principal Planner Gordon Barrett explained the proposed amendments to the Meyers Community Plan to change permissible uses and to eliminate a town council concept approved earlier by the Governing Board. The town council would be replaced with the El Dorado County Planning Commission and County staff. In response to concerns raised by the TRPA Advisory Planning
Commission and the League to Save Lake Tahoe (by letter dated December 13), Mr. Barrett asked for further changes as follows: 1) Chapter 7-C, Methods of Implementation, page 7-5, number 2, to read, in part: "The Board of Supervisors designates the Planning Commission as its the primary implementing body..." This would ensure that the Planning Commission is the El Dorado County primary implementing body. The TRPA still would retain responsibility. 2) Appendix C, Section A, Introduction page C-1 second paragraph to read, in part, "... TRPA and El Dorado County shall only consider applications for those projects utilizing allocated floor space, when they have received a recommended floor space allocation from the Board of Supervisors or their designee. Sometimes instances where other non-allocated floor space has been transferred to the site. A round table citizens group worked out the amendments with staff participation, and El Dorado County had approved them. Staff and the APC recommended approval. Staff also recommended after review of the original Environmental Assessment that a Finding of No Significant Effect could be made.

Mr. Upton noted that the community in Meyers was comfortable with the proposed changes. It was a matter of getting an understanding of the contents of the plan and what the implementation processes would be. There also was a question about the relationship between the community and the Board of Supervisors and Planning Commission. These issues had all been addressed.

No one wished to speak during the public hearing. Chairman Upton closed the hearing.

MOTION by Mr. Sevison to approve the staff recommendation for findings related to amendment of the Meyers Community Plan. The motion carried unanimously.

MOTION by Mr. Sevison to adopt Ordinance No. 95-14.

Chairman Upton read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Regional Plan of the Tahoe Regional Planning Agency, as Amended, Amending Chapters II, III, IV, VI, VII, Appendix A, and Appendix C of the Meyers Community Plan; and Providing for Other Matters Properly Relating Thereto

The motion carried unanimously.

A. Lowering of the Individual Parcel Evaluation System (IPES) Line in Washoe and Douglas Counties

Agency Special Projects Attorney Susan Scholley noted this was the third year for lowering the IPES line. She distributed a last minute change on the Compliance Finding and presented a summary of the four required findings. These related to the vacant lot equation, monitoring, capital improvement program progress, and the compliance with project conditions. The line was moved by going into the parcel ranking book and counting down the number of parcels equal to the number of allocations used by a particular county in 1994. Washoe County used 63 in 1994 and Douglas used 18. The eligible scores would therefore be 635 in Washoe County and 687 in Douglas County. The
resolutions for Board adoption were stated in terms of the IPES line which would be one point lower than the eligible score. Because of the California State Water Resources Control Board condition on certification of the 208 Plan, there was a 90-day waiting period (March 1996) for the lowering of the line to take effect.

Dr. Miner asked Ms. Scholley to provide him with the number of parcels that were now eligible with the lowering of the IPES line in Douglas County. He asked if there was a provision to raise the IPES line.

Ms. Scholley responded this could occur but it would require Board action and amendment of the Regional Plan and the Code. Looking at possible changes to the IPES line formula or IPES program in general was something to be considered as a part of the five-year threshold evaluation.

Mr. Upton noted that because of the way the formula was drafted there was no way that El Dorado and Placer Counties would ever see a lowering of the IPES line, even though there was a lot of investment going on in capital improvement programs. He would like to see this revisited in fairness to county residents to see if there was a window of opportunity.

Dr. Miner suggested that in lowering the line there was a freeing up of lots for potential development but at a cost to the respective jurisdictions. There was not much of an incentive for the county to spend $1/4 million in capital improvements to lower the line for a few parcels. He would like to know what the criteria were and exactly how many parcels were affected. There should be some incentive offered by TRPA to move jurisdictions towards the goal while not requiring large expenditures for a small benefit.

Ms. Scholley responded that the theory was that the capital improvements would be done anyway and needed to be done. The IPES line lowering was an incentive for the counties to continue investing in the CIP program which benefited a number of areas — not just residential construction.

Mr. Sevison noted that one of the problems for El Dorado and Placer Counties was that they had a lot of substandard or small lots that would never be built on which distorted the percentage of vacant parcels. The Counties did not encourage the use of these lots, yet they remained as part of the inventory.

Ms. Scholley explained that when the IPES program went into effect there was an assumption in Placer County that the number of lots below 725 would be fairly comparable to the number of lots classified as capability 1, 2, or 3 in the Bailey system. In Placer County this proved not to be true because the County had a larger number of lots below the line than one would have predicted based on the Bailey system. The other problem was that the transfer programs had been very slow — in Placer County particularly. Acquisition programs had slowed down because of lack of money. Retirement of lots particularly on the California side had been very slow.

Mr. Sevison noted that some lots in Kings Beach were still being bought up for transfer rights because they could be bought up and retired less expensively than buying the rights from the California Tahoe Conservancy. The point was being reached where buildable lots were very difficult to find. They were a
rarity. One thing that would bring the Conservancy to its knees was the high cost to acquire the diminishing number of buildable lots. He was seeing a doubling and a tripling of the cost of the remaining lots.

Ms. Scholley responded this did not correlate with what she had been told. It was her understanding the cost was fairly low in Placer County. There was a lot of anecdotal theory on what was and was not happening, but she was not sure there was an objective handle on it.

Chairman Upton explained that the point of the discussion was that TRPA needed to look at the original expectations and determine why they had not been realized. Perhaps the Board needed to look at "renorming" the equation so there was a reopening of the opportunity.

Ms. Scholley suggested that as part of the five-year evaluation the Agency take a hard look at this. For a variety of reasons, it was not anticipated that it would take so long to move the line in California.

Chairman Upton opened the public hearing.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, noted the League did not oppose the proposed action but she disagreed with the interpretation of criteria #1 under the Compliance Finding in the staff's summary. It was clear that Lake Tahoe needed to get the small and unbuildable lots into public hands and to assist with the entire transfer process. This could be accomplished by a private land trust which would begin to acquire these lots. The League was looking at a way to get that up and running in some type of partnership with interested persons all around the Lake. There was certainly an explosion of land values in the Incline area largely as a result of actions by TRPA to lower the IPES line and to liberalize the interpretation of the subdivision restrictions. Because so much more land was now buildable, people were looking forward not only to building but also to creating subdivisions. It was important for the Board to think of the value of consistency over time.

Mr. Bradhurst explained that every year the valuation of properties in Incline had increased significantly. Increased valuations were not caused by liberalization of the subdivision regulations but rather because there was a limited supply of land and an assessment methodology that looked at what properties were selling for and the limited supply. Unless there was a change in the methodology, valuation would increase.

Mr. Don Kornreich itemized sediment catch basins and landscaping improvements installed in Incline Village. He hoped all these improvements were taken into account in the analysis of capital improvements. Washoe County had done a lot this year and expected to accomplish a lot next year.

Since no one else wished to comment, Chairman Upton closed the hearing.

MOTION by Dr. Miner to adopt Resolution Nos. 95-21 and 95-22 lowering the numerical level defining the top ranked parcels in Douglas County and in Washoe County, respectively. The motion carried unanimously.
C. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

Associate Planner Coleen Shade noted this was the fifth month of public hearings on the document. Although the comment period was scheduled to conclude on January 24, staff had received a request to extend the comment period an additional 60 days. This would be brought back to the Board in January. Yesterday, the Shorezone Policy Subcommittee recommended another 60 days to the end of March, with the caveat that the public try its best to get issues and concerns to staff by the end of January so staff could work on issues identification.

Mr. Don Kornreich commented that if TRPA went ahead with some of the suggested alternates it would mean a lot more work and cost for TRPA.

Mr. Dwight Steele suggested it was troubling in the EIS that, while there was a lot of good material in the document, the mitigation sections gave no attention to mitigation of adverse scenic impacts of buildings between roadways and the lake. Staff had indicated this was inadvertently left out. He hoped there would be an increased attention given to the adverse scenic impacts in this area of the shoreline.

Mr. Gregg Lien, representing the Tahoe Lakefront Owners Association and the Tahoe Sierra Preservation Council (TSFC), suggested the document was a continuation of the controversy over Lake Tahoe’s shorezone that had gone on for over 20 years. One of his concerns related to the private property owner v. the public’s rights in the shorezone. Mr. Lien summarized the history of regulation dating back to the 1960s and the recognition that littoral owners had the right to wharf out to navigable waters. It was well understood that littoral owners owned property to the low water mark of Lake Tahoe. In the early 1970s, the California Attorney General and State Lands Commission embarked on an aggressive program to change this by finding that the State owned land to the high water mark. The resulting litigation found that private shoreline owners did own to the low water mark but that the public trust gave the public a right to pass along the shoreline for recreational purposes. Nevada reacted to that by finding that private property rights were fully recognized to the low water mark. In the 1970s, the public rights advocates also asserted that piers seemed to interfere with littoral drift and even though a resulting study found that 90 percent open piling piers did not have a significant impact on littoral drift, a moratorium was imposed. In the 1980s the issue shifted to the the negative impact of shoreline structures on fish and fish habitat. It was the feeling of the shoreline owners that piers did not have negative effects on littoral drift or on fish and spawning activities. A study found that piers did not cause a problem and, in fact, certain rock crib piers were beneficial. This was hard for some to swallow. Again, the pattern was continuing of claimed harm or claimed right, the imposition of a moratorium, and then loss of rights for shoreline owners. Ultimately, it seemed like the shoreline owners’ theories were vindicated. The point was that no one to this point had proved there was environmental harm or degradation caused by the simple existence of a properly designed pier on Lake Tahoe.
Mr. Lien summarized his recollection as a property owner representative of the consensus effort that led to adoption of the 1987 Regional Plan. The resulting compromise on the shoreline called for TRPA to complete by October 1989 a study assessing the impacts of structures in the Lake. There was to be a limited moratorium during the study period, and the property owners’ assumption was that once the study was completed the moratorium would be lifted. It was now almost January 1996, and there was a new study and a new issue: scenic quality. The property owners had never gotten what they bargained for in the last round of talks. Alternative 2 in the current cumulative impact study called for lifting the moratorium, the same promise given in 1987. Now instead of focusing on that issue, there were new issues — with scenic being the big one. He questioned the assumption in the current document that looked at the worst case or full buildout scenario. Approximately 31 percent of the shoreline was non-fish habitat and the moratorium did not apply to these areas. Research to see what projects had been approved in the eight years of the study showed that there were only 13 new piers. There were no big impacts. He did not feel it was necessary to look at the worst case scenario. He questioned the bias in favor of the natural environment over anything that man had modified, that natural was always best over situations where mankind was involved. There was enough evidence that people liked both the man-built and natural environments. This assumption came originally from the Forest Service’s approach to project evaluation. TRPA had the ability to adopt a methodology pertinent to the 1990s and pertinent to what people preferred today. The decision was ultimately a policy one based on the best available evidence.

Mr. Wynn suggested that it appeared the Board was drifting towards the imposition of an arbitrary standard that man’s contribution was not necessarily awful but should be closely watched. He did not see any evidence this was true. He felt that all the people he knew that came to Lake Tahoe wanted to see the manmade part of the Lake, where the people were. He sensed an idea that TRPA was begrudgingly reconsidering this. He hoped the shorezone review would take another turn. It was the illogical intrusion into private property rights that had characterized the pier discussion.

Mr. Waldie recommended taking a drive around Tahoe Keys to see what a manmade environment had done to the Lake. It was a mistake on every level. It would not have occurred if there had been an entity like TRPA issuing regulations at the time. There were mistakes elsewhere in the Basin, and these would have been a lot worse had there not been a TRPA.

Mr. Lien concluded by acknowledging there were conflicts and different points of view in the shorezone discussions. He would like to see the focus be protection of private property along with the opportunity to improve the environment. The current shorezone process provided an opportunity.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, suggested it was her understanding that these issues were to be worked out through the consensus group prior to bringing them up to the Board. One of the whole points of the consensus groups was to avoid spending hours having these discussions in front of the Board. She disagreed with Mr. Lien’s characterization of the history and the facts, but she would work on these through the consensus effort. On the question of private property rights, piers involved the use of public
property. The point of piers was that they extended past the low water mark into the public area. That was why they were of such concern to the California and Nevada State Lands Commissions. There was no question of a taking of private property, because shoreline property owners did have a use of their land. It was a question of what was best for the public as a whole. With regard to scenic beauty, the fact that people enjoyed looking at the Ahwahnee Hotel in Yosemite did not justify putting a subdivision in Tuolumne Meadows. People liked to look at mansions at Tahoe but that did not mean they would like to look at several hundred additional piers. Alternative 2 would not make the public, which owned the lakebed, happy. The League agreed not to object to the extension of time for submittal of comments because Mr. Lien seemed to feel so strongly that he needed that time. It was odd to hear him complain about the many delays over the years when, in fact, he was the advocate of extending the comment period and pushing the process out. The League felt all these issues were better handled in the consensus group.

Mr. Steele suggested that the bistate compact set forth what California, Nevada, and the Federal Government intended with regard to scenic quality. The compact pointed out that the main thing to be protected at Tahoe was the natural scenic beauty and that there should be a balance with the manmade environment. This was not dreamed up by the staff or the League.

Ms. Jan Brisco, representing the Tahoe Lakefront Owners Association, suggested her group was trying to accomplish something beneficial for the environment as well as the property owners with rights and interests along the Lake. The picture painted about lakefront owners at Tahoe was severely distorted. Lakefront owners spent a lot of time and money as the ultimate caretaker on the Lake protecting the environment. Those who were concerned with the visual impacts of projects did not realize the extent of other issues. Any pier extensions or residential remodels went through extensive and very expensive simulations and mitigation. Ultimately what was brought to the Board were beneficial projects that offset any potential impacts, whether scenic or environmental. Her group had serious concerns about the number of piers proposed and available to be built on Lake Tahoe in the study. More comment would be submitted on this. The idea there would be hundreds of piers on Lake Tahoe was absolutely false. Many parcels would not qualify for a pier, and multiple use piers would eliminate many single use piers. Some lakefront owners would never build a pier. Alternative 2 was not one that anyone would favor. There had been no private boat ramps applied for in 25 years; they were not feasible or practical. The idea that her group was trying to stall the comment period was disconcerting because the document was awesome and very complex, and the numbers and tables did not always balance out. She did not feel it was right to ask people to rush to judgment in getting responses in. She preferred to make haste slowly.

Since no one else wished to comment, Chairman Upton closed the hearing.

Mr. Cole concurred the document was long and complex and dealt with issues in a comprehensive fashion. The Shorezone Policy Committee for that reason had recommended an extension of the comment period to late in March. The Committee was expecting that all the comments would be submitted by the end of January which would then allow people to identify the issues for debate. Obviously there was some expectation that once the debate started issues would
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arise out of that. Certainly there was not the expectation that people would withhold their comments until March.

Chairman Upton closed the public hearing.

IX. ADMINISTRATIVE MATTERS

A. Performance Evaluation of Executive Director (including closed session without action), Salary Adjustment

MOTION by Dr. Miner to go into closed session for the purpose of conducting a performance evaluation for the Executive Director Jim Baetge. The motion carried unanimously.

The Board met in closed session from 11:35 a.m. until 12:05 p.m., at which time the Board recessed for a lunch break. The meeting reconvened in open session at 1:30 p.m. Members present: Wynn, Sevison, Bradhurst, Neft, Bennett, Waldie, Heller, Miner, DeLanoy, Westergard, Cole, Upton

Chairman Upton congratulated Steve Wynn for his election by the NTRPA to another one-year term as the at-large member.

VII. Amendment of the Regional Plan, Man-Modified Determination, Hook, for Douglas County APN 05-181-05

Senior Planner Carl Hasty noted this item was continued from the November meeting in order to meet noticing requirements. He presented the staff summary to recognize the man-modification of a 4,000 square foot area in Zephyr Heights that had been graded many years ago. Staff recommended making the findings to allow modification of the land capability of the area from capability class 1A to class 6. Mitigation would be required relating to coverage benefits, retirement of coverage in the same hydrologic area, and installation of BMPs. There were no records of the previous grading on the parcel, but aerial photographs dating back to 1971 showed the area was already modified. The parcel was subdivided in 1947 and provided access to an adjoining parcel. It was likely that work took place at that time.

Ms. Bennett expressed concern that somebody graded out an area without permits and now was getting the benefits of more coverage. How did staff feel that the environment of the Lake was being improved with this application?

Mr. Hasty suggested the man-modification process was actually a tool to stabilize sites that had been disturbed beyond the point where they could feasibly be restored to their natural condition. In this case, access was being provided through this parcel to an adjoining parcel. To cut a new access to that parcel elsewhere would be very detrimental. The process also called for coverage retirement. Staff had received a letter from the adjoining property owner who had concerns about development potential, access, and wildlife habitat impacts. This property could be developed at some point; it had an IPES score of 593. This process provided a way of addressing the continuing erosion on the property. Fewer than ten man-modified applications had been processed by the Agency.
Mr. Paul Van Keymeulen, the adjoining property owner, asked for clarification on the process and the effect it would have on his property.

Mr. Hasty explained the capability and man-modification processes, the increase in land coverage and development potential, required improvements. Staff was not aware of the property owner's intent for the property. In order for the approval to stay in effect, the property owner was required to do the improvements. Without that, the man-modification finding would cease to exist.

More discussion followed among staff, Mr. Van Keymeulen, and the Board.

Mr. Paul Kaleta, on behalf of the property owner, explained that a home was built on the site and it subsequently burned down, possibly in early 1980. When the owner tried to rebuild, he ran into a conflict with TRPA ordinances because he did not apply within the timeframe for such application. The property was low capability, and he could not rebuild. The site was developed well before TRPA was in existence. The access easement on the property was a recorded access easement with a common driveway. Knowledge of the easement by TRPA staff at the time the IPBS scoring was done would likely have given the parcel a higher score.

**MOTION** by Mr. Cole to make findings necessary to recognize the man-modified status of Douglas County APN 05-181-05. The motion carried unanimously.

Chairman Upton read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency Relating to the Regional Plan; Amending the Land Capability Overlay Maps by Amending the Land Capability Overlay Map H-14, 629 Don Drive, Zephyr Cove, Nevada, and Providing for Other Matters Properly Related Thereto.

**MOTION** by Mr. Cole to adopt Ordinance No. 95-15. The motion carried unanimously.

Chairman Upton asked that the following two items be taken up concurrently.

E. Certification of Final Supplement to the South Lake Tahoe Redevelopment Project No. 1 EIS/EIR (Embassy Vacation Resorts)

F. Amendment of Chapter 2, Definitions, and Chapter 15, Redevelopment, Relating to Redevelopment Plans and Projects and Amendment of South Lake Tahoe Demonstration Redevelopment Plan and Ski Run/Stateline Community Plan

Mr. Rick Angelocci, Chief of the Project Review Division, noted that the final supplement mailed to Board members contained responses to comments on the Draft EIS/EIR circulated last June. In response to the December 13 APC discussion of issues raised by Lahontan, staff had prepared a two-page document (copies distributed) containing proposed amendments to pages 2-10, 4.7-7, 4-8, 4-10, and 4-13. The APC voted unanimously to recommend certification of the document and also asked, if time allowed, that the
project itself come to the APC for review and comment. Should certification occur today, the project was scheduled to go before the APC and Board in February. The amendments to Chapters 2 and 15 and amendment of the Demonstration Redevelopment Plan and Ski Run/Stateline Community Plan also relied on this environmental document. EIS certification required a finding that the final EIS complied procedurally and substantively with Article VII of the Compact, Chapter 5 of the Code, and Article 6 of the Rules of Procedure.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, spoke strongly in support of the project. The League was pleased in particular with the transportation element and substitution of the Coordinated Transit System (CTS) for the originally envisioned loop road system. The loop road was at this time archaic, and emphasis should be given to providing good public transportation in the Basin. The League had some outstanding concerns regarding water quality. The proposed amendments distributed by staff served to improve the situation, and it was expected that the water quality portions of the plan would turn out to be effective. The League did not agree with delaying the detailed water quality analysis to further down the line because this was a project-specific EIS and should contain those elements. The League was confident that when the projects were brought forward they would be adequate. With regard to aesthetics, this project was going to have the greatest impact in terms of visual quality of any project since the remodeled Harvey’s completed in the late 1970s. Unlike Embassy Suites Hotel, this project was not tucked away in an already urbanized area, and it was very important that the details of the aesthetic amenities (paint color, vegetation type) be carefully evaluated. Since these details were not yet available, Ms. Nason urged the Board to require the project proponent to come forward with them at the soonest possible opportunity.

Mr. Angelocci responded to Board questions about the recently discovered contaminant 70 feet below the ground surface. The nature and extent of the contamination had not been determined as yet. The statement in the document was a warning, essentially, or a notice that the situation did exist at 70 feet, and there may or may not be an impact on the well. Lahontan had not yet produced the core sample results. The City and TRPA staff would begin a detailed review of the drawings for architectural design and landscaping next week. The project would improve the scenic route rating in the Highway 50 corridor from a score of 8 (nonattainment) to 16.

Mr. Severson suggested that the paragraph in the handout on the aquiclade be revised and simplified.

Since no one else wished to comment, Chairman Upton closed the hearing.

MOTION by Mr. Cole to certify the final supplement to the South Lake Tahoe Redevelopment Project No. 1 EIS/EIR (Embassy Vacation Resorts) finding that it complied procedurally and substantively with Article VII of the Compact, Chapter 5 of the Code, and Article 6 of the Rules of Procedure. The motion carried unanimously.

Agency Special Projects Attorney Susan Scholley summarized the amendments to Chapters 2 and 15 related to the redevelopment plans and projects and amendment of the South Lake Tahoe Demonstration Redevelopment Plan and Ski
Run/Stateline Community Plan. Only action on the amendments to Chapters 2 and 15 would be taken today. The redevelopment plan and Community Plan amendments would come to the Board in February. The APC voted unanimously to recommend the amendments with one change. Ms. Scholley itemized the proposed amendments relating to density, transfer of development, density calculations, environmental targets, public benefits and mitigation measures, split-use and lock-off units, and the demonstration redevelopment project area. She distributed a December 19 memo of revised findings for amending Chapters 2 and 15 and an updated ordinance (deleting reference to amendment of the redevelopment plan and the Ski Run/Stateline Community Plan). She responded to Board member questions.

Since no one wished to comment, Chairman Upton closed the hearing.

**MOTION** by Mr. Cole to make the findings necessary to amend Chapters 2 and 15 of the Code. The motion carried unanimously.

Chairman Upton read the amended ordinance by title:

> An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency, by Amending Chapters 2 and 15 Relating to Redevelopment Plans and Projects; and Providing for Other Matters Properly Relating Thereto.

**MOTION** by Mr. Cole to adopt Ordinance No. 95-16 amending Chapters 2 and 15. The motion carried unanimously.

Ms. Scholley distributed a revised 12/19/95 Attachment A containing a laundry list of ministerial changes to the South Lake Tahoe Redevelopment Plan and the Stateline/Ski Run Community Plan. She highlighted certain changes including the mitigation table modifications, parallel code changes to incorporate the CTS, land use, and setback modifications. She asked if the Board or audience members had any concerns or comments on these proposed changes so that when the projects came forward in February everything could be neatly wrapped up.

Chairman Upton noted that there were no concerns expressed by the Board or audience members. He urged the project proponent to proceed with the proposal.

**XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION**

F. Core Policy Statement Committee Report

1. Action on Core Policy Statement

Executive Director Jim Baetge explained that, through the efforts of Principal Planner Gordon Barrett and Monique Urza, the latest draft of the core policy statement had been prepared for Board consideration. The statement as proposed contained the recommendations of the Core Policy Committee on where TRPA was headed. The Committee wished to have this statement put into the Goals and Policies, and staff was scheduling adoption in January. In staff's opinion this was consistent with Article I of the bistate compact. The one change to be made was to remove the compact citations when the statement was
incorporated into the Goals and Policies. If the Board agreed with the Committee's recommendation, staff would place the matter on the January agenda for adoption. He also recommended that the Board disband the Core Policy Committee.

Mr. Cole asked that staff be so directed.

Mr. Waldie complimented Ms. Urza and Mr. Barrett for all their work on the core policy statement and particularly for their work with the Committee and Board members. It was a difficult process, and he was pleased that the Committee recommended the Statement unanimously. He hoped the Board would concur with it.

Mr. Baetge noted it was appropriate for him to write letters of appreciation to Gabby and Monique for their participation in this effort. Chairman Upton concurred.

Ms. Urza commended Gabby for his assistance and encouragement on the project. When the project was first conceived by Board member Steve Wynn in April, Gabby was the first person she talked with about the statement. He had provided valuable input and knowledge on TRPA's history and reason for being. The draft before the Board was simply a condensed statement or a distillation of the principles set forth in Article I of the bistate compact. This version, even though there were earlier prior drafts, gave rise to lively discussion at the Board and Committee levels. The general agreement was that this draft, based on the language of the compact, accomplished everything that was originally intended when she and Mr. Wynn presented the first paper in June. Specifically, it provided a succinct and understandable statement of the reasons for TRPA's existence and its goals. The Core Policy Statement was intended to act as a guide to both the Board and staff in applying regulations and to the public in understanding what TRPA was all about. The main point of the healthy discussion and debate was a concern by some that the core policy statement might somehow work a change in existing TRPA policy. This was never the intent but rather an intent to distill, condense, make understandable what TRPA policies were. This did not in any way change policy but rather confirmed the central principles that governed TRPA. Ms. Urza thanked Mr. Wynn, the Board members, Mr. Baetge, Ms. Scholley, Mr. Barrett, Ms. Nason and the many others in and out of the Agency who had assisted her.

Chairman Upton complimented and thanked Ms. Urza for her work on this project. He directed the statement be brought back in January for formal adoption along with dissolution of the committee.

(Mr. Wynn left the meeting at 3:10 p.m.)

X. PLANNING MATTERS

B. Finding That the City of South Lake Tahoe, El Dorado County, Placer County, Washoe County and Douglas County Have Demonstrated a Commitment to Assume Their Fair Share Responsibility to Provide Low and Very Low Income Housing

Senior Planner Kelly Berger presented the recommendation of the Local
Government Committee on the findings required by Section 43.4.f.2. in the Code of Ordinances. He explained the code findings, the contribution of the technical committee, and the Local Government Committee. Grant funding had recently been received for completion of an affordable housing needs assessment in the Lake Tahoe Region. Because of the delay in getting this study underway, staff was recommending the Board reconsider the affordable housing commitment finding in December 31, 1996, when more data would be available. The three criteria proposed by the technical committee to make the commitment finding included completion of an existing conditions report, a program in place that pursued rehabilitation and new construction and first-time home buyers, and a means to implement the program. If the counties and city met these criteria, the housing committee recommended the finding be made. On December 6, the Local Government Committee made a recommendation to make the finding that each jurisdiction was committed to assume its fair share affordable housing but that the finding for Douglas County be deferred for 60 days. Staff wished to modify this December 6 recommendation because the Code required that by December 31 a finding be made for every jurisdiction in the Tahoe Basin. Deferral of the decision for Douglas County would have required a Code amendment, a process requiring two to three months. In the meantime, Douglas County or any other county for which the finding had not been made would be subject to the moratorium on new subdivisions of post-1987 projects. The wording in the recommendation had changed from what was discussed on December 6. Mr. Berger explained that for El Dorado, Placer, Washoe Counties and the City of South Lake Tahoe the commitment to assume a fair share had been demonstrated and the finding could be made. This would be revisited in December 1996. In the case of Douglas County, he recommended the finding be made because the assumption of the fair share appeared to exist in the County’s master plan and its housing element. He recommended that the Board make a further consideration for Douglas County at the February Board meeting.

Mr. Berger and Agency Special Projects Attorney Susan Scholley responded to questions from the Board on low and very low income housing definitions, the allocation system, bonus units, money spent by local jurisdictions on affordable housing programs, the status of affordable housing programs in Douglas County, and the upcoming study which would provide data on what exactly was the fair share responsibility.

No one in the audience wished to comment.

Agency Counsel R. J. Nicolle explained that the requested action was to adopt the findings for all jurisdictions as recommended in the staff report.

**MOTION** by Mr. Sevison to make the findings on the commitment to a fair share of affordable housing for all jurisdictions as recommended by the staff. The motion carried unanimously.

A. Resolution Formalizing the Local Government Committee and Appointing the Membership

**MOTION** by Mr. Cole to adopt Resolution No. 95-23 formalizing the committee to consist of representatives from Washoe County, El Dorado County, Carson City, the City of South Lake Tahoe, Placer County, and Douglas County.
Mr. Westergard asked if the primary function of the committee was to address affordable housing.

Mr. Upton explained that affordable housing currently was the committee’s focus. How it evolved in the future was subject to what discussions were of common interest to local governments.

Mr. Cole suggested this committee would take the place of the Tahoe Basin Association of Governments (TBAG), which was no longer in existence. While affordable housing was the current item of interest, there would likely be other topics that may come up.

Mr. Westergard suggested that in the future an issue may come up where six of 14 members of the Governing Board had already predetermined the disposition of some action of TRPA. He did not think that was appropriate.

Mr. Waldie complimented the committee for its work on affordable housing but questioned who would be deciding what issues would come to the committee. Every issue dealt with in the Tahoe Region had an impact on local government, and he would not want to be in a position where everything the full Board considered would first be filtered through this committee.

Mr. Cole suggested that it was appropriate for the Board to decide what issues would be addressed by the committee.

Mr. Baetge suggested an amendment to the resolution that responsibilities of the Local Government Committee would include those issues assigned to it by the full Board.

Mr. Upton concurred with this change to the resolution.

MOTION by Mr. Cole to adopt Resolution No. 95-23 establishing the Local Government Committee and setting forth its responsibilities as amended. The motion carried unanimously. (Members absent: Mr. Wynn, Ms. Hagedorn, Mr. Cronk, Mr. Bradhurst (out of the room))

C. Resolution of Support for Continued Funding by Federal Aviation Administration for Air Traffic Control Services at Lake Tahoe Airport

Senior Planner Richard Wiggins distributed a proposed resolution supporting continued funding of the air traffic control services and explained the FAA’s proposal to discontinue funding based on a cost-benefit analysis.

Mr. Cole explained that a group from South Lake Tahoe met in Washington, D.C. with the head of FAA and affected congressional leadership. The result was a very strong sense that the call to close the tower would be reconsidered based on the information provided. This included the fact that this was a tower that served an area impacted dramatically by weather conditions and high altitude; there would be a real danger should the tower not be in operation. Other considerations included the fact there was a potential for significant air traffic at the airport in the future and the fact that the cost to keep the tower open cost only $200,000.
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Ms. Bennett suggested that the tower was extremely important because of increased east to west flight traffic across the lake and the increased number of flights at the Carson and Minden airports.

Mr. Upton advised that the El Dorado County Supervisors had also adopted a similar resolution.

MOTION by Mr. Cole to adopt Resolution No. 95-24 in support of continued funding of the air traffic control services as proposed. The motion carried unanimously. (Members absent: Wynn, Hagedorn, Cronk)

Chairman Upton recessed the TRPA Governing Board meeting and convened the Regional Transportation Agency (RTPA) meeting.

VIII. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. Resolution Adopting 1996 Regional Transportation Improvement Program (RTIP)

Mr. Richard Wiggins noted that the document contained a table of contents outlining the program. Part 1 was written for the California Transportation Commission to satisfy the legal requirements of RTIP. Part 2 was for TRPA’s benefit.

Chairman Upton asked if any Board members had any questions. Since none did, he did not feel that a full presentation was necessary.

Mr. Wiggins explained that Caltrans had responded to the RTIP and wanted it clear that Part 1 was for the CTC and Part 2 was for TRPA’s benefit. Caltrans also wanted it clear that the Tahoe City Urban Improvements Project (set forth on page 2 of Part 1) was waiting for funding not because of the CTC but pending completion of the project by Placer County.

MOTION by Mr. DeLancy to adopt RTPA Resolution No. 95-13. The motion carried unanimously.

B. Resolution Allocating Local Transportation Funds to the City of South Lake Tahoe ($358,774) for Operating Assistance for the South Tahoe Area Ground Express (STAGE) Transit System

MOTION by Finance Committee Chairman Kay Bennett that RTPA Resolution No. 95-14 be approved as recommended earlier by the Finance Committee. The motion carried unanimously.

Chairman Upton adjourned the RTPA and reconvened the TRPA Governing Board.

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report

1. Receipt of the November Check Register

Finance Committee Chairman Kay Bennett noted that the Committee reviewed only
the November check register and not the monthly statement due to Finance Director Jim Dana’s absence. The statement would come back in January.

2. Expenditure of Abandoned Securities

Deputy Director Jerry Wells explained that the Finance Committee recommended expenditure of $15,255 in abandoned cash securities for educational materials as outlined in a November 7, 1995, memo to the Finance Committee (Tahoe Re-Green, threshold attainment and monitoring, the State Route 28 parking study and parking management program, and the CTS).

MOTION by Ms. Bennett to approve the expenditure of abandoned securities as recommended by the Finance Committee. The motion carried unanimously.

3. Purchase of Aerial Photographs

MOTION by Ms. Neft to spend $3,500 for the purchase through the Forest Service of 1,200 aerial photographs of the Basin as recommended for approval by the Finance Committee. The motion carried unanimously.

MOTION by Ms. Bennett to accept the November check register. The motion carried unanimously.

B. Legal Committee Report

1. Recommendation on Performance Evaluation of Agency Counsel and Special projects Attorney

Committee Chairman Drake DeLanoy noted that the committee had met in closed session with Ms. Nicolle and Ms. Scholley to conduct performance evaluations. The Committee recommended the increase in compensation as requested.

Ms. Scholley suggested that the Board work through the remainder of the agenda and conduct her and Ms. Nicolle’s closed evaluation sessions at the conclusion of the agenda.

2. Extension of Increased Work Week for Agency Special Projects Attorney

Ms. Scholley noted this was not taken up by the Legal Committee due to time constraints. In order to keep the TSPC case and other litigation in house, she felt it was important for her to continue on with a four-day work week indefinitely. As soon as things calmed down, it would be appropriate to cut back to three days so the budget would not be overrun. The Finance Department had plugged in the additional cost as part of the updated budget for FY 94-95.

3. TSPC v. TRPA Mediation Sessions on Settlement

Ms. Scholley updated the Board on the two additional days of mediation sessions with Judge Ramirez since the last Board meeting. Two more days were scheduled in January. The original estimate was for eight to ten days of mediation. In January she would be coming to the Board with a discussion on whether to continue the mediation effort. Judge Ramirez had been
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exceptionally helpful, but progress had been very slow. All parties were
still talking, and at this point it was appropriate to go forward with the two
scheduled sessions. The case was extremely difficult and complex and had some
very potentially devastating ramifications to both sides. Ms. Scholley
responded to Board member questions.

Capital Financing Committee Report

Committee Chairman Kevin Cole itemized the various issues taken up by the
Committee, including: 1) a thank you letter to Dan Potash for all his efforts
at the legislative level; 2) what TRPA could do to help the Nevada bond act
along; 3) the creation of a Nevada license plate similar to the California
Tahoe license plate with only 250 signups needed; 4) the effort by TRPA to
facilitate securing long-term loans to help in replacement of the
deteriorating STFUD B line; these funds would be California state revolving
funds, and TRPA's support would not involve competition for other funds to be
used for the benefit of the Basin as a whole.

Mr. Waldie suggested that the Board consider appointing Mr. Wynn to the
Capital Financing Committee. He had some enormous contributions to make in
this area.

Chairman Upton concurred and asked this appointment to be placed on the
January agenda for action.

Mr. Cole noted that the last item covered by the Committee related to the
special forest designation for Tahoe. The Committee decided that it first
needed to identify the benefits and potential accomplishments of such a
designation, whether scenic or otherwise.

Executive Director Jim Baetge advised the Board that he was pursuing through
the community and with the help of TTRC and others an effort to get the
federal agencies in the Basin to talk with a common voice. A current draft of
a proposal had generated some concern regarding another level of government.
This was not the case. It was a worthwhile streamlining effort to look at how
funds would flow into the Basin, and he would like to see it pursued.

D. Rules Committee Report - no meeting

E. Shoreszone Policy Committee Report - covered earlier in the day

XII. REPORTS

A. Executive Director

1. Monthly Status Report

Mr. Baetge reminded the Board of the Christmas party at 6:00 p.m. at Embassy
Suites.

Mr. Baetge advised the Board of internal staffing changes, including the
full-time reassignment of Senior Planner Carl Hasty to expedite capital
projects on the ground. Principal Planner Gordon Barrett was reassigned to
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the shorezone program and to the 1996 threshold evaluation.

3. Notice of Extension on Comment Period to January 24, 1996, Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

Mr. Baetge advised that TRPA would be taking action to extend the closing deadline for the shorezone document to March 27, 1996, consistent with the recommendation of the Shorezone Policy Committee. This was with the understanding that the participants who had asked for the extension would bring in their comments and specific identification of issues before the end of January. If there was no problem at the Board level, this was how staff would proceed.

3. Letter to the League to Save Lake Tahoe Thanking for Legislative Support

Although this had been addressed during the Capital Financing Committee report, Mr. Baetge noted that it was important that TRPA acknowledge the tremendous assistance provided by Dan Potash, who had been assisting the League in legislative matters. His services had been extremely productive in helping the Basin. The letter would serve to acknowledge his contribution.

Ms. Rochelle Nason, for the League, thanked the Board and noted this was helpful to her in raising funds to support this kind of activity. It was appreciated. The League did get a positive vote from the Senate committee on use of the 1937 authority for the Army Corps of Engineers to work on the Truckee River extending upriver to Lake Tahoe. This was one more step in getting the desired Army Corps involvement.

Mr. Cole noted that Carl’s appointment to serve as a facilitator for capital improvements was a tremendous stride forward. He questioned if Carl got any special recognition or title change for this. This would be a very good public relations move since it would show the public the importance TRPA assigned to getting projects on the ground.

Mr. Baetge responded that the switch had been made and he would reassess this in a few months to see if it would be a permanent position. Carl was the ideal person for this assignment. Staff would be preparing a map of the five-year capital improvement projects that were necessary to achieve thresholds. A person would be assigned to each of these, and TRPA would be pushing to get the projects done.

(Mr. Haller left the meeting at 4:15 p.m.)

B. Agency Counsel Monthly Status Report

Agency Counsel R. J. Nicolle updated the Board on TRPA v. Barbieri, Suitum v. TRPA and the two Stack cases.

C. Governing Board Members

Mr. Upton advised that at the State Association of Counties meeting on
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November 29 and 30 he had been nominated by the 25 rural counties to serve as the second vice president. This would move him to be president in two years. He anticipated a trip to Washington, D.C., in early March. The only conflict with the TRPA meeting schedule was in November 1996. While this was a large compliment, it was also a good opportunity to address county and TRPA issues. Mr. Upton also advised the Board that he had run his first marathon on December 3 in 3 hours and 40 minutes.

The Board members congratulated Mr. Upton.

Mr. Baetge thanked the Board members for his evaluation and for the honesty and direction expressed in the closed session. He would be bringing a salary recommendation to the Board in January.

B. Performance Evaluation of Agency Counsel and Special Projects Attorney (including closed session without action), Salary Adjustment

MOTION by Dr. Miner to go into closed session for the purpose of discussing performance of Agency Counsel and Special Projects Attorney. The motion carried unanimously. (Members present: Sevison, Bennett, Miner, Cole, Bradhurst, Upton, Neft, DeLanoy, Westergard, Waldie)

The Board met in closed session from 4:25 p.m. to 4:55 p.m. when it went back into open session.

MOTION by Dr. Miner to grant a three percent salary increase for Agency Counsel R. J. Nicolle and Special Projects Attorney Susan Scholley. The motion carried unanimously.

XIII. ADJOURNMENT - The meeting adjourned at 4:57 p.m.

Respectfully submitted,

Julie D. Frame
Clerk to the Governing Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as presented on Jan. 24, 1996.