



**NEVADA TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD
MEETING PACKET**

Wednesday December 18, 2019
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

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STATE OF NEVADA

Nevada Tahoe Regional Planning Agency

901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720 Fax (775) 684-2721

NOTICE OF PUBLIC MEETING NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

Notice is hereby given that the **Nevada Tahoe Regional Planning Agency Governing Board** will hold a public meeting on **Wednesday, December 18, 2019**. The meeting will be held at the Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV 89449. The meeting will begin at 8:30 a.m.

AGENDA

1. **Call to Order.**
 - a. Roll Call.
 - b. Approval of Agenda – For Possible Action.
 - c. Approval of Minutes of the December 18, 2018 Meeting – For Possible Action.
 - d. Approval of Revised Minutes of the November 14, 2018 Meeting – For Possible Action.
2. **Public Comments** – An opportunity for general comments from the public, may be limited to 3 minutes per person. **(Note: The Board may not discuss any subject or issue that is not on this agenda during this time.)**
3. **Report of the Executive Officer on Activities of the Agency: January 2019 – November 2019** – Informational Only.
4. **Discussion and Selection of the Nevada Member-at-Large** - To serve a one-year term commencing on January 1, 2020 pursuant to NRS 277.200, Article 3, section a, subsection 2 – For Possible Action.
5. **Board Member Comments.**
6. **Public Comments** – An opportunity for general comments from the public, may be limited to 3 minutes per person. **(Note: The Board may not discuss any subject or issue that is not on this agenda during this time.)**
7. **Adjourn.**

Notice: Items on the agenda may be taken out of order at the discretion of the Chair; the public body may combine two or more items for consideration; and the public body may remove an item or defer discussion of an item on the agenda at any time.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Scott Carey in writing at the Division of State Lands, 901 S. Stewart St., Suite 5003, Carson City, Nevada 89701 or by calling (775) 684-2723, no later than December 11, 2018.

Notice of this meeting was posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City NV
Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City NV
Nevada State Library, 100 North Stewart Street, Carson City NV
Tahoe Regional Planning Agency, 128 Market Street, Stateline NV



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DRAFT MINUTES

DATE/TIME: Tuesday, December 18, 2018 – 2:00 pm
PLACE: State Capitol, 101 N Carson Street, Carson City, NV 89701
Old Assembly Chambers, Second Floor

MEMBERS PRESENT: Mark Bruce – Chair, Marsha Berkbigler – Vice Chair; Shelly Aldean; Timothy Cashman, Barbara Cegavske, Nancy McDermid, Jim Lawrence.

MEMBERS ABSENT: None

OTHERS PRESENT: Charles Donohue; Ellery Stahler, Skip Canfield – State Lands, Lori Story, Nevada Attorney General's Office, Craig Kozeniesky – Secretary of State's Office, Gary Midkiff - Applicant, Lisa Turnbaugh - Applicant, Nick Exline - Applicant, Rob McCoy – Applicant's Attorney, Nathaniel Kean - Applicant, Tracy Owen Chapman - Applicant, Paul Nielsen - TRPA, Scott Anderson - Secretary of State's Office, Wes Rich – Future Douglas County Commissioner

1. **CALL TO ORDER** – Chair Mark Bruce called the meeting to order at 2:05 pm.
 - a. Roll Call – Mr. Canfield took roll and a quorum was established.
 - b. Approval of Agenda – Member McDermid moved to approve the agenda, seconded by Member Lawrence as posted. Seeing as there were no changes; the motion passed unanimously. ***ACTION**
 - c. Approval of Minutes - *November 14th, 2018* – Member Aldean moved to approve the minutes, seconded by Member Cashman with minor spelling changes, the motion passed unanimously.
***ACTION**
2. **PUBLIC COMMENT** – Chair Mark Bruce called for public comment, seeing as there were none the Chair closed this item.
3. **RECERTIFICATION OF CUBIC VOLUME BASE DATA FOR THE CAL NEVA STRUCTURE HOUSING GAMING** – Review and recertification of revised cubic volume base data for the Cal Neva pursuant to the Nevada Tahoe Regional Planning Agency - Plan Review

Procedures Policy, and NRS 277.200, APN 123-031-01, 2 Stateline Road, Incline Village, Nevada. *ACTION – Mr. Canfield briefed the Board on the application and justifications for staff’s recommendation for approval.

Subject to NTRPA Governing Board Jurisdiction: YES

Conforms to NTRPA Plan Review Procedures Policy (1997): YES

- ✓ Section 1(b) allows, **“Amendments of the base data based on errors or omissions in the original plans”**.

Meets intent of Tahoe Regional Planning Compact: YES

- ✓ Section (a)(8) states:
*“Responsibilities for providing recreational and scientific opportunities, **preserving scenic and natural areas**, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.”*
- ✓ Section (a)(10) states:
*“**In order to preserve the scenic beauty** and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region’s natural endowment and its manmade environment.”*

NTRPA staff experts concur with applicant’s cubic volume corrections: YES

- ✓ Reviewed Cal Neva and other Structures Housing Gaming (SHG) and agree that measurements are correct and to the outside façade.
- ✓ Original Cal Neva certification had errors and omissions due to complex building shapes and roof pitch lines.
- ✓ Impacts to scenic Lake Tahoe include visual mass of SHGs and are intended to be regulated.

Mr. Midkiff, Mr. Kean and Mr. Exline proceeded to detail the proposal and explain the rationale for the correction to the certified base cubic volume due to errors and omissions in the original calculations. In 1987 NTRPA certified the Cal Neva’s cubic volume at 1,668,766 cubic feet. The project team led by Midkiff and Associates, subcontracting with Resource Concepts Inc. (RCI) carefully recalculated the cubic volume using current technologies, resulting in the new figure of 2,171,165 cubic feet. A 3D model of existing conditions found that many thousands of cubic feet had been unaccounted for in the original base data calculations. The 1987 certified volume calculations were apparently measured to the interior of some rooms or key areas versus total volume of the structure. In addition, there was a simplification to the process that excluded an unknown amount of existing volume. The Cal Neva structure is complex, with many varying roof pitch lines and other characteristics that are difficult to measure.

RCI undertook a series of field surveys between February and October of 2018 to document the footprint and façade of the building. A survey drone was utilized to fly the site and provide measurements of the various roof areas. The measurements were reduced to both horizontal and vertical components to produce external dimensions for the building. RCI was careful to follow a methodology that was consistent and could be repeated in the future, so that the outcome calculations were defensible. The methodology follows a professional industry practice to record and submit measurements for volume of a structure and includes the entire structure as measured from the exterior extents. The methodology provides accurate cubic volume numbers and also ensures that the volume calculations are consistent for both the existing and proposed conditions. To validate the remeasurement methodology, the project team utilized the methodology on three other 1987-certified structures (Harveys, Hard Rock and Harrahs Tower Floors 3-17) and verified that the measurements were to the outside façade of the structures. The cross check validated the differences between certified and remeasured cubic volumes in the nominal range of 0.1-1.5%.

The project team asserted that the remeasurement methodology aligns with the Tahoe Regional Planning Compact requirements. Article VI (g) of the Compact requires the Owner to provide documents to establish the location of the structure's external walls, the structure's total cubic volume, and within its external walls, the area in square feet open or approved on May 4, 1979 for public and private use of guests. These requirements make it readily apparent that the legislatures of Nevada and California and the Congress intended that certification was to be based on the external walls and include the total cubic volume within the external walls of the structure housing gaming. The intent was to certify the cubic volume as it relates to the visual mass of the structure, from its outside façade.

The project team concluded their presentation by asserting that the existing certified volume from 1987 was based on imprecise measurements. With remeasurement, the corrected and accurate cubic volume for the Cal Neva is 2,171,165 cubic feet. The methodology is consistent with the Compact and other structures housing gaming. Measuring visual mass to the building's exterior façade aligns with the Compact's focus on scenic preservation. NTRPA staff experts validated and concurred with the findings of the project team. And finally, recertification is permitted under NTRPA policies and brings the Cal Neva's cubic volume measurements into compliance with the Compact.

Chair Mark Bruce opened up the discussion to Board member questions.

Member Cashman asked Nathaniel Kean if it was the typical professional engineering standard to measure to the outside façade for cubic volume. Mr. Kean replied "Yes for a complete structure". Member Cashman asked Charlie Donohue if the applicant's calculations had been verified. Mr. Donohue replied that in-house staff experts had reviewed the calculations and concur with the measurements. Member Cashman asked Mr. Kean what were the next steps for the Cal Neva. Mr. Kean replied that accurate cubic volume data was essential for future planning of the new Cal Neva project. Gary Midkiff stated that the corrected cubic volume data was necessary prior to being able to design the new program. The design/permit phase will take no less than 2 years.

Member Cegavske questioned if other structures housing gaming would now come before the Board for recertification. Mr. Midkiff stated that the Cal Neva was unique. No other structures had the complex roof pitch lines and other areas that caused measurement difficulties in the 1980's. Other structures are more standard rectangles with no real potential for cubic volume changes. He also stated that pursuant to the NTRPA Policies and Procedure, any structure housing gaming had the right to come before the Board. Mr. Exline added that the Cal Neva's development potential on the site does not increase with the cubic volume correction.

Member Aldean stated that the proposal made sense but questioned if it would be prudent to get a third party review of the data, methodology and Compact interpretation. Mr. Midkiff replied that the request is only for correcting mistakes in the original cubic volume calculations. There is no proposal for a change in coverage or floor area. There is also no proposed increase in building height. Member Aldean mentioned the political nature of this proposal. Mr. Donohue replied that the Cal Neva is a unique structure. He said the applicant is aware of the politics and steps needed to proceed at all levels of government, environmental reviews, and outreach.

Member McDermid stated that she did not have any concerns with the proposal since the other structure parameters were not changing. Member Lawrence agreed and stressed that this application was only for recertification of cubic volume and asked Mr. Midkiff if there would be any future requests for changes to the Cal Neva's certified base data. Mr. Midkiff replied that "There would be no future requests for changes to the Cal Neva's certified base data". Member Lawrence thanked NTRPA staff for checking and verifying the validity of the applicant's calculations.

Member Cashman asked Mr. Donohue if staff had reviewed the map files of other structures to determine if the measurements were to the outside façade. Mr. Donohue replied that "Staff did review the map files and there is no clear guidance or notes on the plans stating such. The entire footprint of the structures were typically shaded in full giving the appearance to the outside façade". Member Cashman stated that there could be a challenge by California for a legal review/opinion of the interpretation of the Compact. Mr. McCoy, attorney for the project team, stated that he had reviewed the Compact and supports the Staff Report, and its interpretation of the Compact. "The approval of the proposal is legally defensible?", asked Member Cashman. Mr. McCoy replied "Yes".

Member Berkbigler agreed that the proposal appears legally defensible. She stressed the need for improvements to the North Shore. Her constituents are supportive of positive changes.

Lori Story stated that her opinion representing the Nevada Attorney General's Office was that the proposal is defensible.

Member Aldean asked whether there had been coordination with TRPA. Mr. Donohue replied that TRPA had been kept in close coordination and in fact, staff from TRPA (Paul Nielsen), was in attendance here today. Mr. Nielsen concurred.

Member Bruce asked if an EIS will be required once the applicant proceeds. Mr. Midkiff replied “Yes, even though most of the property is in Nevada, the approvals will include a CEQA EIR and review by TRPA pursuant to their Environmental Checklist”.

Member Cashman asked if there would be any coverage modifications and Mr. Midkiff replied “No”.

Member Cegavske asked if anyone was aware of other structures housing gaming coming forward with new plans. Mr. Midkiff replied that he had not heard of any. Mr. Donohue agreed but stated that NTRPA staff had information requests recently for the Nugget at South Shore. Member McDermid stated that the US 50 realignment project may spur requests.

Chair Bruce asked if there was any further NTRPA staff comment. Mr. Donohue responded that the applicant had been very thorough and accommodating to all staff requests. Mr. Donohue recommended that the Board proceed with a motion for approval.

MOTION: A motion by Member Aldean, seconded by Member McDermid was approved unanimously for the recertification of the cubic volume base data for the Cal Neva Structure Housing Gaming to 2,171,165 cubic feet, pursuant to the Nevada Tahoe Regional Planning Agency - Plan Review Procedures Policy, and NRS 277.200, APN 123-031-01, 2 Stateline Road, Incline Village, Nevada

4. **BOARD MEMBER COMMENTS** – None
5. **PUBLIC COMMENTS** –None.
6. **ADJOURN** – Chair Mark Bruce entertained a motion to adjourn, Member Aldean moved to adjourn the meeting at 3:30 pm.

Note: These minutes should be considered draft minutes pending their approval at a future meeting of the Nevada Tahoe Regional Planning Agency Governing Board. Corrections and additions could be made prior to approval.



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DRAFT-REVISED MINUTES

DATE/TIME: Wednesday, November 14, 2018 – 8:00 am

PLACE: ~~Tahoe Regional Planning Agency North Tahoe Event Center, 128 Market Street~~
8318 N. Lake Blvd, Stateline, NV King's Beach, CA 96143.

MEMBERS PRESENT: Mark Bruce – Chair, Marsha Berkgigler – Vice Chair, Shelly Aldean, Timothy Cashman, Barbara Cegavske (Phone), Nancy McDermid, Jim Lawrence.

MEMBERS ABSENT: None

OTHERS PRESENT: Charles Donohue; Ellery Stahler, Skip Canfield – State Lands

Craig Kozeniesky – Secretary of State's Office, Steve Dolan - citizen

1. **CALL TO ORDER** – Chair Mark Bruce called the meeting to order at 8:00 a.m.
 - a. Roll Call – Mr. Canfield took roll and a quorum was established.
 - b. Approval of Agenda – Member Aldean moved to approve the agenda as posted. The motion was seconded by Vice Chair Berkgigler. seeing-Seeing as there were no changes; the motion was passed unanimously. ***ACTION**
 - c. Approval of Minutes - *December 13th, 2017* – Member McDermid moved to approve the minutes. The motion was seconded by Vice Chair Berkgigler. Seeing as there were no changes; the motion was passed unanimously. ***ACTION**
2. **PUBLIC COMMENT** – Chair Mark Bruce called for public comment; seeing as there were none the Chair closed this item.
3. **REPORT OF THE EXECUTIVE OFFICER ON ACTIVITIES OF THE ACTIVITIES OF THE AGENCY: JANUARY 20187 - DECEMBER 20178** – Mr. Donohue mentioned that representative for the Cal Neva structure housing gaming had met with staff and are in the process of developing plans for the site. The first step will be a request at a future NTRPA Governing Board meeting to recertify the Cal Neva's cubic volume. An analysis has shown that the original certified based data needs corrections based on errors and omissions. This correction is allowed pursuant to the NTRPA Governing Board's policies

and procedures. A next step would be a future meeting to review the actual project, no timeframe for that step is available. Chair Mark Bruce stated that it would be prudent for the Board to have a future site visit. A discussion ensued on the intent and need to regulate cubic volume, under NTRPA Governing Board jurisdiction pursuant to the Compact.

- 4. DISCUSSION AND SELECTION OF THE NEVADA MEMBER AT-LARGE POSITION TO SERVE A ONE-YEAR TERM COMMENCING ON JANUARY 1, 2019 PURSUANT TO NRS 277.200, ARTICLE 3, SECTION A, SUBSECTION 2** – Chair Mark Bruce noted the letter of interest submitted by Tim Cashman for reappointment to the At-Large position. Chair Mark Bruce opened the agenda item for questions by the board members or from the public. Member Aldean moved to nominate Mr. Cashman for the 201~~8~~⁹ one-year term as member-at-large, seconded by Vice Chair Berkbigler. All were in favor and Tim Cashman was appointed, multiple members expressed their gratitude for his continued service.
***ACTION**

- 4.5. Election of Officers - (Chairperson and Vice-Chairperson) for two-year term; 2019 and 2020 – For Possible Action.** – Member McDermid moved to elect Vice Chair Berkbigler to the term of Chairperson; the motion was seconded by Member Lawrence. The motion was passed. Member McDermid moved to elect Member Cegavske to the term of Vice Chairperson; the motion was seconded by Vice Chair Berkbigler. The motion was passed. ***ACTION**

- 5.6. BOARD MEMBER COMMENTS** – None

- 6.7. PUBLIC COMMENTS** – Steve Dolan, citizen, stated that cubic volume regulations are important, no matter what the scale. He used the dormers on his house as an example. Their visual mass, although small in relationship to a structure housing gaming, still have a visual impact.

- 7.8. ADJOURN** – Chair Mark Bruce entertained a motion to adjourn, Member Aldean moved to adjourn the meeting at 8:41 a.m.

Note: These minutes should be considered draft minutes pending their approval at a future meeting of the Nevada Tahoe Regional Planning Agency Governing Board. Corrections and additions could be made prior to approval.

THE CASHMAN COMPANIES

November 7, 2019

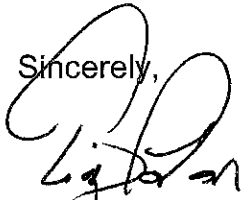
Ms. Marsha Berkbigler
Chair
Nevada Tahoe Regional Planning Agency
901 S. Stewart Street, Suite 5003
Carson City, NV 89701-5246

Dear Marsha,

Please accept this letter as an official request to be re-appointed to the Tahoe Regional Planning Agency Governing Board as the Nevada At-Large Member.

Thank you in advance for your consideration. Should you have any questions, please feel free to contact me at (702) 938-5115.

Sincerely,



Timothy Cashman