



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

**Wednesday December 13, 2023**

**12:15 PM**

**Tahoe Regional Planning Agency Office  
128 Market Street, Stateline NV 89449**

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Direct individual links to all the meeting materials are also available at

<http://lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency/ntrpa-meeting-agendas-and-minutes>



STATE OF NEVADA

# Nevada Tahoe Regional Planning Agency

901 S. Stewart St. Suite 5003  
Carson City, Nevada 89701-5246  
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## NOTICE OF PUBLIC MEETING

### NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

**Wednesday December 13, 2023**  
**12:15 PM**

Notice is hereby given that the **Nevada Tahoe Regional Planning Agency Governing Board** will hold a public meeting on **Wednesday December 13, 2023**. The meeting will be held at the Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV 89449.

Public comment may also be submitted via email prior to the meeting, please submit public comments to [jgetz@lands.nv.gov](mailto:jgetz@lands.nv.gov) us by 4:00 PM on December 12, 2023. In accordance with Attorney General File No. 00-047 (April 27, 2001), as restated in the Attorney General's Open Meeting Law Manual, the Chair may limit or prohibit comments that are willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers.

## AGENDA

1. **Call to Order.**
  - a. Roll Call.
  - b. Approval of Agenda – For Possible Action.
  - c. Approval of Minutes of the August 1, 2022 Meeting – For Possible Action.
  - d. Approval of Minutes of the November 3, 2022 Meeting – For Possible Action.
2. **Public Comment** – 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. **Discussion and Selection of Nevada Member at Large – For Possible Action** – To serve a one-year term commencing on January 1, 2024 pursuant to NRS 277.200, Article 3, section a, subsection 2. Hayley Williamson is the current Nevada Member at Large and her term ends on December 31, 2023. – For Possible Action.
4. **Report of the Executive Officer on Activities of the Agency: November 2022 – December 2023** – Informational Only.

5. **Board Member Comments**
6. **Public Comment** – 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. **Adjournment**

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.

Documentation and supporting agenda items are available on the Nevada Tahoe Regional Planning Agency Website at <http://lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency/ntrpa-meeting-agendas-and-minutes> and will be available at the NTRPA Governing Board Meeting. For further information you may contact Jacob Getz at 775-684-2739 or at [jgetz@lands.nv.gov](mailto:jgetz@lands.nv.gov).

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Jacob Getz 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, 2023.

Notice of this meeting was posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City NV

Nevada State Library, 100 North Stewart Street, Carson City NV

Tahoe Regional Planning Agency, 128 Market Street, Stateline NV

Nevada Tahoe Regional Planning Agency Website at [www.lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency](http://www.lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency)

Nevada Public Notice Website at [www.notice.nv.gov](http://www.notice.nv.gov).



STATE OF NEVADA

## Nevada Tahoe Regional Planning Agency

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### DRAFT MINUTES

**DATE/TIME:** Monday, August 1, 2022 – 2:00 pm

**PLACE:** Nevada State Capitol Building, Old Assembly Chambers located at 101 North Carson Street Carson City NV.

**MEMBERS PRESENT:** Alexis Hill – Chair; Hayley Williamson – Vice Chair; Shelly Aldean; Scott Anderson (alternate); Jessica Diss; Jim Lawrence, and Wesley Rice.

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Charles Donohue – NTRPA Executive Officer; Ellery Stahler – Nevada Division of State Lands; Scott Carey – Nevada Division of State Lands; Dan Nubel – Office of the Nevada Attorney General; Gary Midkiff – Midkiff & Associates; D. Scott Tate – Northern Nevada Comstock Investments.

1. **CALL TO ORDER** – Chair Hill called the meeting to order at 2:01 pm.
  - a. Roll Call – Scott Carey with the Division of State Lands took roll and a quorum was established.
  - b. Approval of Agenda – Scott Carey with the Division of State Lands stated that staff do not have any changes to the agenda. Member Aldean moved to approve the agenda as submitted. The motion was seconded by Member Rice. The motion was passed unanimously.
 

**\*ACTION**
  - c. Approval of Minutes of the December 8, 2021 Meeting – Chair Hill stated that she was not present at this meeting as she was not a member of the Governing Board at the time. Chair Hill stated that she was going to vote on the meeting minutes. Member Anderson stated that he was not present for this meeting as Member Cegavske represented the Nevada Secretary of State at this meeting. Member Anderson stated that he was going to vote on the meeting minutes.

Member Aldean stated that prior to the meeting she had submitted to staff several **proposed changes** to the December 8, 2021 meeting minutes. Member Aldean made a motion to approve the meeting minutes as outlined in the proposed changes submitted prior to the meeting. The motion was seconded by Member Anderson. The motion was passed unanimously.

Member Diss abstained from the vote to approve the meeting minutes of December 8, 2021.

**DRAFT**

2. **PUBLIC COMMENT** – Chair Hill called for public comment.

Scott Carey with the Division of State Lands stated that as of the deadline of July 29<sup>th</sup> at 5:00 PM staff did not receive any written public comments before the meeting.

Chair Hill called for any additional public comment. There was no public comment. The public comment period was closed.

3. **ACKNOWLEDGMENT OF THE CERTIFIED BASE DATA FOR THE LAKESIDE INN STRUCTURE HOUSING GAMING IN STATELINE FOR THE PURPOSES OF RETIREMENT** – Scott Carey with the Nevada Division of State Lands provided an overview of the staff report for this item that was included as pages 15-22 of the [meeting packet](#).

Mr. Carey stated that in March the agency received a request from Barton Health the property owners of the Lakeside Inn in Stateline to retire the certified base data on the site. He stated that Barton Health purchased the Lakeside Inn property in May of 2021 and is considering redevelopment of the site without non-restricted gaming use.

Mr. Carey stated that the Lakeside Inn is located at 168 US Highway 50, Stateline and a structure housing gaming has been in operation on the Lakeside Inn site for many decades. He stated that the building on the site was included in the original Structures Housing Gaming list and was declared to be in existing before May 4, 1979 by the NTRPA. He stated that gaming existed on the property up until the Statewide casino closure was ordered by the Nevada Gaming Control Board in March 2020, in response to the COVID-19 Pandemic. He sate that after the statewide closure was lifted, the property remained closed.

Mr. Carey stated that the certified base data for Lakeside Inn was approved by the NTRPA Governing Board on June 17, 1987. He stated that at the time the Board was working on how to sort out base data calculations for catwalks, escalators, and stairways. He stated that some back and forth between the Lakeside Inn architect and the NTRPA's consultant, the agency ultimately approved the certified base data on the site when the NTRPA Chair signed off on the certified plan sheets on May 25, 1988. He stated that the following is a breakdown of the certified base data for the Lakeside Inn site.

Public Area:	66,303 sq ft
Base Area:	37,933 sq ft
Non-Base Area:	26,370 sq ft
Gaming:	31,262 sq ft
Private Area:	0 sq ft
Cubic Volume:	1,071,447 sq ft
Site Coverage:	24,199 sq ft

Mr. Carey stated that when reviewing and considering this request, the Governing Board is asked to acknowledge the certified base data that was approved by the agency for this site in 1988. He stated that following the acknowledgement of the certified base data on the site, the Governing

Board is asked to consider the request to retire all of the certified base data on the Lakeside Inn site.

Mr. Carey stated that upon retirement the Lakeside Inn would no longer be a structure housing gaming. He stated that by permanently retiring the certified base data on the Lakeside Inn site, the public area, base area, non-base area, gaming area, private area, site coverage, and cubic volume would be zeroed out on the NTRPA Base Data Summary table.

Mr. Carey stated that to the best of staff's knowledge this is the first time that an applicant has requested to remove a non-restricted gaming use and retire the certified base data associated with a structure housing gaming within the Lake Tahoe basin. He stated that in 2008, the Governing Board considered a request from Boulder Bay LLC to relocate and modify the Tahoe Biltmore site in Crystal Bay to a new structure on two adjacent properties. He stated that in this project, the proposed relocation shifted the footprint of the structure housing gaming to the northwest and moved the structure housing gaming 161'-6" feet from State Route 28.

Mr. Carey stated that after review and testimony, the Governing Board unanimously approved the request but did not make any changes to the certified base data on the Tahoe Biltmore site. He stated that subsequently outside of the NTRPA's review of the project, the property owners chose to downsize and restrict the gaming area and cubic volume through a deed restriction on the property as part of a separate agreement with the California Attorney General's Office. Mr. Carey stated that these actions resulted in a reduction in the use of the certified gaming area on the site. Because the agency was not involved with or a party to the deal between the Tahoe Biltmore property owners and the California Attorney General's Office, the certified base data for the Tahoe Biltmore property was not changed.

Mr. Carey stated that staff reviewed the 1979 legislative record of SB 323 by the Nevada Legislature to see if there was anything in the testimony that would shed light on whether the intention was to "freeze" gaming structures in place without the ability to demolish and reconfigure. He stated that the minutes of one of the hearings on SB 323 included various statements regarding this issue. It was stated that the intent of the legislation was that gaming would not increase or expand beyond existing conditions. A sample of statements includes: "provide that gaming be restricted to the places where it is now conducted or in those places where it enjoys a Nevada permit". He stated that another key statement as part of the legislative record was that "there would be no additional, new, nonrestricted gaming facilities at lake Tahoe", and the main purpose of this legislation was to "limit area which may be open to public use to that existing or approved for public use on January 1, 1979". He stated that it is staff's opinion that the legislative intent was that gaming remain in place and that the gaming would not be enlarged.

Mr. Carey stated that the applicant has informed staff that they have no interest in gaming, and they have requested to "retire all gaming rights" on the Lakeside Inn site and that they plan to redevelop the site. He stated that the applicant has requested to retire the certified base data on the Lakeside Inn site with the intention that upon retirement it would be recognized and converted to TRPA commercial floor area.

Mr. Carey stated that over the past several months staff has been working with TRPA staff on this request and to determine how a conversion of NTRPA certified base data to TRPA commercial floor would work. He stated that in June, staff received confirmation from the TRPA staff that upon retirement the certified base data for the Lakeside Inn would convert to TRPA Commercial Floor Area. He stated that a copy of an email from Paul Nielsen, Special Projects Manager for the TRPA confirming that the retired certified base data for the Lakeside Inn site would convert to TRPA commercial floor area is pages 27-30 of the [meeting packet](#). He stated that staff heard from Paul Nielsen with the TRPA today, he is unavailable to attend today's Board meeting but stated that he is happy to provide any additional information or answer any questions from the board following today's Governing Board meeting.

Mr. Carey stated that staff finds that the Tahoe Regional Planning Compact remains silent on whether a structure housing gaming could go away and that it does not specifically prohibit the retirement of certified base data. He stated that from reviewing the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, or NTRPA Plan Review Procedures Policy there was never a scenario envisioned where a structure housing gaming with certified base data would change its main use away from gaming.

Mr. Carey stated that it is staff's interpretation of these regulations that the main intent of regulating structures housing gaming within the Lake Tahoe basin was to freeze the square footages of the certified base data and location of these uses, and not allow them to grow or expand in order to achieve the findings and declaration of policy of the Tahoe Regional Planning Compact. He stated that it is staff's opinion that it is at the Governing Board's discretion to retire certified base data associated with a structure housing gaming if requested by a property owner and if it meets the requirements of the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, or NTRPA Plan Review Procedures Policy.

Mr. Carey stated that there are three specific findings that the Governing Board needs to consider and ultimately make today concerning the proposed retirement request. He stated that the first finding deals with the Tahoe Regional Planning Compact Article VI, Section (e) and stated that "any structure housing gaming may be rebuilt replaced to a size not to exceed the cubic volume, height, and land coverage existing or approved on May 4, 1979". He stated that it is staff's interpretation of the compact that there is no time limit or expiration of the certified base data on a site. He stated that the applicant's request is to retire the certified base data associated with the Lakeside Inn for the purposes of future redevelopment of the site. He stated that this retirement request does not increase the gaming floor area which was previously certified by the NTRPA on this site. He stated that staff finds the request to retire the certified base data on this site in compliance with the Tahoe Regional Planning Compact Article VI.

Mr. Carey stated that the second finding deals with NTRPA Ordinance 1980-1 Article 3, Section 3.1 and stated that "any structure housing gaming shall not enlarge the cubic volume of the structure, increase the total square footage of an area to or approved for public use; and convert private use area to public use area". He stated that staff finds the applicant's request to retire the certified base data on this site does not enlarge the cubic volume of the structure, it does not increase the square footage of the public use area, and it does not propose to convert private use

areas to public use. He stated that staff finds the request to retire the certified base data on this site in compliance with the NTRPA Ordinance 1980-1.

Mr. Carey stated that the third findings deals with NTRPA Plan Review Procedures Policy Section 1(d) and states that “all plans and proposals which will change the area in square feet devoted to gaming or change the location of gaming with any such structure must be accompanied by an information report”. He stated that staff finds that the plans and correspondence submitted by the applicant for this retirement to be sufficient and meets the information report requirement and is therefore in compliance with the NTRPA Plan Review Procedures Policy.

Mr. Carey stated that staff finds that the proposed request to retire the certified base data on the Lakeside Inn site meets these findings and is consistent with previous Governing Board actions. He stated that staff finds no inconsistency with the proposed retirement request and the requirements of the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, or NTRPA Plan Review Procedures Policy. He stated that staff recommends that the NTRPA Governing Board acknowledge the certified base data approved by the agency on the site on May 25, 1988 and to permanently retire the certified base data from the Lakeside Inn site.

Member Aldean stated that the applicant’s letter indicates that they intend to convert 19,744 sq ft of gaming area to TRPA commercial floor area. Member Aldean stated the certified gaming floor area on the site is a total of 31,262 sq ft and asked what will happen to the remaining balance of the gaming floor area if all the area is retired.

Executive Officer Donohue stated that the 19,744 sq ft pf gaming floor area that Member Aldean referenced is from the relocation of the gaming area for the Tahoe Biltmore in Crystal Bay.

Member Aldean asked if the proposed request will involve the retirement of all of the 31,262 sq ft of gaming area on the Lakeside Inn site. She asked if the motel portion of the Lakeside Inn is included with this retirement request.

Executive Officer Donohue stated that the proposed request involves the retirement of the 19,744 sq ft pf gaming floor area along with all of the other certified base data on the site. He also stated that the motel portion of the Lakeside Inn is not associated with the retirement request.

Member Aldean asked if there would be a need for the property owners to grandfather the 24,199 sq ft of site coverage associated with the certified base data on the site for future redevelopment purposes.

Executive Officer Donohue stated that question would best be answered by the Tahoe Regional Planning Agency (TRPA). Mr. Donohue stated that he would assume that agency staff has had conversations with TRPA staff and that they have acknowledged that upon retirement the NTRPA certified base data would be converted to TRPA commercial floor area.

Member Aldean stated that she does not want the NTRPA take action that would decertify any of the certified base area on the site in a way that would be injurious to the property owner.



Gary Midkiff with Midkiff & Associates stated that with respect to the gaming rights on the subject site there has never been a request to retire all of the certified base data on a site. Mr. Midkiff stated that the TRPA code was modified a couple of years ago provides the property owner with the option to convert hotel rooms into commercial floor area. He stated that the property owners believe that NTRPA certified base data upon retirement could be converted to TRPA commercial floor area.

Member Aldean stated that she is concerned that the suggested motion is to acknowledge the certified base data on the site and to permanently retire all of the certified base data on the Lakeside Inn site. She stated that this would include retiring all of the site coverage on the site as well. She asked if the Governing Board's action today would be adverse to the interests of the property owner.

Gary Midkiff with Midkiff & Associates stated that he was a little concerned about the proposed action because normally the NTRPA does not get involved with site coverage with the exception of what is under a structure housing gaming. Mr. Midkiff stated that it may be wise for the Governing Board to modify the language in the proposed action to protect any NTRPA site coverage.

Member Lawrence stated that it was his recollection that the 24,199 sq ft of site coverage is just for the structure housing gaming and does not include the entire site like the motel and parking areas. He stated that he recalls that the motel portion of Lakeside Inn was never included as part of the structure housing gaming or part of the certified base data. He stated that because of this, that is the reason why there is not any private area included in the certified base data for this site.

Member Lawrence stated that under the Lake Tahoe Compact you cannot be a partial structure housing gaming. He stated that by giving up the gaming rights you are also giving up all certified base data included site coverage and therefore no longer subject to NTRPA regulations. He stated that under TRPA regulations commercial floor area is much larger than just gaming. He stated that in the instance of the Lakeside Inn there are other areas like the restaurant and other commercial areas that are part of the certified base data on the site. He asked if the Governing Board's proposed action today is going to account for all of what the TRPA is going to recognize on the site in terms of commercial floor area.

Gary Midkiff with Midkiff & Associates stated that he believes that the TRPA will recognize all of the NTRPA site coverage on the site upon retirement.

Member Lawrence stated that there is an advantage to be considered a structure housing gaming because if you are changing a commercial use within the structure, you do not need to obtain approval from the TRPA. He stated that if the Lakeside Inn is no longer considered a structure housing gaming, then any changes in use in the future would require a TRPA permit. He stated that if the site were to remain a structure housing gaming any changes within the structure could be administratively approved if the uses are within the certified base data. He stated that he wanted to make sure that the property owner was fully aware that if the certified base data is retired today than the Lakeside Inn will no longer be considered a structure housing gaming.

Gary Midkiff with Midkiff & Associates stated that the property owners have already banked with TRPA all of the hotel rooms. Mr. Midkiff stated that the property owners have not banked the land coverage on the site because they intend to use the coverage for the redevelopment project.

Member Anderson asked what value does the retirement of the certified base data have if you cannot increase the building height, cubic volume, and coverage on the site. He stated that he believed there is value in keeping the certified base data on the site and asked what the purpose of the retirement request is.

Scott Carey with the Division of State Lands stated that reference to not increasing the cubic volume of the structure is a specific finding that the Governing Board will need to make when considering the retirement request. Mr. Carey stated that staff believes the value of the proposed retirement request is the certified base data on the site would be converted to TRPA commercial floor area and would be used in the redevelopment of the site.

Member Lawrence stated that the downside to being a structure housing gaming is that the building must remain within the footprint of the site coverage and within the cubic volume on the site. He stated that if the site is no longer a structure housing gaming because the certified base data has been retired, then the property owners can redevelop the site and change the cubic volume and site coverage if it is within TRPA regulations.

Member Aldean stated that there are no provisions within the NTRPA regulations that allow for the banking of the gaming floor area for possible future use.

Executive Officer Donohue stated that there are no provisions under the Lake Tahoe Compact or the NTRPA regulations that allow for the banking of gaming floor area. Mr. Donohue stated that this is something that has not been contemplated by the Governing Board previously. He stated that he recalls that the Mariner was at one point considering banking its certified land coverage because it was never constructed.

Member Aldean asked if the property owner under the NTRPA regulations does not have the opportunity to bank the certified gaming areas. She asked for clarification if in 50 years if the property owner wanted to tear down the proposed redevelopment and reestablish the site for gaming, they would not have the opportunity to do so because the certified base data would be retired. She asked if its either retire the gaming rights and redevelop the site with the converted TRPA commercial floor area or remain a structure housing gaming.

Executive Officer Donohue stated that was correct and those would be the options available to the property owner. Mr. Donohue stated that in this request the property owner is requesting to retire its gaming rights within the structure housing gaming so that it could be used along with all the other non-structure housing gaming portions on the site for use in the redevelopment project.

Member Aldean asked if the proposed redevelopment project on the site is more than just a hospital and that there are other portions of the project such as restaurants and gift shops that will need additional TRPA commercial floor area.

Executive Officer Donohue stated that the agency has not reviewed the full redevelopment plans, but the overall project would incorporate existing TRPA commercial floor area and new commercial areas that would be converted from retired NTRPA certified base data.

Gary Midkiff with Midkiff & Associates stated that the overall site coverage on the Lakeside Inn site is over 24,000 sq ft. Mr. Midkiff stated that property owner is expecting to capture all of the site coverage on the site for use in the redevelopment project. He stated that the way the TRPA code works, a hospital is a public service use and does not need commercial floor area. He stated that the property owner intends to use the commercial floor area for other uses on the site. He further stated that if the applicant does not use the commercial floor area on the site, they could bank the remaining areas offsite.

Member Aldean stated that she believes if the property owner is comfortable with retiring the certified base data on the site, then she is comfortable with the request as well.

Chair Hill stated that could not believe that the NTRPA would consider getting rid of gaming on a site forever. She stated that the need for additional commercial floor area to support the redevelopment of the site makes sense. She stated that she believes the proposed redevelopment project is a great use.

Member Anderson asked if staff knew how much gaming revenue would be lost to the state from the proposed retirement request. He understands the Lakeside Inn has not been in operation in recent years but that he believes the state could be losing future gaming revenue if gaming was reestablished on the site. He stated that he believes there would be a permanent loss in gaming revenue to the state if the certified base data is permanently retired on the Lakeside Inn site.

Chair Hill stated that the proposed redevelopment project would result in the gain of a new hospital for the community, and this could result in residents not having to seek medical care outside of the area.

Member Diss stated that she agrees with Chair Hill's concern in the permanent loss of gaming on the site. She stated that she is supportive of the redevelopment project and that a hospital would be a great use for the community. She stated that she understands the need for additional commercial floor area on the site but is not thrilled with the permanent loss of gaming. She wanted to express that there is trepidation by the Governing Board to permanently retire the certified base data on the site.

Member Diss expressed a concern that in the future there could very well be a need for additional gaming. She stated that the economic conditions of the gaming industry over the last 20-30 years does not necessarily mean there won't be a need in the future for gaming on this site. She stated that she does not believe that there is a mechanism available today in which the

Governing Board could revive the certified base data on the site or relocate it to another site. She stated that she sort of regrets the loss of the gaming area on the Lakeside Inn site.

Chair Hill stated that she agrees with Member Diss. She stated that it would be good for agency staff to further research the future needs of gaming within the Lake Tahoe Basin and possibly consider the creation of a gaming banking program.

Member Rice stated that losing the Lakeside Inn is a loss for the locals who live in the community. He stated that he believes that the proposed redevelopment project is important and that he along with other residents are tired of traveling to Reno for medical care. He stated that Douglas County does not receive a cut of the gaming revenue on the Lakeside Inn site. He stated that the county receives property taxes and other taxes and that the proposed retirement request will not be a great fiscal loss to the county. He stated that he believes that the retirement request is needed. He stated that the Governing Board does not have a program that allows for the banking of gaming areas and may be something that the agency should consider in the future.

There were no other Governing Board Member comments.

Member Rice made a motion to acknowledge the certified base data approved by the NTRPA on May 25, 1988 associated with the Lakeside Inn Structure Housing Gaming in Stateline, Douglas County APN's 1318-22-002-011 and 1318-22-002-012 and to permanently retire the certified base data from the Lakeside Inn site.

The motion was seconded by Member Aldean.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion. **\*ACTION**

AYES: Chair Hill, Vice Chair Williamson, Member Aldean, Member Anderson, Member Diss, Member Lawrence, and Member Rice.

NAYS: None

ABSTAINERS: None

ABSENT: None

4. **RECERTIFICATION OF THE CERTIFIED BASE DATA FOR THE TAHOE NUGGET STRUCTURE HOUSING GAMING IN STATELINE**

– Scott Carey with the Nevada Division of State Lands stated at the December 8, 2021 meeting the Governing Board approved a request for a second amendment to Condition 1 associated with the previously approved certified base data determination for the Tahoe Nugget site.

Mr. Carey stated that the second amendment to the condition of approval allowed for an additional 6 months to submit detailed architectural floor plans and base data calculations for the

site. He stated that included in the Governing Board's action on this request was the understanding that the term commencing does not include the start of any new construction.

Mr. Carey stated that on May 17, 2022 in compliance with the approved second amendment to Condition 1, agency staff received detailed architectural floor plans and base data calculations for the site from the applicant. He stated that staff finds that the detailed architectural floor plans and base data calculations met the June 30, 2022 deadline in Condition 1 of the NTRPA Governing Board's approval of the certified base data eligibility on the site.

Mr. Carey stated that staff has been working closely with the applicant to analyze the base data calculations provided and determine whether or not the data provided is within the approved certified base data for the site. He stated that staff has reviewed the plans and data that were submitted and have found some discrepancies when comparing the data with the approved certified base data for the site. He stated that staff and the applicant were working together prior to the meeting to submit a recertification request for the Governing Board's review and consideration for the Tahoe Nugget site. He stated that before the meeting the applicant requested a continuance of this recertification request to allow for additional time to prepare the data and information needed for the Governing Board to consider. He stated that copy of the applicant's request for a continuance is included as pages 41-42 of the [meeting packet](#).

Mr. Carey stated that once the agency receives the information needed, staff will work with the Board to schedule a future NTRPA meeting to consider the recertification request. He stated that staff recommends that the Governing Board grant the applicant's request for a continuance of the recertification request for the Tahoe Nugget site. He stated that a continuance to a future NTRPA meeting will allow the applicant additional time to provide agency staff with information needed for the Governing Board to consider the recertification request.

Gary Midkiff with Midkiff & Associates stated that as soon as the property owner can better understand the alternations to the building from the 1995-96 renovation to the building they can bring forth the information needed to the agency. Mr. Midkiff stated that they are in the process of trying to determine which aspects of the 1995-96 renovation were approved and reviewed by the NTRPA vs the TRPA. He stated that the continuance will allow the applicant additional time to better understand the alternations made to the Tahoe Nugget building. He stated that the property owner will need to get a building permit submitted to Douglas County by mid August to proceed on the project. He stated that if there is a situation where the Governing Board cannot allow the Tahoe Nugget site to proceed in time they miss this construction season at the lake. He stated that they expect to have the information requested by the agency within the next 30 days. He stated that they would like to have the project reviewed by the Governing Board within a month. He stated that if they can't get in front of the Governing Board in a month, they would like to allow the property owner to proceed on the building permitting and remodel but not allow for the property to open to the public until the plans are approved by the agency.

D. Scott Tate with Northern Nevada Comstock Investments stated that the opportunity for construction is very challenging within the Lake Tahoe Basin. Mr. Tate stated that they do have a great relationship with their main construction team but that the subcontractors are more difficult to schedule. He stated that Northern Nevada Comstock Investments feels bad that they are not

able to move forward on this project at this time. He stated that it has been great working with agency staff. He stated that during the remodel process they have learned of several unexpected changes that have been made to the building. He stated that these changes have resulted in excess cubic feet that was not accounted for in the certified base data on the site. He stated that these unexpected changes have not impacted the certified gaming area but have led to some discrepancies in the certified base data calculations.

Mr. Tate stated that they would like to make sure that the data is correct and would like to come back before the Governing Board for review when they have all the information needed. He stated that they are working with Douglas County to get the plans submitted for building permit review and hope to accomplish this within the next 2-4 weeks. He stated that they want to be transparent with the Governing Board on the status of the project and its timeline.

Member Aldean stated that the Governing Board's agenda does not allow for the Governing Board to allow for a new timeline for review. She stated that the original condition of approval for the determination of eligibility of the certified base data required that there be no commencement of construction prior to the submission of the detailed architectural drawings to the agency for review.

Gary Midkiff with Midkiff & Associates stated that the real issue is not the certified gaming, floor area, base, and non-base area, its really the cubic volume of the structure. Mr. Midkiff stated that when the new siding was added around the building from the 1995-96 renovation it was not accounted for in the certified base data. He stated that the project architect also discovered that the main roof was certified at 13 ft but in reality was built at 15 ft. He stated that when you add the siding along with the discrepancy with the roof, there is an increase of 15,000 sq ft of cubic volume.

Member Aldean stated that as long as the property owner is not starting construction of the project and as long as the agency is comfortable with the data being provided then she is comfortable with allowing for additional time to review the project.

Chair Hill asked if staff is comfortable with the request for a continuance of this item.

Executive Officer Donohue stated that staff recommends a continuance of this item. Mr. Donohue stated that staff has been working closely with the applicant's representative as information has been submitted. He stated that the agency has a capacity issue in handling many of these types of requests. He stated that the Governing Board has met more than once in a year in the past but additional projects and meetings result in a significant investment of staff time. He stated that during the review of this project the applicant has daylighted many changes to the building that happened during the 1995-96 renovation that the agency was not aware of. He stated that Gary Midkiff discovered an NTRPA stamp of approval on a set of plans within the TRPA files that the agency did not have a record of was reflected in any Governing Board meeting minutes. He stated that it appears that the modifications made to the building were completed for public safety and for water drainage purposes. He stated that he believes that the agency has made substantial efforts to work with the applicant but that they agency cannot commit to turning around a project review and schedule another board meeting within the timeframe as a requested by the applicant.

Member Lawrence stated that the agency and State Lands are understaffed and the duties of the NTRPA are basically other duties as assigned. He stated that he believes that there has been a lot of time to submit the information need by the agency to ensure compliance with the certified base data. He stated that he is comfortable with allowing the applicant to obtain building permits from Douglas County. He stated that he is sympathetic to applicant's need to get the project under construction but wants to make sure that the review is in compliance with the agency's regulations.

Chair Hill stated that she agrees with Member Lawrence. She stated that working with several projects within Washoe County she understands the applicant's desire to start construction during the short construction season at Lake Tahoe. She stated that she is sorry that the agency does not have more staffing capacity. She stated that the agency is one of many state agencies that are understaffed.

Member Aldean made a motion to continue the recertification request approved certified base data determination for the Tahoe Nugget site in Stateline to a future NTRPA Governing Board Meeting.

The motioned was seconded by Member Rice.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to continue this item. **\*ACTION**

AYES: Chair Hill, Vice Chair Williamson, Member Aldean, Member Cegavske, Member Diss, Member Lawrence, and Member Rice.

NAYS: None

ABSTAINERS: None

ABSENT: None

**5. REPORT OF THE EXECUTIVE OFFICER ON ACTIVITIES OF THE AGENCY: JANUARY 2022–JULY 2022**

– Executive Officer Donohue thanked the Governing Board for their comments and work on agenda item #3. Mr. Donohue stated that he believes that the Governing Board daylighted a lot of issues and that he felt the open dialogue was very helpful. He stated that Chair Hill has signed the certified drawings for the North Casino separation from Harrah's that took place in 2011.

Mr. Donohue stated at the last Governing Board meeting, Member Aldean requested that the agency prepare a Frequently Asked Questions handout for the agency. He stated that staff has not lost sight of this request and that they will continue working on this handout for the agency. He stated that the agency continues to strategize on reaching out to new owners of casinos within the Lake Tahoe Basin. He stated that in recent years there have been several sales of casinos that have resulted in new ownership and management being in place. He stated that he is a little surprised that the new owners have not discovered the agency during the due diligence process in

purchasing a casino. He stated that the agency is committed to following up and making contact with new owners within the Lake Tahoe Basin.

Member Aldean stated that she believes many of the new owners are likely aware that the TRPA exists. She stated that it would be nice if the agency has more interplay with the TRPA, and suggested that Governing Board members advise TRPA staff to inform new casino owners that they need to engage with the NTRPA.

Executive Officer Donohue stated he welcomes this suggestion. Mr. Donohue stated that with respect to the Tahoe Nugget and Lakeside Inn projects it was helpful to the agency to have proactive engagement with these new owners.

Member Diss stated that she believes new owners and managers of casinos would also need to get licenses from the Nevada Gaming Control Board. She asked if the agency staff has reached out to the attorneys at the Nevada Gaming Control Board to give them a heads up when casinos are sold. She suggested that the Nevada Gaming Control Board could provide new owners and licensees to contact the agency.

Executive Officer Donohue stated that these are all great suggestions, and that the agency will do its best to satisfy them in the future.

Member Rice stated that all the members of the NTRPA Governing Board are also members of the TRPA Governing Board. He stated that he believes that the members of the Governing Board could help facilitate communication and collaboration between the TRPA and NTRPA.

Member Aldean stated that she has never had members of the gaming industry ask her what the protocols and who to contact regarding gaming projects. She stated that Governing Board members can talk with TRPA staff and remind them of the NTRPA and its regulations.

Member Rice stated that he has been a Douglas County Commissioner for 3 years now and that he has never been schooled on all of the gaming requirements of the state. He stated that it would be helpful for the Governing Board to have a presentation from agency staff and possibly others concerning the roles and responsibilities of the Governing Board.

Member Lawrence stated that he believes that a presentation concerning the roles and responsibilities of the Governing Board would be reasonable at a future meeting. He stated that he believes that the TRPA has been good in communication with the agency in the past. He stated that where miscommunication has happened in the past is that new operators don't necessarily understand that they need to work with the NTRPA on interior changes instead of the TRPA.

Chair Hill stated that at the Washoe County level she is willing to help work with county staff and new operators to make sure that they understand the requirements of the agency. She suggested that staff follow up with the Governing Board to provide members with a copy of the agency regulations and bylaws.



Executive Officer Donohue stated that he apologizes to Member Rice if staff did not provide an orientation to him prior to his first Governing Board meeting. He stated that staff typically does have these types of meetings with new Governing Board Members and that staff recently provided an orientation for Member Diss. He stated that Douglas County is the most communicative agency on gaming matters and that they have incorporated the agency as part of their plan review procedures.

Chair Hill stated that she will work with Washoe County staff to make sure that they are working with the agency as part of its plan review process.

Member Anderson asked if there is an NTRPA orientation document or packet available for Governing Board members.

Executive Officer Donohue stated that as part of the orientation process staff has a binder that they review with new Governing Board members to inform them of the roles and responsibilities of the agency. Mr. Donohue stated that its likely Secretary Cegavske has an NTRPA binder already but that the agency would be happy to provide Member Anderson with a copy of the binder as well.

Member Rice stated that it would be helpful for him to receive a copy of an orientation binder. He stated that he was not aware that the agency existing until he was reminded to attend his first Governing Board meeting.

6. **BOARD MEMBER COMMENTS** – Chair Hill called for any Board Member Comments.

Member Lawrence thanked staff for putting together this meeting.

Chair Hill asked for staff to continue working on the Frequently Asked Questions handout for the agency. She asked if the staff could work with the Nevada Attorney General's Office to develop a banking program for excess certified base data.

Executive Officer Donohue stated that the Governing Board could have a future conversation on a banking program. Mr. Donohue stated that his experience in the past is that such a program may create some more detailed discussions and issues between the Nevada Attorney General and the California Attorney General. He stated that the settlement agreement between the owners of the Tahoe Biltmore and the California Attorney General may create some concerns in any future discussions on a banking program.

Vice Chair Williamson stated that it would be good to direct staff to seek a legal opinion from the Nevada Attorney General's Office on the possibly of a future banking program.

Member Aldean stated that in her review of page 12 of the Lake Tahoe Compact, the compact does not specifically address a banking program. She stated that she believes that the language in the compact may allow for some latitude in developing a future banking program.

Member Diss stated that she agrees with Vice Chair Williamson's suggestion on obtaining a legal opinion. She stated that she is concerned that in the future the interests of a induvial developer wanted to build a project may supersede the state's overall rights in developing gaming. She

stated that in this future scenario it may become more about economic development of an areas as opposed to a single casino that may or may not want to build.

Chair Hill stated that she would like for the agency to avoid another situation like it did from the Tahoe Nugget redevelopment project in 1996 where there are approved plans that the agency does not have records of.

Member Rice stated that he understands the original intent of the Lake Tahoe compact to not see the expansion of the gaming within the basin. He stated that due to the loss of revenue he hates to see gaming shrink within the basin. He stated that he would like to see a mechanism where a shut down casino can take its gaming rights and move it to another location to maintain gaming revenue. He stated that he would hate to see a group coming in to establish gaming within the basin but cannot not do so because the gaming has been retired.

Chair Hill stated that she agrees with Member Rice. She stated that gaming revenue does go to support state staff.

7. **PUBLIC COMMENT** – Chair Hill called for public comment.

There was no public comment. The public comment period was closed.

8. **ADJOURNMENT** – Chair Hill adjourned the meeting. The meeting was adjourned at 3:12 PM.

**\*ACTION**

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.



STATE OF NEVADA

## Nevada Tahoe Regional Planning Agency

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### DRAFT MINUTES

**DATE/TIME:** Thursday, November 3, 2022 – 2:00 pm

**PLACE:** Division of Health and Human Services Carson City Administrative Office Conference Room 149 located at 1470 E. College Parkway Carson City NV.

**MEMBERS PRESENT:** Alexis Hill – Chair; Hayley Williamson – Vice Chair; Shelly Aldean; Barbara Cegavske; Jessica Diss; Jim Lawrence, and Wesley Rice.

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Charles Donohue – NTRPA Executive Officer; Ellery Stahler – Nevada Division of State Lands; Scott Carey – Nevada Division of State Lands; Dan Nubel – Office of the Nevada Attorney General; Gary Midkiff – Midkiff & Associates; D. Scott Tate – Northern Nevada Comstock Investments; Scott Anderson – Office of the Nevada Secretary of State; Mark Bruce – Former Governing Board Member.

1. **CALL TO ORDER** – Chair Hill called the meeting to order at 2:05 pm.
  - a. Roll Call – Scott Carey with the Division of State Lands took roll and a quorum was established.
  - b. Pledge of Allegiance – Member Aldean led the Pledge of Allegiance.
  - c. Approval of Agenda – Scott Carey with the Division of State Lands stated that staff was unable to complete the meeting minutes from the August 1, 2022 meeting and asked that the Governing Board remove item 1(d) from the agenda. Member Aldean suggested that items 4 and 5 on the agenda be combined. Member Aldean moved to approve the agenda with the removal of item 1(d) and combining items 4 and 5. The motion was seconded by Member Lawrence. The motion was passed unanimously. **\*ACTION**
2. **PUBLIC COMMENT** – Chair Hill called for public comment.

Scott Carey with the Division of State Lands stated that as of the deadline of November 2nd at 5:00 PM that staff received a total of 31 written public comments before the meeting and that these comments have all been posted on the meeting webpage. Scott also stated that staff did receive written public comments from Stella Gibbons, Olivia L. Clemens, and Dennis Weaver before the meeting. At the direction of Chair Hill these three public comments have been deemed offensive, inappropriate and have been excluded from the meeting today in accordance with the state's open meeting law manual and Attorney General File No. 00-047. He stated that

**DRAFT**

after the public comment deadline for this meeting that staff did receive 20 additional public comments that staff will post to the meeting webpage. He stated that generally, none of the public comments that staff received before today's meeting appeared to be related to any item of the Governing Board's meeting today and were mostly about matters outside of the purview of the Nevada Tahoe Regional Planning Agency.

Member Aldean stated that there were public comments submitted about the Boulder Bay project which would fall under the purview of the agency, but that project was not included as an item on today's meeting agenda.

Chair Hill called for any additional public comment. There was no public comment. The public comment period was closed.

3. **DISCUSSION AND SELECTION OF NEVADA MEMBER AT LARGE** – Chair Hill stated that this item is consideration of appointment of the Nevada Member At Large Position on the Governing Board for a one-year term beginning on January 1, 2023. Chair Hill stated that the [staff report](#) for this item did indicate that the current Nevada Member at Large Hayley Williamson has stated that she is interested in serving another term.

Member Aldean made a motion to appoint Hayley Williamson as the Nevada Member at Large position per NRS 278.792 section 2(c) for a one-year term beginning on January 1, 2023 and ending on December 31, 2023.

The motion was seconded by Member Lawrence.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to re-appoint Haley Williamson as the Nevada Member at Large. **\*ACTION**

AYES: Chair Hill, Member Aldean, Member Cegavske, Member Diss, and Member Lawrence.

NAYS: None

ABSTAINERS: None

ABSENT: Member Rice

4. **ELECTION OF CHAIR AND VICE CHAIR** – Chair Hill stated that she is interested in serving another term as Chair and the Vice Chair Williamson is interested in serving another term as Vice Chair.

Member Aldean stated that given the fact that the Chair and Vice Chair have not served a full 2 year term in their respective roles, she would like to nominate Chair Hill and Vice Chair Williamson to continuing serving in as Chair and Vice Chair until December 31, 2024.

Member Aldean made a motion to elect Alexis Hill as Chair and Hayley Williamson as Vice Chair for a 2 year term beginning on January 1, 2023 and ending on December 31, 2024.

The motion was seconded by Member Lawrence.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to elect Alexis Hill as Chair and Haley Williamson as Vice Chair. **\*ACTION**

AYES: Chair Hill, Vice Chair Williamson, Member Aldean, Member Cegavske, Member Diss, and Member Lawrence.

NAYS: None

ABSTAINERS: None

ABSENT: Member Rice

5. **RECOGNITION OF SERVICE TO NTRPA FOR SECRETARY BARBARA CEGAVSKE** – Scott Carey with the Nevada Division of State Lands read into the record a [resolution](#) recognizing Secretary Barbara Cegavske for her service to the Nevada Tahoe Regional Planning Agency.

Member Cegavske stated that it has been a pleasure to serve on the Governing Board and on the Tahoe Regional Planning Agency (TRPA) Governing Board. She stated that she lived at Lake Tahoe for 24 years and that it has been an honor to go from being a resident to serving on these boards. She stated that it has been great to be a part of this Board and thanked all of the members for the language in the resolution and for their service to the State of Nevada.

Member Lawrence stated that he has worked with Member Cegavske on Lake Tahoe issues for many years including from her time serving in the Nevada Legislature. He stated that he has always found Member Cegavske to be very pragmatic and very solution oriented. He stated that it has been a pleasure serving with Member Cegavske, that he is happy for her future endeavors and thanked her for her service to the NTRPA.

Chair Hill stated that she has admired Member Cegavske's leadership both on the NTRPA and TRPA Boards as well as with the State of Nevada. She stated that she sees Member Cegavske as a leadership icon and that she appreciates all of her service to the State of Nevada.

Member Aldean thanked Member Cegavske for her service and stated that she served the State of Nevada with grace and integrity.

Member Rice stated it has been a pleasure to serve with Member Cegavske on the Governing Board and the TRPA Governing Board. He thanked Member Cegavske for her service to the State of Nevada and for being a friend.

There were no other Governing Board Member comments.

6. **RECOGNITION OF SERVICE TO NTRPA FOR MARK BRUCE** – Scott Carey with the Nevada Division of State Lands read into the record a [resolution](#) recognizing former Governing Board Member Mark Bruce for his service to the Nevada Tahoe Regional Planning Agency.

Mark Bruce stated that Nevada is very dear to him and that it was a tremendous honor to serve the State and help protect beautiful Lake Tahoe for everybody to enjoy. Mark expressed his appreciation to everyone for doing such good work to protect Lake Tahoe and wished the Governing Board continued success in its efforts to protect the lake.

Member Cegavske thanked Mark Bruce for his service to the State of Nevada and expressed her appreciation to him for all his work in protecting Lake Tahoe over the years. She thanked Mark for his friendship and wished him the best of luck in his future endeavors.

There were no other Governing Board Member comments.

Member Aldean made a motion for the Governing Board to adopt the resolutions recognizing the service to the NTRPA for Secretary Barbara Cegavske and Mark Bruce.

The motion was seconded by Member Lawrence.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to adopt the resolutions recognizing the service to the NTRPA for Secretary Barbara Cegavske and Mark Bruce. **\*ACTION**

AYES: Chair Hill, Vice Chair Williamson, Member Aldean, Member Cegavske, Member Diss, Member Lawrence, and Member Rice.

NAYS: None

ABSTAINERS: None

ABSENT: None

7. **RECERTIFICATION OF THE CERTIFIED BASE DATA FOR THE TAHOE NUGGET STRUCTURE HOUSING GAMING IN STATELINE** – Scott Carey with the Nevada Division of State Lands provided a [presentation](#) to the Governing Board and an overview of the [staff report](#) for this item.

Mr. Carey stated that the Tahoe Nugget in Stateline was included as an original list of structures housing gaming within the Lake Tahoe basin and for many decades included casino use. He stated at its February 2, 1987 meeting, the Governing Board certified that base data for the Tahoe Nugget site. He stated that a copy of the original certified plans and data for the Tahoe Nugget building are included in the staff report as [Exhibit 7](#).

Mr. Carey stated at its December 20, 1995 meeting, the Governing Board as part of the redevelopment of the Tahoe Nugget building reviewed a request to modify two existing stairwells and allow the conversion of the second floor to non-gaming commercial offices. The requested modifications to the building were required by Douglas County for the building code and safety issues involved 84 sq ft of public area and 1,830 sq ft of cubic volume. He stated that during the meeting the Governing Board expressed concern that the proposal could be perceived as an enlargement of the area for the building and could lead to an increase in gaming and base

area of the structure in the future. He stated that the Governing Board wanted assurance that such a request could not be made in the future and approved the request subject to a condition of approval which stated that the changes to the building did not make any changes to the certified base area or the cubic volume of the structure. He stated that copy of the Governing Board's meeting from 1995 is included in the staff report as [Exhibit 6](#).

Mr. Carey stated at its July 23, 2020 meeting, the Governing Board found that the certified base data for the Tahoe Nugget site was valid and eligible to be used on the site subject to 1 condition of approval. The Condition of Approval required that the applicant submit to the NTRPA detailed architectural floor plans and base data calculations within 6 months after purchasing the site. He stated at its December 4, 2020 meeting, the Governing Board approved a request to amend Condition #1 associated with the Board's previous action to give the applicant until December 31, 2021 to submit detailed architectural floor plans and base data calculations. He stated at the December 8, 2021 meeting the Governing Board approved a request for a second amendment to Condition 1 associated with the previously approved certified base data determination for the Tahoe Nugget site. He stated that this amendment gave the applicant until June 30th of this year to submit detailed architectural floor plans and base data calculations.

Mr. Carey stated that on May 17th in compliance with the approved second amendment to Condition 1, agency staff received detailed architectural floor plans and base data calculations for the site from the applicant. He stated that it has been determined by staff that the existing conditions of the building on Tahoe Nugget site do not fall within the certified base data for the site. He stated that the cubic volume and the public area of the building are larger than the certified base data. He also stated that it was discovered that there are changes that have been made to the to the base and non-base areas of the building.

Mr. Carey stated that before the Governing Board today is a recertification request to look at the cubic volume, public area, and base & non-base areas of the Tahoe Nugget in Stateline. He stated that throughout the process to reestablish gaming at the Tahoe Nugget site it has always been staff's intention to "clean up" the certified base data that the agency has on file for the Tahoe Nugget site. He stated that staff believes that clean certified base data for the site is needed by the agency to determine if the reestablishment of gaming on the site will fall within the certified base data approved on the site. He stated that while working with the applicant over the summer, staff has discovered that there were errors in the original 1987 certified base data and from the improvements made to the building in 1996.

Mr. Carey stated that the for the public area on the site, there is an additional 441 sq ft of public area on the site that can be accounted for by a combination of errors in the original certified base data and improvements made to the building in 1996. He stated that the main differences in the public area of the building are a result of the changes made in 1996 to the stairways on the north and south sides of the building. He stated that there were also changes to the overall size of the building that are believed to be the result of adding wood siding and trim to the building exterior which originally was concrete masonry. He stated that on the second floor of the building there are two mechanical chassiss that have been added to the building that were not accounted for in the certified base data.

Mr. Carey stated that the base and non-base areas of the certified data on this site are a subset of the overall public area. He stated that the public area of the building is the sum of both the base and non-base areas that are open to the public. Per the Tahoe Compact the public area is the important category, the NTRPA has chosen to create subsets of the public area in the form of base and non-base areas. He stated that the applicant is proposing changes to both the base and non-base areas of the building to accommodate the re-establishment of gaming and to reflect the uses within the building. He stated that the reduction of base area and increase in non-base area is requested primarily to accommodate the commercial office space on the second floor, offices are categorized as non-base areas. He also stated another reason for the increase in non-base area is to mechanical chassis on the west side of the building, the siding on the building, and the two stairwells.

Mr. Carey provided the following breakdown of the requested certified base data for the Tahoe Nugget site and that a full breakdown table showing the differences was included in the staff report as [Exhibit 2](#).

Public Area:	16,563 sq ft (increase)
Base Area:	9,461 sq ft (no change)
Non-Base Area:	7,102 sq ft (increase)
Gaming:	8,773 sq ft (no change)
Private Area:	0 sq ft (no change)
Cubic Volume:	226,297 CF (increase)
Site Coverage:	11,560 sq ft (no change)

Mr. Carey stated that per Paragraph (f) of Article VI of the TRPA Compact there are 5 findings that the Governing Board will need to make when considering this recertification request.

Mr. Carey stated that the first finding is that the proposed recertification will not enlarge the cubic volume of the structure. Mr. Carey stated that it is the opinion of staff that the proposed recertification does not increase the cubic volume of the structure but rather accurately accounts for errors in the certified base data and modifications to the building made over the past several decades. He stated that the proposed recertification of the cubic volume is a result of errors discovered in the cubic volume of the site that were not properly accounted for in the original certified base data for the Tahoe Nugget. He stated that the proposed recertification of the cubic volume captures changes to the building that were added to the building during the time when gaming use was not on the property. He stated that between 1996 and 2022 there have been many changes to the building that were made for life safety and building code compliance.

Mr. Carey stated that the second finding is that the proposed recertification will not increase the total square footage of the area open to or approved for public use on May 4, 1979. He stated that it is the opinion of staff that the proposed recertification does not increase the public area of the structure but rather accurately accounts for errors in the certified base data and modifications to the building made over the past several decades. He stated that staff finds that the proposed recertification does not result in an increase in areas open to or approved for public use. The proposed recertification of the public area is a result of errors discovered in the public area of the site that were not properly accounted for in the original certified base data for the Tahoe



Nugget. He stated that the proposed recertification of the public area captures changes to the building that were added to the building during the time when gaming use was not on the property. He stated that between 1996 through 2022 there have been many changes to the building that were made for life safety and building code compliance.

Mr. Carey stated that the third finding is that the proposed recertification will not convert any area devoted to the private use of guests to an area open to public use. He stated that staff finds that the proposed recertification does not convert any private use to public use. He stated that there are no private areas included in the certified base data for the Tahoe Nugget site.

Mr. Carey stated that the fourth finding is that the proposed recertification will not increase the public area which is used for gaming beyond 15% of the total base area existing on August 4, 1980. He stated that the total certified gaming area of the Tahoe Nugget site is 8,773 sq ft and that the applicant is not proposing any changes to the certified gaming area on the site. He stated that in accordance with Condition #1 of the Governing Board's determination of eligibility for the certified base data on the site, all future phases of the project will be subject to NTRPA review and are required to be within the allowed gaming area on the site.

Mr. Carey stated that the fifth finding is that the proposed recertification will not conflict with or be subject to the provisions of any of the agency's ordinances. He stated that staff finds that the recertification request does not conflict with, or is subject to, any other agency ordinances. He stated that if recertification request is approved by the Governing Board the applicant will be required to submit updated plan sheets and informational report with the new certified base data on the site for review staff and final approval by the agency.

Mr. Carey stated that the staff recommends the approval of the recertification request for the Tahoe Nugget site. He stated that the requested recertification is consistent with the Governing Board's previous approval determination of eligibility of the certified base data on the site and the proposed recertification is in compliance with the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, and the NTRPA Plan Review Procedures Policy. He stated that it is staff's opinion that the errors in the original certified base data and modifications made to the building for life & safety improvements since 1996 do not result in an increase in the cubic volume or the public areas of the structure. He stated that the errors that have been brought to the agency's attention do not material change the function of the building or would in any way increase the gaming area on the site. He stated that the proposed recertification of the base data will provide the agency with accurate building calculations and plans to reestablish the gaming use on the site consistent with the Governing Board's determination of eligibility in 2020 and the findings and declarations of policy in the Tahoe Regional Planning Compact.

Chair Hill stated that she was thoroughly impressed with the level of detail and analysis in the staff report for this item.

Member Aldean stated that she is perfectly fine with the proposed recertification request.

Member Diss thanked staff for the very detailed report and that it seems every possible question has been well researched. She stated that she does not have any concerns with the proposed recertification request.

Member Rice stated that with the loss of the Lakeside Casino, that locals in the area do not have a casino that they can call their own.

Chair Hill opened this item up for public comment. There was no public comment and the public comment period was closed.

There were no other Governing Board Member comments.

Member Aldean made a motion to find that there were errors and omissions in the original certified base data and in the previously approved modifications to the Tahoe Nugget building and moved to recertify the public area, cubic volume, non-base area and base area of the Tahoe Nugget site, Douglas County APN 1318-23-401-049 as outlined in Table 1 of the November 3, 2022 staff report.

The motioned was seconded by Member Rice.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to approve the recertification request for the Tahoe Nugget Structure Housing Gaming in Stateline. **\*ACTION**

AYES: Chair Hill, Vice Chair Williamson, Member Aldean, Member Cegavske, Member Diss, Member Lawrence, and Member Rice.

NAYS: None

ABSTAINERS: None

ABSENT: None

#### 8. **OVERVIEW OF ROLES AND RESPONSIBILITIES OF NEVADA TAHOE REGIONAL PLANNING AGENCY**

– Scott Carey with the Nevada Division of State Lands provided the Governing Board with an overview of the [NTRPA Fact Sheet](#). Mr. Carey stated that the fact sheet is a follow-up from Member Aldean's request last year to create a one-page informational sheet about the roles and responsibilities of the agency. He stated that it is staff's hope that this fact sheet can be a resource to the Governing Board members and the public to explain what the role of the agency. He stated that staff is looking for any input or suggested edits to the fact sheet.

Chair Hill opened it for discussion by the Governing Board on any suggested changes to the fact sheet.

Member Aldean stated that she believed that this fact should be would a helpful resource to explain the role of the agency and thanked staff for putting together the fact sheet.

Member Lawrence stated that within the Director's Office with the Nevada Department of Conservation and Natural Resources they receive a lot of inquiries about the agency and come across confusion between the NTRPA and the TRPA. He stated that he believes the fact sheet will be a helpful resource for the Director's Office. He made a comment that at this time many of the NTRPA provisions within the Lake Tahoe Compact are archaic and were written out of fear of gaming proliferating throughout the basin which did not become true. He stated that at some point in time the agency as well as the TRPA will need to take a closer look at the compact and consider changes to adapt to today. He stated that issues today related to redevelopment, scenic quality, and affordable housing within the current provisions of the compact get in the way in making progress on these issues.

Member Rice stated that he is happy to see this fact sheet developed. He stated that four years ago when he joined the TRPA Governing Board, he did not know anything about the roles and responsibilities of the NTRPA. He stated that this fact sheet will be a helpful resource for current and future Governing Board Members.

Chair Hill encouraged Governing Board members to send any edits to the fact sheet to staff after today's meeting.

9. **REPORT OF THE EXECUTIVE OFFICER ON ACTIVITIES OF THE AGENCY: AUGUST 2022–OCTOBER 2022** – Executive Officer Donohue thanked the Governing Board for their positive comments for staff's work on the Nugget recertification request. Mr. Donohue stated that staff has been working with the applicant over the summer on this request and that this type of review takes a lot of time and resources. He stated that the agency does not receive any staff support from the State budget and that staff fits in this work for the Governing Board on top of its other duties at the state.

Mr. Donohue stated that staff has met with EKN Development, the new owners of the Tahoe Biltmore project regarding their revitalization of the property. He stated that the Tahoe Biltmore has been shuttered and that the owners are moving forward with demolishing the structure. He stated that it is staff's understanding that the new owners are making substantial changes to the overall revitalization project but that they are not proposing any changes to the structure housing gaming at this time. He stated that staff does not anticipate that there will be any Governing Board review or action required by the agency for this project.

Mr. Donohue stated that staff continues to reach out to the new owners of the various structures housing gaming within the Lake Tahoe basin. He stated that there are new owners of the Cal Neva project and that staff will be working with them on their redevelopment plans. He stated that staff has reached out to the new owners of the Hyatt in Incline Village and Bally's Tahoe in Stateline.

Mr. Donohue thanked the Governing Board for its action to recertify the base data for the Tahoe Nugget. He stated that he agrees with Member Lawrence's comments regarding the Tahoe Compact and feels that such an effort to revise the compact should be done in close coordination with the State of California.

Member Aldean stated that one potential change to consider for the compact would be to focus the review of the certified base data on just the gaming area. She stated that if you just consider the size of the gaming area, all of the other classifications and areas are immaterial to the realm of influence of the NTRPA.

Executive Officer Donohue stated that he agrees with Member Aldean's suggestion on the gaming area and also suggested that a future change to compact take a look at the newspaper noticing requirements for Governing Board meetings.

Member Aldean stated that it would be helpful for future discussions on potential changes to the compact consider the complexities of everything that was involved with the redevelopment of the Tahoe Nugget building. She stated that as a precursor to any conversations with the State of California on changing the compact this project could be an example of how errors can be made and how complex redevelopment of a site can be under the existing compact. She stated that if the goals of enhancing the scenic qualities of the region are going to be achieved then a lot of the properties around the basin will need to be reinvented and redeveloped.

Member Diss stated that legalized sports betting is on the ballot within the State of California this year and should it pass there will not be any structures housing gaming on the California side of the basin per the compact. She stated that sports betting is done on mobile devices that are georeferenced and if the referendum is approved this betting would be allowed virtually everywhere within the State of California. She stated that the legalization of mobile sports betting within California could have economic consequences to the casinos on the Nevada side of the Lake Tahoe basin.

Member Aldean suggested another item to consider for any future compact changes is the proliferation of the Native American Gaming within the State of California. She stated that it is hypocritical to continue to impose unreasonable restrictions on Nevada gaming within the basin when there are so many other opportunities for Native American gaming throughout the State of California.

Member Aldean asked if there was any chance of getting the NTRPA budget augmented in the upcoming state budget.

Executive Officer Donohue stated that the agency has already submitted its budget request to the State and that it has been built up to be around \$1,400.

10. **BOARD MEMBER COMMENTS** – Chair Hill called for any Board Member Comments.

Member Cegavske thanked each of the members of the Governing Board for their service to the State of Nevada and wished the Governing Board all the best in its future work.

11. **PUBLIC COMMENT** – Chair Hill called for public comment.

Gary Midkiff with Midkiff & Associates expressed his appreciation to the Governing Board and staff for its efforts on recertifying the Tahoe Nugget building in Stateline. Mr. Midkiff stated that he had spent many hours conducting research and putting together the numbers for this site and that he appreciates the agency cleaning up the certified base date for this site. He stated that he

anticipates that Northern Nevada Comstock Investments will be before the agency for review of the next phase of this project in a year or two.

Chair Hill called for any additional public comment, there was none and the public comment period was closed.

12. **ADJOURN** – Chair Hill adjourned the meeting. The meeting was adjourned at 3:04 PM. \***ACTION**

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.



STATE OF NEVADA

## Nevada Tahoe Regional Planning Agency

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### STAFF REPORT

December 13, 2023

**Subject:** Discussion and selection of the Nevada Member at Large to serve a one-year term commencing on January 1, 2024 pursuant to NRS 277.200, Article 3, section a, subsection 2.

**Jurisdiction:** NRS 278.792 section 2(c) outlines the appointment process for the Nevada Member at Large position on the NTRPA Governing Board. Pursuant to the statute, six members of the Governing Board make the selection, and the outgoing Nevada Member at Large does not vote on the selection.

*(c) One member appointed for a 1-year term by the six other members. If at least four members are unable to agree upon the selection of a seventh member within 30 days after this section becomes effective or the occurrence of a vacancy, the Governor shall make the appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region.*

If the Governing Board cannot get to a majority vote on the Nevada Member at Large selection after 30 days of the vacancy, NRS 278.792 section 3 provides that the Governor will make the appointment

*3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the Governor shall make the appointment.*

**Background:** Per NRS 278.792, the Governing Board shall make an appointment of the Nevada Member at Large position. At the December 4, 2020 meeting, the NTRPA Governing Board, after conducting a full recruitment and interview process, appointed Hayley Williamson to a one-year term as the Nevada Member at Large. Member Williamson's term began on January 1, 2021 and ended on December 31, 2021. On December 8, 2021 the Governing Board re-appointed Member Williamson to a one-year term as the Nevada Member at Large beginning on January 1, 2022 and ending on

December 31, 2022. One November 3, 2022 the Governing Board re-appointed Member Williamson to a one-year term as the Nevada Member at Large beginning on January 1, 2023 and ending on December 31, 2023.

In October, staff received notification from Member Williamson that she would like to be considered for reappointment to the NTRPA Governing Board. Attached to this staff report is a copy of an email from Member Williamson expressing her interest in being considered for reappointment. Under NRS, the Nevada Member at Large is allowed to be reappointed to the position by the Governing Board, if the Board desires.

Traditionally, the Governing Board has reappointed the Nevada Member at Large if the member wished to continue to serve in this position upon the conclusion of his or her term. However, it is at the discretion of the Governing Board to make the appointment of the Nevada Member at Large for a one-year term. The Governing Board may either choose to reappoint Member Williamson, direct staff to initiate a recruitment and interview process, or appoint a new Nevada Member at Large member.

At the conclusion of the discussion on this item, the Governing Board may vote to appoint the Nevada Member at Large position. Per NRS, a majority vote of the six other members is needed to make the appointment of the Nevada Member at Large. The current Nevada Member at Large does not vote on this appointment. If after the first vote there is not a majority, the Governing Board will vote again until they have selected a candidate with a majority. If the Governing Board cannot get to a majority vote on the Nevada Member at Large selection, NRS 278.792 section 3 provides that the Governor may make the appointment if the position remains vacant for 30 days.

**Staff Recommendation:**

*Staff recommends the Governing Board discuss and make an appointment of the Nevada Member at Large position per NRS 278.792 section 2(c) for a one-year term beginning on January 1, 2024 and ending on December 31, 2024.*

Prepared By: Scott Carey, AICP. State Lands Planner.

**ATTACHMENTS:**

Exhibit 1: Member Williamson Reappointment Letter of Interest

**Scott Carey**

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**To:** Hayley Williamson  
**Subject:** RE: Nevada Member at Large

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**From:** Hayley Williamson <hayley.a.williamson@gmail.com>  
**Sent:** Monday, October 30, 2023 8:47 AM  
**To:** Scott Carey <scarey@lands.nv.gov>  
**Subject:** Re: Nevada Member at Large

Hi Scott,

It would be a privilege and an honor to be appointed again as Nevadas member at large. Thanks for reaching out and checking! Look forward to seeing you in December.

Hayley

Sent from my iPhone

On Oct 30, 2023, at 8:28 AM, Scott Carey <[scarey@lands.nv.gov](mailto:scarey@lands.nv.gov)> wrote:

Vice Chair Williamson,

I hope all is going well. As you are aware your term as the Nevada Member at Large is scheduled to end on December 31, 2023. We are working on putting together a NTRPA Governing Board meeting in December and on this meeting agenda will be consideration of the appointment of the Nevada Member at Large Board position. Could you please let me know if you would like to be considered for appointment for another term as the Nevada Member at Large?

Thank You,

Scott H. Carey, AICP  
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