



**NEVADA TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD
MEETING PACKET
Thursday July 23, 2020
Virtual Meeting**

TABLE OF CONTENTS

	<u>PAGE#</u>
Agenda	1
Draft Minutes – 12/18/2019	3-5
NTRPA Base Data Summaries	6
NTRPA Ordinance 1980-1	7-10
NTRPA Plan Review Procedures Policy	11-12
Ed’s Tahoe Nugget Determination of Certified Base Data Eligibility – Staff Report	13-32



STATE OF NEVADA

Nevada Tahoe Regional Planning Agency

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 Carson City, Nevada 89701-5246
 Phone (775) 684-2720 Fax (775) 684-2721
 NOTICE OF PUBLIC MEETING

NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

Thursday July 23, 2020 10:30 AM

******Virtual Meeting******

This meeting will be held virtually pursuant to NRS 241.023 and State of Nevada Declaration of Emergency Directive 006. In-person attendance is not available during this time.

Notice is hereby given that the **Nevada Tahoe Regional Planning Agency Governing Board** will hold a public meeting on **Thursday, July 23, 2020**. The meeting will be held virtually. The meeting will begin at 10:30 a.m.

The Nevada Tahoe Regional Planning Agency uses LifeSize, a third-party app, for its virtual meetings and does not control its technical specifications or requirements. Your ability to participate in the public comment portions of a meeting may be impacted by factors including but not limited to the type of device you use, the strength of your internet or cellular signal, and the company that provides your internet or cellular service. The State Land Use Planning Agency is not responsible if you are not able to participate in a meeting through LifeSize due to these or any other factors. For questions or additional information, you may contact Scott Carey, State Lands Planner at 775-684-2723 or at scarey@lands.nv.gov.

The public is invited and encouraged to participate by phone at 877-422-8614, when prompted, enter the meeting code 3567823. Public comment may also be submitted via email prior to the meeting. Please submit public comments to scarey@lands.nv us by 5 PM on July 22, 2020.

AGENDA

1. **Call to Order.**
 - a. Roll Call.
 - b. Approval of Agenda – For Possible Action.
 - c. Approval of Minutes of the December 18, 2019 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 2020 – June 2020**

4. **Determination of Certified Base Data Eligibility for the Ed's Tahoe Nugget in Stateline** – APN 1318-23-401-049, 177 US Highway 50, Stateline, Nevada. For Possible Action.
5. **Board Member Comments.**
7. **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.)**
8. **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 July 16, 2020.

Notice of this meeting was posted at the following locations:

Nevada Tahoe Regional Planning Agency Website at www.lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency

Nevada Public Notice Website at www.notice.nv.gov.



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DRAFT MINUTES

DATE/TIME: Wednesday, December 18, 2019 – 8:30 am

PLACE: Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV 89449

MEMBERS PRESENT: – Marsha Berkbigler – Chair; Shelly Aldean; Mark Bruce; Timothy Cashman, Jim Lawrence, Wesley Rice, and Mark Wlaschin (Alternate).

MEMBERS ABSENT: Barbara Cegavske – Vice Chair

OTHERS PRESENT: Charles Donohue – NTRPA Executive Officer; Ellery Stahler – State Lands, Scott Carey – State Lands, and Steve Teshara – Tahoe Chamber.

1. **CALL TO ORDER** – Chair Berkbigler called the meeting to order at 8:30 am.
 - a. Roll Call – Scott Carey took roll and a quorum was established with all members present.
 - b. Approval of Agenda – Member Bruce moved to approve the agenda as submitted. The motion was seconded by Member Lawrence. The motion was passed unanimously. ***ACTION**
 - c. Approval of Minutes of the December 18, 2018 Meeting – Member Aldean moved to approve the minutes as submitted. The motion was seconded by Member Wlaschin. The motion was passed. Member Rice abstained from the vote as he was not present at the December 18, 2018 meeting. ***ACTION**
 - d. Approval of Revised Minutes of the November 14, 2018 Meeting – Scott Carey provided the Board with an overview the changes to the previously approved meeting minutes. Member Aldean moved to approve the minutes with some minor changes. Member Aldean proposed that in item 5 of the revised minutes that the phrase “term” be replaced with the phrase “position” when describing the Chair and Vice Chair. Member Wlaschin proposed another addition to the minutes to reflect that he was present at this meeting. The motion including the changes proposed by Member Aldean and Member Wlaschin was seconded by Member Cashman. The motion was passed. Member Rice abstained from the vote as he was not present at the November 14, 2018 meeting. ***ACTION**

2. **PUBLIC COMMENTS** – Chair Berkbigler called for public comment. There was no public comment.
3. **REPORT OF THE EXECUTIVE OFFICER ON ACTIVITIES OF THE AGENCY: JANUARY 2019 – NOVEMBER 2019** – Executive Officer Donohue provided the Governing Board with an update on the activities of the agency. Mr. Donohue stated that the agency has not received any requests for base data from any gaming properties over the past year. He further stated that the agency has not heard any redevelopment requests from any of the existing gaming properties.

Mr. Donohue provided an update on the Cal-Neva project and stated that a new investment partner has joined the project. He stated that the new investment partner is now engaged with the design of the interior for the project and that this will delay the start of the project. He stated that the timeline for the start of the project is unknown at this time. He further stated that the agency is hopeful that there will be activity with the Cal-Neva project over the next year. Chair Berkbigler stated that the new investment partner will be a good partner for the project and she read in the newspaper recently that the owners are working on an amended interior plan.

Member Lawrence asked for an update on the Tahoe Biltmore. Mr. Donohue stated that owners have recently constructed townhomes and the units are currently for sale. He further stated the agency has not heard anything regarding the relocation of the gaming space that was previously approved by the Governing Board. Chair Berkbigler stated Washoe County changed roadways earlier this year to help facilitate the project and that the owner is still working on the townhome aspect of the project.

Member Lawrence asked for an update on the Highway 50 Main Street project. Member Bruce stated that the Main Street Management Plan Stakeholder Working Group may be involved in the future as existing gaming structures look to change their frontages as the project's design moves forward. Mr. Donohue stated that the agency would like to meet with the gaming properties in the corridor and discuss with them any future redevelopment plans as part of the Main Street project. He stated that the agency would have to approve any changes to the gaming floor area as a part of the project. Member Aldean asked if the last gaming property to be reviewed by NTRPA in Stateline was Bill's Lake Tahoe. Mr. Donohue stated that was correct and that the change approved for Bill's Lake Tahoe in the past was associated with work at the north tower of Harrah's Lake Tahoe.

Member Cashman stated that he wished there was way to encourage the Tahoe Biltmore project to continue to move forward. Member Aldean stated that it might be useful for the agency to reach out to the owners to get a status update and ask if there was any way it can assist with the project. Mr. Donohue stated that agency staff will reach out to the General Manager of the Tahoe Biltmore.

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4. **SELECTION OF THE NEVADA MEMBER-AT-LARGE** – Member Aldean moved to nominate Mr. Cashman for the one-year term as Nevada Member-at-Large for 2020. The motion was seconded by Member Lawrence. The motion was passed unanimously. Member Cashman expressed his gratitude for the opportunity to continue to serve Lake Tahoe and the State of Nevada. ***ACTION**

5. **BOARD MEMBER COMMENTS** – Member Rice stated that there are two members of the Douglas County Commission who are trying to remove the county from Lake Tahoe meetings. Member Rice stated that these commissioners would like to see the county pull out of Redevelopment Area 2 and the Lake Tahoe Visitors Authority.

Chair Berkbigler stated that Washoe County has lost its latest appeal of the Incline Village property tax case. Chair Berkbigler further stated that it's unlikely that the county will continue its fight and appeal the latest decision for the case to the Nevada Supreme Court.

Member Lawrence stated that the next Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System is scheduled for January 21, 2021. Member Lawrence stated that Senator Julia Ratti is the chair of the committee this interim and that focus of the next meeting will be on transportation issues. Member Cashman asked if that meeting will be available online either through the TRPA or Nevada Legislature website. Mr. Donohue stated that he will follow up with the committee's staff and let Member Cashman know if the meeting will be available online.

6. **PUBLIC COMMENTS** – Steve Teshara with the Tahoe Chamber stated that in 1997 there was a proposal to create a new Lake County in the Nevada Legislature. Steve stated that one of the results of the 1997 Lake County proposal was that AB 616 was adopted by the Legislature which created the Tahoe Visitors Authority. Steve further stated that the Tahoe Chamber legislation was changed earlier this year to allow for the construction and financing of a new entertainment venue in Stateline.

7. **ADJOURN** – Chair Berkbigler entertained a motion to adjourn. Member Aldean made a motion to adjourn the meeting. The motion was seconded by Member Lawrence. The motion was passed unanimously. The meeting was adjourned at 9:03 AM. ***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.

NEVADA TAHOE REGIONAL PLANNING AGENCY
BASE DATA SUMMARIES

PROPERTY	PUBLIC AREA (sq. ft.)	BASE AREA (sq. ft.)	NON-BASE		PRIVATE AREA (sq. ft.)	CUBIC VOLUME (sq. ft.)	SITE COVERAGE (sq. ft.)
			AREA (sq. ft.)	GAMING (sq. ft.)			
SOUTH SHORE							
BILLS/BARNEYS*	18,498	14,019	4,479	10,492	0	221,103	7,460
CAESARS	425,667	245,857	179,910	95,566	553,873	13,088,431	310,329
HARRAHS	603,498	344,126	259,372	89,151	1,839,998	26,406,192	437,319
HARVEYS							
Mountain Tower	290,346	133,834	156,512	101,967	96,115	5,209,727	94,507
Lake Tower	301,265	184,360	116,905	29,650	331,982	8,708,006	54,501
Parking I	82,583	56,928	25,655	0	536,935	5,186,816	113,764
Parking II	28,130	3,630	24,500	0	224,007	2,288,096	-
Parking III	WILL BE COMPUTED WHEN CONSTRUCTED						
HORIZON	334,362	153,064	181,298	78,845	1,171,442	19,199,464	347,185
LAKESIDE INN	66,303	37,933	26,370	31,262	0	1,071,447	24,199
EDS TAHOE NUGGET	16,122	9,461	6,661	8,773	0	200,462	11,560
NORTH SHORE							
CAL NEVA	89,430	46,135	42,970	25,827	86,159	2,171,161	58,894
CRYSTAL BAY CLUB	51,616	19,516	32,100	16,184	185,238	2,120,654	79,007
HYATT	125,842	59,041	67,481	23,684	196,808	3,954,953	90,579
KELLEYS NUGGET							
Prior to Fire	14,934	14,934	0	3,790	0	172,550	5,075
As Rebuilt	-13,854	-8,794	-5,060	-3,683	0	-170,164	-4,895
MARINER	21,714	13,315	8,399	12,200	9,732	359,370	23,662
TAHOE BILTMORE	74,375	46,588	27,787	29,744	21,032	1,513,758	42,797

* Now part of Harrahs

Febraury 2020

NOTES:

Eds Tahoe Nugget has been converted into an office-retail building without gaming.

The Mariner is not in operation and the structure has been demolished.

Some of the figures include "approved but unbuilt" area.

In 1993 the NTRPA acknowledged that 10,879.5 sq ft of private use area in the Crystal Bay Club had historically been and may continue to be in public use, but may not be used in calculating the base and the allowable gaming area.

In 2000, the NTRPA approved changes to the base data to the Hyatt as part of a renovation project.

In 2018, the NTRPA recertified the total cubic volume of the Cal Neva.

ORDINANCE 1980 - 1 of the NEVADA TAHOE REGIONAL PLANNING AGENCY

AN ORDINANCE to carry out the provisions of Chapter 287 Statutes of Nevada 1979, concerning control of expansion of gaming in the Lake Tahoe region, defining terms, providing for the establishment of base data, project review, informal review, and appeals, and providing other matters properly related thereto.

AUTHORITY

This ordinance is adopted pursuant to NRS 278.812, subsection 2, which provides: "The governing body shall adopt necessary ordinances, rules, regulations and policies for the determination of environmental impact and effect, for the approval or disapproval of individual applications and for otherwise implementing the provisions of NRS 278.780 to 278.828, inclusive. Such ordinances, rules, regulations and policies shall include but need not be limited to criteria for determining the effect of each proposal upon the availability of services, public facilities and natural resources, and the capacity of the environment to tolerate additional development."

ARTICLE I – DEFINITIONS

- 1.1 "Agency" means the Nevada Tahoe Regional Planning Agency.
- 1.2 "Permit-Issuing Authority" is the building official of the local government having jurisdiction to authorize performance of a specified building activity.
- 1.3 "Gaming" has the meaning ascribed to it in NRS 463.010.
- 1.4 "Restricted Gaming License" has the meaning ascribed to it in Section 4 of Chapter 287 Statutes of Nevada 1979.
- 1.5 "Nonrestricted Gaming License" means a gaming license which is not a restricted license.
- 1.6 "Licensee" has the meaning ascribed to it in NRS 463.0119.
- 1.7 "Person" has the meaning ascribed to that term in NRS 463.0124.
- 1.8 "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0118.
- 1.9 "Structure housing gaming" means the entire area within the external walls of a building or buildings joined together in some definite manner and in which gaming under a nonrestricted license is conducted in any part thereof. It includes any structures that existed or were approved as of January 1, 1979. It shall not include appurtenances such as vents, chimneys, elevator housings, cooling and heating units and other mechanical equipment and shall not include appurtenances used to shelter said mechanical equipment or vertical shaft openings in the roof.
- 1.10 "External wall" is any structural wall exposed to the elements.
- 1.11 "Areas Open to Public Use" (public use areas) means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.
- 1.12 "Areas devoted to private use of guests" (private use areas) means those portions of a structure housing gaming which are open to public invitees but reserved for their private use. It includes only hotel rooms and hallways to serve hotel room areas, and any parking areas within a structure housing gaming. A hallway is deemed to serve hotel room areas if more than fifty percent (50%) of the areas on each side of said hallway are hotel rooms.
- 1.13 "External Modification" means any physical change which affects the outside structural aspects of an external wall or roof of a structure housing gaming.
- 1.14 A "Permit" is an official document or certificate issued by the permit-issuing authority to authorize performance of a specified building activity. For the purpose of this ordinance permits for plumbing, heating, air conditioning, and electrical facilities and maintenance shall not be deemed to be "permits".
- 1.15 "Base Data Findings" are those findings made by the agency pursuant to Section 2.4 of this ordinance.
- 1.16 "Structure Description" means a drawing or drawings and necessary written information which describes a structure housing gaming as it is actually built and existing as of specified date and which provides the information required by this ordinance. Structure descriptions may be specially prepared to meet the provisions of this ordinance or may consist of all or part of plans or information already possessed by the owner or licensee. Reasonable accuracy is required.
- 1.17 "Approved" means approved by either affirmative action or default by the agency or the Tahoe Regional Planning Agency.

ARTICLE 2 - ESTABLISHMENT OF BASE DATA

- 2.1 In order to officially establish the base data required to implement and enforce Chapter 287 Statutes of Nevada 1979, it is necessary that the information required in this Article be collected and approved by the agency.
- 2.2 Within sixty (60) days of the effective date of this ordinance the licensee or owner of an existing structure housing gaming which existed or was approved as of January 1, 1979 shall provide four (4) copies of a structure description containing sufficient information to allow the agency to determine the following as to said structure:
1. The location of its external walls;
 2. its total cubic volume;
 3. Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979; and
 4. The amount of surface area of land under said structure.
- The structure description shall contain specific designations of all areas within the external walls as either public use or private use areas.
- 2.3 If a structure housing gaming was approved before January 1, 1979 but not constructed by the effective date of this ordinance, the owner shall provide the agency a structure description as required by section 2.2 which describes said structure as it is then approved within sixty (60) days of the effective date of this ordinance. Thereafter, within thirty (30) days of the issuance by the permit-issuing authority of a certificate of occupancy the owner or licensee shall provide the agency with a structure description describing the structure as it is then actually constructed.
- 2.4 The agency or its representatives or agents or the representatives or agents of the permit-issuing authority shall have the right to enter any structure housing gaming in order to verify or correct information required by section 2.2 or in order to collect said information if it is not provided as required herein.
- 2.5 Within ninety (90) days of the effective date of this ordinance, the agency shall hold a public hearing to make base data findings for each existing structure housing gaming. Notice shall be given as provided in NRS278.802. At the public hearing the licensee and the owner of the structure housing gaming, the public, and representatives or agents of the agency and permit-issuing authority shall have the right to appear and present evidence. The agency and the permit-issuing authority shall provide their staffs' summary and recommendations to the licensee and to the owner of the structure housing gaming at least seven (7) days prior to the holding of such hearing. The staff summaries and recommendations may be mailed but only by registered or certified mail, return receipt requested. Four (4) days shall be added to allow for delivery of such mail. Within ten (10) days after the hearing the agency shall make written findings on the structure description required by section 2.2 as to the base data mentioned in said section. The agency shall notify the license holder, the owner of the structure housing gaming and the permit-issuing authority of its base data findings by providing each with a certified copy of the structure description containing said findings within (10) days after its decision.
- 2.6 Within ninety (90) days of the issuance by the permit-issuing authority of a certificate of occupancy for a structure housing gaming approved before January 1, 1979 but not constructed by the effective date of this ordinance, the agency shall hold a public hearing to make findings as to the base data for said structure as provided in section 2.5.

ARTICLE 3 - MODIFICATIONS OF STRUCTURES HOUSING GAMING

- 3.1 When any modification, remodeling or change in use of a structure housing gaming requires a permit from the permit-issuing authority, an application shall be filed with the agency and with the permit-issuing authority showing proof of filing with the agency. The permit-issuing authority shall review the application for compliance with this ordinance. The application shall be deemed in compliance with this ordinance, if when compared to the base data findings on file with the permit-issuing authority, it will not:
- (a) Enlarge the cubic volume of said structure;
 - (b) Increase the total square footage of area open to or approved for public use on May 4, 1979; and
 - (c) Convert private use area to public use area.
- 3.2 Approval of applications for activities that are not related to gaming within structures housing gaming. The owner of a structure housing gaming may apply for a determination from the NTRPA that a proposed use or activity is not related to gaming. The following uses or activities may be considered for such a determination:

- (a) outdoor recreational uses or activities; or
- (b) temporary or seasonal uses or activities.

The proposed use or activity may be located in any area of a structure housing gaming, including private use areas and public use areas. Any application for such a determination must:

- (a) Specifically identify and describe the proposed use(s) or activity(ies);
- (b) Specifically identify the area of the structure where the use or activity is proposed to be located, and include plans showing any modifications to the structure or other accommodations necessary for the proposed use(s);
- (c) Describe the extent to which, if any, each proposed use or activity will further the attainment of one or more thresholds established under the Tahoe Regional Planning Compact; and
- (d) Demonstrate that proposed uses or activities do not include restaurants, showrooms, convention facilities or other activities proscribed by the Tahoe Regional Planning Compact, Article VI.

The approval of any such application for a determination that proposed use or activity is not related to gaming does not modify the certified base data findings for the structure housing gaming. The governing body must require, as a condition of any determination that a proposed use or activity is not related to gaming, that the applicant must obtain all approvals required by law, including specifically the approval of the Tahoe Regional Planning Agency, pursuant to the Tahoe Regional Planning Compact, Article VI.

- 3.3 Unless the agency or its duly authorized representative notifies the permit-issuing authority that it intends to review the application within three (3) days of its filing with the agency, the permit-issuing authority shall issue the permit to applicants whose applications comply with sections 3.1(a), (b) and (c) and which do not involve external modifications to the structure as determined by an examination of the base data.
- 3.4 When the permit-issuing authority determines that an application for modification, remodeling or change in use does not comply with this ordinance, it shall provide the applicant with its written reasons for the determination.
- 3.5 An application that involves external modifications to a structure housing gaming and also requires a permit from a permit-issuing authority shall be referred to the agency for review in accordance with Article 4.
- 3.6 Until issuance of a certificate for its occupancy the provisions of this Article do not apply to the portions of a structure housing gaming approved before January 1, 1979 but not constructed by the effective date of this ordinance.

ARTICLE 4-REVIEW BY THE AGENCY

- 4.1 An applicant who is denied a permit by the permit-issuing authority because the permit-issuing authority has determined that the application does not comply with section 3.1(a), (b) and (c) may apply to the agency for de novo review within thirty (30) days of the permit-issuing authority's denial.
- 4.2 The agency shall take final action, whether to approve or disapprove denied applications and applications for external modifications within thirty-five (35) days after the application is filed with the agency.
- 4.3 The agency shall take final action whether to approve or disapprove applications which it has notified the permit-issuing authority it will review within thirty-five (35) days after giving the permit-issuing authority such notice.
- 4.4 The agency shall only approve an application if, when compared to the base data findings, the application is in compliance with the requirements of section 3.1.

ARTICLE 5 - CONSTRUCTION OF PUBLIC AREA OUTSIDE OF A STRUCTURE HOUSING GAMING

- 5.1 Any application by the owner or licensee of a structure housing gaming to the permit-issuing authority to construct restaurants, convention facilities, showrooms, bars, maintenance areas, administrative areas and offices, storage areas or any other public use area in the Nevada portion of the Lake Tahoe region outside of any structure housing gaming shall be referred to the agency.
- 5.2 The agency shall review such an application and take final action whether to approve, to require modification or to reject it within thirty-five (35) days after it is referred to the agency.
- 5.3 During any such review the applicant shall have the burden of proving that the construction of such public use area is not to replace public use areas existing or approved for public use as of May 4, 1979 in a structure housing gaming.
- 5.4 The agency shall approve such an application only if it finds that the public use area being constructed in the Nevada portion of the Lake Tahoe region and outside of the structure housing gaming does not replace areas existing or approved for public use as of May 4, 1979 on a structure housing gaming.

ARTICLE 6 - REGULATION OF GAMING ACTIVITIES

- 6.1 The provisions of this ordinance notwithstanding, gaming activities within structures housing gaming are subject to the exclusive jurisdiction and control of the Nevada Gaming Commission and the Nevada State Gaming Control Board.

ARTICLE 7 - INFORMAL REVIEW

- 7.1 Any licensee or owner may apply to the agency for the setting of an informal review of any plans or proposals which might come within the purview of this ordinance for the purpose of obtaining the informal comments and suggestions of the agency.
- 7.2 There shall be no requirement of a permit before the holding of such an informal review.
- 7.3 No official action of the agency shall be taken at such informal review.

ARTICLE 8 - APPEALS

- 8.1 Any person aggrieved by a final decision of the agency under this ordinance may bring a civil action pursuant to NRS 278.816.

After publication as required by NRS 278.814 this ordinance shall be effective June 5, 1980.

ADOPTED May 21, 1980.

AMENDED October 25, 2006 (Section 3.2 added)

NEVADA TAHOE REGIONAL PLANNING AGENCY

PLAN REVIEW PROCEDURES POLICY

Adopted Pursuant to NRS 278.810

1. Board Review: The following items require governing board review and action:

- a. Certification of base data pursuant to the Tahoe Compact NRS 277.200, Article VI(g) and Ordinance 1980-1, Article 2;
- b. Amendment of the base data, based on errors or omissions in the original plans;
- c. Significant exchanges of cubic volume of a structure housing gaming, defined as follows:
 - Exchange of cubic volume means an external modification to a structure housing gaming which adds cubic volume and/or square footage to one portion of the structure while simultaneously subtracting an equal or greater amount of cubic volume and/or square footage from another portion of the structure or from the approved base plans for the structure.
 - A significant exchange of cubic volume is one where:
 - the areas to be exchanged exceed a combined total of 1,000 square feet; or
 - the total volume of the exchange exceeds 12,000 cubic feet for all areas included; or
 - the exchange involves an approved but unbuilt area.
- d. Changes in gaming area. All plans and proposals which will change the area in square feet devoted to gaming or change the location of gaming within any such structure must be accompanied by an informational report (NRS 277.200, Article VI(g)). The board will review all informational reports showing changes in gaming, and direct their transmittal to the TRPA.

An informational report shall consist of: (1) the amount of the total base area certified for that structure, and the amount of public use area that may be converted to gaming through the 15% conversion provision, both in square feet*; (2) a summary total in square feet of the existing area used for gaming at the time of the proposal; (3) the net area in square feet of the change in gaming proposed; (4) the new total of gaming in square feet after implementation of the proposal; and (5) a narrative description of the changes proposed. In addition, the informational report shall be accompanied by a floor plan clearly showing the location(s) of the changes proposed.

* Base area data and the 15% conversion allowance figure are available from the Nevada Tahoe Regional Planning Agency.

Plan Review Procedures Policy

p. 2

2. Staff Review: All other plans and proposals will be reviewed by the executive officer for compliance with the statutes and ordinances. Plans and proposals may be approved, conditionally approved, or disapproved by the executive officer. At each board meeting, the executive officer shall summarize such reviews.

The following actions are prohibited by law and cannot be approved.

- a. The construction of any structure to house gaming under a nonrestricted license, which structure was not existing or approved on January 1, 1979 (NRS 278.8125(1)(a));
- b. The enlargement in cubic volume of any such existing or approved structure (NRS 278.8125(1)(a) and Ordinance 1980-1, Article 3);
- c. Increasing the total square footage of area within any such structure open to or approved for public use on May 4, 1979 (NRS 278.8125(1)(c) and Ordinance 1980-1, Article 3);
- d. Converting private use area to public use area within any such structure (Ordinance 1980-1, Article 3);
- e. Constructing public use facilities elsewhere in the basin to replace public use areas within the structure (NRS 278.8125(1)(c) and Ordinance 1980-1, Article 5).

When plans and proposals are submitted and determined to be in noncompliance, the executive officer shall notify the appropriate building department of the noncompliance within three (3) days of the filing of the plans with the agency, as required by Ordinance 1980-1. The executive officer will provide an opportunity for the proposal to be amended to bring it into compliance, or, if the proposal is not so amended, shall disapprove the proposal. If the executive officer determines to disapprove a proposal, the proposal will be placed on the agenda for review by the Board, which will make a final determination of compliance, which determination may include the approval, disapproval or conditional approval of the plan or proposal.

3. Executive Officer Request for Board Review: The executive officer will hold for board review any plans, proposals or other items which, in the opinion of the executive officer, should be reviewed by the board.

ADOPTED BY THE NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD ON MAY 24, 1994. AMENDED MARCH 26, 1996. AMENDED DECEMBER 17, 1997.