

**TRPA
APC
PACKETS**

**NOVEMBER
1980**

NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on November 12, 1980 at
10:00 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: November 3, 1980

By:


Philip A. Overkeynder
Executive Director
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

November 12, 1980
10:00 a.m.

PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV PUBLIC HEARING - General Plan Amendments
 - A. Herb Weinman, Lots 5-10, Block C, Tahoe Vista Subdivision No. 1, Placer County - from General Commercial to Tourist Commercial
 - B. Steven Bourne/Nevada Banking Company, 2.61 Acres in Douglas County, Located 75 Feet North of Kingsbury Grade on the East Side of Highway 50 - from Tourist Commercial to General Commercial
 - C. Hyatt Tahoe, Inc., 2.1 Acres Between Incline Creek and the West Property Line of Hyatt Tahoe, Between Incline Way on the North and Lakeshore Boulevard on the South, Washoe County - from Recreation to Tourist Commercial
- V PLANNING MATTERS
 - A. Status of the Water Quality Management (208) Plan for the Tahoe Basin
 - B. Activities Exempt from the Definition of a "Project" and Projects Exempt from Environmental Impact Report Requirements (Article VIII of the Proposed Tahoe Regional Planning Compact)
 - C. Report from the Tahoe Federal Coordinating Council on the President's Executive Order for the Lake Tahoe Basin and Status of Work Program Development for the Threshold Carrying Capacity Analysis
- VI REPORTS
 - A. Public Interest Comments
 - B. APC Members
- VII RESOLUTIONS
- VIII CORRESPONDENCE
- IX PENDING MATTERS
- X ADJOURNMENT

8:00 A.M.
DEC 5
TFCC
BLACK OAK
CONF. ROOM
S.F.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

October 8, 1980
10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order by Chairman Phil Overeynder at 10:10 a.m. It was noted that the meeting had been properly noticed as required by the Nevada Open Meeting Law.

APC Members Present: Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Burnham, Mr. Iturreria, Mr. Sanford, Mr. Hoole, Mr. Hofer, Mr. Wright (present at 10:30 a.m.), Mr. Maki, Mr. White, Mr. Curtis (present at 10:30 a.m.), Ms. McMorris, Mr. Hadfield, Mr. Pyle

APC Members Absent: Mr. Scribner, Mr. Hansen, Mr. Bailey

II APPROVAL OF AGENDA

MOTION by Mr. Milam with a second by Mr. Hadfield to approve the agenda as presented. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Burnham to approve the September 10, 1980 APC meeting minutes. Second by Mr. Iturreria. The motion carried unanimously.

IV PUBLIC HEARING

General Plan Amendment to Reclassify Parcels Abutting the North Side of Vista Avenue Between Coon Street and Chipmunk in Kings Beach, Placer County, California - from General Commercial to Tourist Commercial

Senior Planner Gordon Barrett presented the staff's summary and recommendation for approval of the reclassification to Tourist Commercial with coverage to be set at 35% for residential uses and 50% for commercial uses. The application is being processed in order that lot owner Joyce Grunauer can construct a single family dwelling in Tahoe Vista and utilize a sewer permit she recently received. To prevent a case of spot zoning and to obtain TRPA staff support, the applicant has included adjacent properties not owned by her in the request. All affected property owners have been sent written notice of the hearing. The Tourist Commercial land use district permits both light commercial uses and residential and would make all existing uses on the block, which are primarily residential, conforming. Placer County has recently changed the property to Residential-Professional which allows residential uses but also allows professional offices. With the current General Commercial zoning, any homes that burn down could not be replaced since residential uses are not permitted in General Commercial. A question has arisen with regard to availability of water rights for the North Tahoe Public Utility District to serve this area. That District has water rights for 2230 acre feet which is short of the 3719 acre feet needed to serve buildout of TRPA's General Plan.

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A letter from Jay and Roberta Shatting dated October 3, 1980 supports the reclassification; a September 23 letter from E.R. Crippa objects to the amendment.

Mr. Combs advised that the North Tahoe PUD has been flexible in granting extensions on the sewer permits it has issued. A residential zoning in this neighborhood is really more appropriate than commercial.

Mr. Tom Mills spoke on behalf of the application stating that the only difference between the two zones would be a reduction in permitted commercial space. Tourist Commercial is consistent with existing uses. The NTPUD has granted a sewer permit extension to Mrs. Grunauer until December 17. No house plans will be drawn up until it is certain that a home can be built. Mr. Grunauer urged approval of the request since it would encourage upgrading of the neighborhood which is primarily residential. Brockway Vista is a very narrow street and would not lend itself well to commercial uses and their attendant traffic. Mr. Eugene Crippa spoke against the rezoning stating he had purchased a lot on this block in 1947 and had not been successful in obtaining a sewer permit. He was hoping to open an electronics shop and the new zoning would preclude this. Mr. Crippa questioned the restrictive land coverage requirements and was advised that CTRPA's regulations for coverage are more restrictive than TRPA's. Mr. Crippa objected to previous commitments from the sewer district and now finding he cannot build. Staff advised that, should Mrs. Grunauer's request be approved, Mr. Crippa could submit a request for a finding that an electronics shop is similar in nature to those uses currently permitted in the Tourist Commercial land use district.

Mr. Carl Boberg, a nearby property owner, questioned staff's desire not to approve a spot zone of Tourist Commercial in a predominantly General Commercial area. Staff explained that it was not good planning practice to mix residential with commercial uses. To amend the General Plan to allow 70% coverage in all Tourist Commercial zones would cause a significant impact to the land use system in the whole Basin. Mr. Jim Shalukis asked that the amendment not be approved if it would prohibit him from moving his drycleaning and hamburger businesses back further onto his property as required by Caltrans. The highway is currently infringing onto his property and he is being required to move his buildings onto the back part of the property. Staff pointed out that both uses would be permitted in the Tourist Commercial zone.

Mrs. Roberta Shatting, a property owner across the street from the subject properties, spoke in favor of the amendment since it would encourage upgrading of the entire neighborhood which now is almost all residential. Mrs. Boberg spoke against the amendment since she felt it would eliminate development of necessary service-oriented businesses. John Hunter, representing the CTRPA, explained that the reclassification was currently before CTRPA, and it would seem more appropriate to address the rezoning after the CTRPA General Plan Update has been completed.

Discussion followed on the benefits of Tourist Commercial over High or Medium Density Residential zoning for the area.

MOTION by Mr. Milam to approve staff's recommendation for a reclassification of the subject parcels on Brockway Vista Avenue to Tourist Commercial. Second by Mr. White.

Mr. Combs advised that any future commercial proposal would be required to include offsite improvements to Brockway Vista Avenue. From a physical standpoint this is practically impossible given the nonconforming setbacks. It is not likely that future commercial development would be approved on this street. With the Tourist Commercial

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zoning, the currently existing uses whether residences or motels would be conforming. The HDR zoning would cause the motels to face a nonconforming situation and would discourage improvements.

The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Iturreria,
Mr. Sanford, Mr. Hoefer, Mr. Wright, Mr. White, Mr. Curtis,
Ms. McMorris, Mr. Hadfield, Mr. Pyle
Nays: Mr. Burnham, Mr. Hoole
Abstain: Mr. Maki
Absent: Mr. Scribner, Mr. Hansen, Mr. Bailey

Mr. Barrett pointed out that, should the bistate compact take effect, the zoning would revert to whatever the property is zoned by CTRPA as of July 1, 1980.

V PUBLIC WORKS

A. Douglas County Sewer Improvement District No. 1,
Wastewater Treatment Facility Improvements

Phil Overeynder explained that EPA comments on the proposed expansion and revision of the NPDES permit for the DCSID facility have not been received although verbal comments have been given that EPA's concerns correspond to the Nevada legislation in terms of mitigation measures and the plant's capacity. There are three paragraphs in the recently passed bistate compact which are effective immediately and which affect expansion and upgrading of sewage treatment plants. The section which relates specifically to DCSID would automatically allow 3.0 MGD expansion, which is the original design capacity, without it becoming a project. Staff has researched the compact with regard to flows and agrees with the Nevada Division of Environmental Protection (NDEP) that a figure of 3.32 MGD would be permitted under the proposed compact. A letter from the Nevada Legislature has clarified its intent on this particular section of the compact and that is simply to provide onsite mitigation measures. The Legislature was not concerned about secondary impacts permitted as a result of further development. TRPA's standard conditions of approval prepared by staff for the proposal have taken care of the mitigation program in terms of erosion control and onsite impacts. Based on the resolution of these previous concerns, concurrence with 3.32 MGD flow limitation, and the mitigation program required under the compact as well as under the standard conditions of approval, staff recommends approval of the DCSID expansion subject to the 18 standard conditions. Staff also recommends that a letter be sent to NDEP requesting issuance of a permit allowing a 30 day flow of 3.32 MGD.

Chuck White asked for an explanation of "vested right" and which projects had such rights under the compact. The anticipated 300 gallons per day per unit projected for residential development seems a great deal more than what is necessary. Two-hundred gallons per day per unit is a more reasonable figure. Mr. White questioned the accuracy of the discharge figures. The end result should be a figure which is at or below the compact figure of 3.0 MGD.

Staff explained that the figures used in the staff summary were supplied by DCSID and NDEP. The flow per capita rate for DCSID that is found in the 208 Plan verifies

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a figure close to 300 gallons per day per unit.

Keith Maki explained that the figures were arrived at by looking at what would be developed over a period of time. As far as EPA comments on the permit, EPA has suggested that the monitoring requirements are too strict and should be lowered.

Mr. White commented that it was inadvisable to approve a figure greater than the 3.0 MGD in the compact and the discussion should be limited to what development is allowed under the compact revisions. If it goes beyond that figure, the expansion should be subject to a higher grade review to see if the capacity is necessary. Mr. Maki explained that the 3.32 MGD would not be achieved until May of 1983.

There was further discussion on the figures and the allocation of flow rates to residential and commercial uses. Bob Hadfield pointed out that the Nevada Legislature would not have passed the compact if it were not understood that Harvey's had a "vested right" to proceed. Staff explained that the critical point is not the size of the sewage treatment plant but what set of land use controls will be in effect to enforce limitations on growth.

Mr. Jere Williams, representing DCSID, explained that the vested rights relate to the remaining portion of Caesar's and Harvey's. In addressing the difference between the 3.32 figure in staff's recommendation and the 3.0 figure in the compact, Phil explained that the concept is to limit the amount of capacity while the new General Plan is being developed. What is being addressed now is what is likely to happen or what is permitted to happen in the next 2-1/2 years. Mr. White suggested that if a number is approved which is different from the figure in the compact it should be backed by significant information. Phil suggested that the APC members consider adopting the 3.0 MGD limitation now but that the 3.32 MGD figure be considered at subsequent meetings should staff, DCSID, NDEP and others agree that this is necessary. Jere indicated he concurred with the staff conditions.

MOTION by Mr. Burnham to approve the staff recommendation for approval of the DCSID treatment plant expansion with the change that the flow figure be limited to 3.0 MGD. Second by Mr. White.

Bill Curtis suggested that the Agency's approval not be tied to a specific flow rate but to the compact. Keith Maki suggested that this would leave the decision open to challenge as to what would be legally allowed to build out. Staff suggested that it was incumbent upon TRPA to provide direction to NDEP on the interpretation of the compact.

Mr. Burnham amended his motion to eliminate reference to a specific flow rate and instead to tie the approval to the compact limitation. Mr. White withdrew his second on the motion. Second by Mr. Milam. The motion carried on the following vote:

Ayes:	Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Burnham, Mr. Iturreria, Mr. Sanford, Mr. Hoole, Mr. Hoefler, Mr. Wright, Mr. Maki, Mr. Curtis, Ms. McMorris, Mr. Hadfield, Mr. Pyle
Nays:	Mr. White
Abstain:	None
Absent:	Mr. Scribner, Mr. Hansen, Mr. Bailey

APC. REGULAR MEETING MINUTES OCTOBER 8, 1980

B. Nevada Division of State Parks, Spooner Lake Dam Reconstruction,
Douglas County

Associate Planner Jim Dana presented the staff summary and recommendation for the proposed dam reconstruction project and explained that the original application had been modified to delete action on the proposed diversion because of concerns raised by the Forest Service, the Division of Water Resources and Fish and Game on the effect of diversions on North Canyon Creek and the meadow areas below the new dam structure. Staff recommends approval with conditions of the amended project to reconstruct the dam. An environmental impact study addressing specific concerns shall be completed prior to submittal of the North Canyon Creek diversion application.

Mr. Steve Weaver, of the Nevada Division of State Parks, agreed to the conditions with the exception of the study to address the effect of climate on the runoff in terms of wind, humidity, and temperatures. Mr. Dana agreed that this should have been omitted from the staff's conditions. The Division does not now have the money available to build the diversion, and the delay in processing this particular application will give the Division time to prepare the environmental studies. It is expected that fish can be managed in the dam 50% of the time, and it is intended that fish will be put into the lake each year. Mr. Pyle questioned whether or not a diversion could be denied at a later date if the dam reconstruction was approved now. The diversion should be obtained before the dam is reconstructed.

Staff explained that adequate data is not now available on the water yeield from the dam because of its state of disrepair and because it is in a small watershed. A major commitment is being made by Fish and Game and the Parks Division to prepare environmental studies. These entities will have an opportunity to evaluate how the reconstruction has affected the fishery and to evaluate whether it is wise to proceed with the diversion request. Mr. Weaver explained the environmental studies will take two years to complete.

MOTION by Mr. Maki to approve the Spooner Lake dam reconstruction with the conditions recommended by staff.
Second by Mr. Hoole.

The dam will cost \$230,000; the diversion is \$70,000. The Nevada Department of Fish and Game has agreed to supply an aerator in the Lake to help sustain the fish in the event the water level is lowered (which would occur without the diversion).

The motion carried on the following vote:

Ayes:	Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Burnham, Mr. Iturreria, Mr. Sanford, Mr. Hoole, Mr. Wright, Mr. Maki, Mr. Curtis, Ms. McMorris, Mr. Hadfield
Nays:	Mr. Hoefler, Mr. Pyle
Abstain:	Mr. White
Absent:	Mr. Scribner, Mr. Hansen, Mr. Bailey

VI CLEARINGHOUSE

- A. U.S. Environmental Protection Agency, Incline Village General Improvement District Wastewater Facility Grant Increase to Provide for Cumulative Impact Analysis of Disposal in the Carson Valley

Phil Overeynder presented the staff summary and recommendation for approval of the request by IVGID to approve the development of a cumulative impact analysis of wastewater disposal in the Carson Valley. The analysis would be funded under an EPA grant agreement. This is of particular interest to the Agency because the Governing Body has denied six projects in Incline, a portion of the rationale being the inability to satisfy the wastewater treatment requirements. In order for IVGID to satisfy Douglas County's requirements to dispose of discharge through various forms of land treatment in the Carson Valley, a cumulative impact study is to be undertaken. Douglas County has been deluged with applications from sewage treatment entities for disposal of wastewater in the Carson Valley using land application techniques. This study should provide the basis for a final decision with regard to whether or not wastewater would be permitted to be disposed in the Valley. Douglas County should submit to IVGID a list of items which must be covered in the analysis so that there is an agreement on the scope of work.

MOTION by Mr. Pyle to strongly support the IVGID's request for an EPA grant to conduct a cumulative impact report of waste disposal in the Carson Valley. Second by Mr. Hoefer. The motion carried unanimously.

- B. U.S. Environmental Protection Agency, Notice of Proposed Rulemaking on the Lake Tahoe Basin Nonattainment Air Quality Plan

and

VII PLANNING MATTERS

- A. Lead Agency Designation for the Nonattainment Air Quality Plan

Phil explained that comments are to be submitted on the Rulemaking on the Lake Tahoe Basin Nonattainment Air Quality Plan by October 10, 1980. A complete set of the documents is available for review in the office. EPA is giving until January 1, 1981 to reach compliance with standards set forth in the Nonattainment Air Quality Plans or EPA will have to impose mandatory sanctions on governments in the Basin. This would affect funding for highways and for sewage treatment plants. In discussing the proposed rulemaking with EPA, the two state air quality agencies and local governments, there has been an indication that these entities would be receptive to TRPA's designation as the lead agency for air quality planning, particularly in view of the pending compact amendments. Staff recommends that the APC vote to support this designation.

MOTION by Mr. Hadfield with a second by Mr. Hoole to support TRPA's designation to provide the air quality plan for the Tahoe Basin so that there are not two conflicting plans. The motion carried on the following vote:

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Ayes: Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Burnham,
Mr. Iturreria, Mr. Sanford, Mr. Hoole, Mr. Hoefer,
Mr. Wright, Mr. Maki, Mr. Curtis, Ms. McMorris,
Mr. Hadfield, Mr. Pyle
Nays: None
Abstain: Mr. White
Absent: Mr. Scribner, Mr. Hansen, Mr. Bailey

B. Status of the Water Quality Management (208) Plan for the Tahoe Basin

Phil explained that an October 14 meeting has been scheduled which will involve Lahontan, NDEP, EPA and TRPA to resolve under what process the differences between the two 208 Plans can be resolved. Staff asks that this item be put off for 30 days.

C. Projects Exempt from Environmental Impact Report Requirements

The new compact requires that TRPA adopt by ordinance a list of projects which are exempt from EIR procedures, and the Governing Body directed staff to prepare such an ordinance. The alternatives are to define existing TRPA regulatory requirements as defining those projects not subject to TRPA review and therefore not subject to EIR requirements, to utilize existing regional environmental impact analyses to identify those categories of projects which will and will not have a significant impact on the environment, or to defer judgment until the completion of new master environmental documents which would be developed as part of the threshold and General Plan development process. Mr. Combs indicated he would make Placer County's list of categorically exempt projects available to staff for review. Mr. Milam suggested that the APC members meet in a workshop session after a list of possible exempt projects has been prepared. Mr. Pyle suggested that the APC meet in a regular adjourned session at a time and date to be established by the Chairman.

VIII REPORTS

A. Public Interest Comments - none

B. APC Members - no reports

IX RESOLUTIONS

MOTION by Mr. Hoole with a second by Mr. Wright to adopt Resolution No. 80-8 commending Verne Rosse for his service to the APC. The motion carried unanimously.

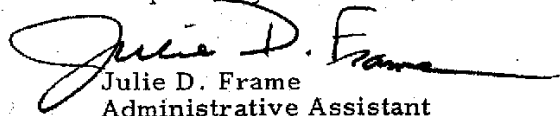
X CORRESPONDENCE - none

XI PENDING MATTERS - none

XII ADJOURNMENT - The meeting adjourned at 1:10 p.m. to a regular adjourned meeting to be scheduled by the Chairman.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment (916) 541-0246.

Respectfully submitted,


Julie D. Frame
Administrative Assistant

APC REGULAR ADJOURNED MEETING MINUTES OCTOBER 16, 1980

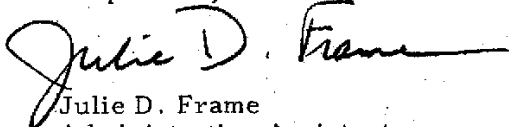
APC Members Present: Mr. Overeynder, Mr. Hofer, Mr. Hoole, Mr. Hansen

APC Members Absent: Mr. Combs, Mr. Milam, Ms. Bogush (new member from the City of South Lake Tahoe), Mr. Burnham, Mr. Iturreria, Mr. Duncan, Mr. Wright, Mr. Maki, Mr. White, Mr. Bidart, Ms. McMorris, Mr. Hadfield, Mr. Pyle, Mr. Scribner, Mr. Pyle

Since a quorum was not present, a workshop session was held to discuss preparation of a list of projects which would not be required to undergo the environmental review requirements outlined in the pending bistate compact. Participating in the discussion was Dennis Winslow, CTRPA Acting Executive Officer, and Gordon Barrett, TRPA Senior Planner.

The meeting started at 10:00 a.m. and concluded at noon. Staff indicated it would take the suggestions made at the meeting and incorporate them into a list to be presented to the Governing Body for discussion at the October 22 meeting. Additionally staff will get a list of exempt projects under CEQA and NEPA and will contact the local planning departments for "ministerial" type projects.

Respectfully submitted,



Julie D. Frame
Administrative Assistant

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Herbert Weinman
General Plan Amendment
Placer County

Amendment Request

The applicant is requesting an amendment to the TRPA land use district maps to reclassify his property from General Commercial to Tourist Commercial. This application is being processed in order that the applicant may construct an addition to his existing single family dwelling.

In order to prevent a case of spot zoning and to obtain TRPA staff support, the applicant has included adjacent properties not owned by him in the request. All affected property owners have been sent written notice of the public hearing.

Property Location and Description

The properties under consideration are located south of the intersection of Agapine (Agatam) Avenue and State Route 28 in Tahoe Vista as shown on the attached map. The applicant's property is approximately in the middle of the block adjacent to the Moon Dunes Estate.

Land Use

The area under consideration for reclassification is part of Tahoe Vista Subdivision No. 1 and is approximately 45,000 square feet with 6 lots divided into 4 parcels. The existing uses include 3 single family residential units and 1 motel of 6 units. The property south is a Placer County beach, zoned Recreation and to the east is open space also zoned Recreation.

Land Capability

The TRPA land capability maps indicate that approximately 85 percent of the area is classified as capability 5, or low hazard lands which permit 25 percent land coverage. The shorezone maps classify this area as a tolerance district 6 where shoreline erosion problems are minimal. The remaining 15 percent of the area, on the southern boundary, is classified as capability 1B allowing 1 percent coverage. There are no stream environment zones on the parcels, although a creek abuts the properties to the east. The TRPA Land Use Ordinance permits coverage overrides up to 70 percent land coverage because the properties in question are classified as General Commercial.

Local Zoning

Placer County has the area zoned Tourist Residential. CTRPA currently has the 4 properties zoned General Commercial.

11/5/80

Analysis

Land Use Impact - The proposed zoning will permit the construction of residential units up to 15 per acre which was not permitted under the General Commercial land use designation. All uses now existing would be conforming under the proposed change. There should be no significant loss in commercially zoned lands since Tourist Commercial permits limited commercial uses.

Environmental Impacts

The permitted land coverage will be reduced from 70 percent permitted under General Commercial to 50 percent for commercial or 35 percent for residential under Tourist Commercial. Uses that would be excluded from General Commercial yet permitted under Tourist Commercial would include single family dwellings, multiperson dwellings and mobile home parks. No significant environmental impact is expected to occur from zoning reclassification since the area is presently built out.

Public Service Impacts

Rezoning should not affect public service demand since user accommodation is expected to remain the same because all four parcels are developed. By letter dated September 5, 1980, the Lahontan Regional Water Quality Control Board has indicated that there is no excess sewage treatment capacity available to the North Tahoe Public Utility District (NTPUD) which services the area. Also, the NTPUD has indicated that their existing annual water rights are 2,230 acre feet which is far short of the estimated 3,719 to 6,476 acre feet needed for build-out under the TRPA General Plan.

Alternatives

Retain General Commercial land use designation - This alternative would provide the maximum permitted land coverage (70 percent) and require the eventual phase out of residential uses. The TRPA Dornbush Study did indicate there would be a shortage of commercial floor area buildout under the current TRPA General Plan.

Recreation - This alternative would provide opportunity for additional recreation area on the backshore of the lake and make any single family houses on pre-existing lots and parcels conforming uses. It would not permit any commercial uses and would require such uses to eventually be phased out.

Recommendation

Agency staff recommends the request for reclassification to Tourist Commercial be approved and the land coverage limitations be established at 35 percent for residential uses and 50 percent for commercial uses.