

**TRPA  
GOVERNING BOARD  
PACKETS**

**MARCH  
1983**

MAR-83 GB

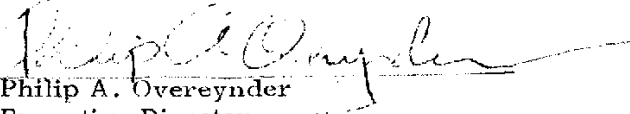
TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on March 23, 1983, at 9:30 a.m. at the hearing room of the Tahoe Regional Planning Agency, located at 2155 South Avenue, South Lake Tahoe, California, the Governing Body of said agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that the Finance Committee of said agency will meet at the same location at 8:30 a.m. on Thursday, March 24, 1983, to discuss the Agency's budget and work program.

Date: March 4, 1983

By:

  
Philip A. Overeynder  
Executive Director  
Tahoe Regional Planning Agency

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

TRPA Office, 2155 South Avenue  
South Lake Tahoe, California

March 23, 1983 9:30 a.m.  
March 24, 1983 9:30 a.m.

NOTE: There will be a meeting of the Finance Committee at 8:30 a.m. on Thursday, March 24 in the same location. The purpose of said meeting is to discuss the Agency's budget and work program.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V APPOINTMENT OF LAY MEMBERS TO THE  
ADVISORY PLANNING COMMISSION

VI SPECIAL REPORT

Federal Agency/TRPA Coordination Effort

VII PUBLIC HEARINGS - 9:45 a.m., Wednesday, March 23

A. To Consider Amendments to the Land Use Plan Through Redelineation of Land Capabilities in Portions of Incline Village Units 1, 1P, 2 and 4 and Ponderosa Unit 5, Washoe County

B. To Consider the Environmental Impact Statement for the Regional Plan

VIII PLANNING MATTERS

A. Regional Plan Development, Staff-Preferred Alternative  
(Estimated Time 1:00 p.m., March 23)

B. Attainment Designation of Placer County Pursuant to  
Federal Clean Air Act (Est. Time 3:00 p.m., March 23)

C. Codification of Proposed TRPA Ordinances (Est. Time 3:15 p.m., March 23)

D. Scope of Work for TRPA Design Review Requirements  
(Est. Time 3:30 p.m., March 23)

E. Appellate Procedure for Case-by-Case Review on Slopes  
Exceeding 30% (Est. Time 3:45 p.m., March 23)

IX AGENCY REVIEW - Thursday, March 24, 1983

- A. Nevada Department of Transportation, U.S. Highway 50 Erosion Control Project, Stateline to Spooner Summit (Est. Time 9:30 a.m.)
- B. Davis/Low, 8 Unit Apartment, 760 Northwood Boulevard, Washoe County APN 124-041-87, TRPA File #82684 (Est. Time 9:45 a.m.)
- C. Dillingham Convenience Shopping Center, El Dorado APN 22-210-22, City of South Lake Tahoe, TRPA File #82580 (Est. Time 10:00 a.m.)
- D. Stirn, Pier Repair, Placer County APN 89-282-02, TRPA File #82223 (Est. Time 10:15 a.m.)
- E. Dreyfus Rhodes, Pier Repair, Washoe County APN 122-331-41, TRPA File #83013 (Est. Time 10:30 a.m.)
- F. Johnson, Pier Repair, Placer County APN 90-282-04, TRPA File #82241 (Est. Time 10:45 a.m.)
- G. Lake Tahoe Cruises, Tahoe Belle Tour Boat Operation, Ski Run Marina, City of South Lake Tahoe, El Dorado County APN 27-051-09, TRPA File #82357 (Est. Time 11:00 a.m.)
- H. Gura/McCurdy, New Multiple-Use Pier, Lincoln Park, Douglas County APN 03-161-07 and -08, TRPA File #81009 (Est. Time 11:15 a.m.)
- I. William Morrison, Washoe County (Est. Time 11:30 a.m.)
  - 1. Request for Reconsideration, Appeal of Subdivision Classification and Lot Review Criteria, Single Family Dwellings, APN 55-330-01 and -02, TRPA File #81115 and #81117
  - 2. Request for Reconsideration, Prohibition of New Subdivision Pursuant to Ordinance No. 81-8 and the Compact, TRPA File #82520
- J. Ursula Dietrich, Single Family Dwelling, Case-by-Case Review, Lot 85, Tyrolian #7, Washoe County APN 126-082-18, TRPA File #82678 (Est. Time 11:45 a.m.)
- K. R. Desrosiers, Single Family Dwelling, Case-by-Case Review, Level 1A, 691 Bridger Court, Washoe County APN 125-363-06, TRPA File #82236 (Est. Time 1:30 p.m.)

X APPEALS

- A. Rogers/Major Engineering, Appeal of Staff Decision Pursuant to the Case-by-Case Lot Review Criteria, Lot 136, Washoe County APN 126 082-03, TRPA File #82544 (Est. Time 1:45 p.m.)
- B. Deal/Soeller, Appeal of Staff Decision to Reject an Application for a New Multiple-Use Pier, 455 Lakeshore Drive, Washoe County APN 123-250-03 and -04, TRPA File #82331 (Est. Time 2:00 p.m.)

XI SPECIAL DETERMINATION

- A. Call, Request for Exemption From Subdivision Regulations, Placer County (Est. Time 2:15 p.m.)
- B. Redman/Lahmann, Reconsideration of Condition of Approval Regarding Mitigation Fee, Lot 24, Douglas County APN 01-100-24, TRPA File #82424 (Est. Time 2:30 p.m.)
- C. Marashi/Edmondson, Request for Determination of Vested Right, Andria Drive, Douglas County APN 11-192-18, TRPA File #85092 (Est. Time 2:45 p.m.)

XII ENFORCEMENT (Estimated Time After 3:00 p.m., March 24)

A. Show Cause Hearings

- 1. F. Motamedi, Noncompliance With Previous Approval to Reconstruct a Boathouse in the Backshore, El Dorado County APN 16-131-05, TRPA File #81053
- 2. William Crabtree, Unauthorized Pier Extension, Placer County APN 98-191-12, TRPA File #82339
- 3. Scherry Harrah, Unauthorized Construction of a Pier Over an Existing Jetty, Skyland Subdivision, Douglas County APN 05-051-19
- 4. Manford Beals, Unauthorized Construction of Wood Frame Storage Buildings, Placement of Unauthorized Sign Boards, Cave Rock, Douglas County APN 03-141-01
- 5. Lee Barbera, Tahoe Classic Marine, Unauthorized Pier Construction and Violation of Stop Work Order, Placer County APN 98-191-16, TRPA File #83046

B. Reports

- 1. J. A. Wickland, Unauthorized Pier Construction, Acceptance of Settlement, Placer County APN 98-191-16, TRPA File #83046
- 2. Richard Clark, Unauthorized Tree Cutting, Acceptance of Settlement, Douglas County APN 03-171-22, TRPA File #83048

XIII ADMINISTRATIVE MATTERS

- A. 1982-83 Budget Revisions
- B. Procedure for Transmitting APC Comments to the Governing Body

XIV REPORTS

- A. Impact of Exempting from Agency Ordinances Approved Subdivisions That Are Not in Conformance With Land Capability, Pursuant to Section 3.12 of Ordinance 81-1
- B. Executive Session
- C. Finance Committee Report
- D. Executive Director Report
  - 1. Request to Amend the Land Use Ordinance to Allow Heliports in the Tourist Commercial Land Use District
  - 2. Establishment of Shorezone Mitigation Fund
  - 3. List of Projects Approved at Staff Level
  - 4. Other
- E. Legal Counsel Report
- F. Governing Body Members
- G. Public Interest Comments

XV RESOLUTIONS

- A. Amending the 1981 Case-by-Case Lot Review Criteria by Setting Forth Appellate Procedure to Allow Review and Approval of Single Family Dwellings on Lots Which are Designated High Risk in the Land Stability Category
- B. Other

XVI ORDINANCES

First Reading of Ordinance Amending the Regional Plan to Redelineate Land Capabilities in Portions of Washoe County

XVII PENDING MATTERS

XVIII ADJOURNMENT

## CONSENT CALENDAR

Approval of the following projects requires specific findings with conditions of approval.

1. Fong/Tippin, 4 Unit Condominium Conversion, Placer County APN 83-360-02, TRPA-File #81-1336
2. Lenn, 4 Unit Condominium Conversion, Placer County APN 83-360-08, TRPA File #81-1328
3. Craig Robinson, Office Building and Stream Zone Restoration, 940 Tahoe Boulevard, Washoe County APN 124-100-04, TRPA File #821212
4. City of South Lake Tahoe, Bike Trail, Ski Run to Herbert Avenue on Pioneer Trail, TRPA File #82-1442
5. Summit Studio, Change in Use, Modification to a Nonconforming Structure, Placer County APN 97-140-31
6. Happy Homestead Cemetery District, Addition, Level 7 and Stream Environment Zone, Finding of Similar and Appropriate Use in Low Density Residential, City of South Lake Tahoe, El Dorado County APN 25-010-39, TRPA File #821434
7. C. W. Strange, Office Building and 2 Unit Apartment, Village Boulevard, Washoe County APN 122-288-14, TRPA File #82-1420

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

TRPA Office, 2155 South Avenue  
South Lake Tahoe, California

February 23, 1983 9:30 a.m.  
February 24, 1983 9:30 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Jim Reed called the meeting of the Tahoe Regional Planning Agency Governing Body to order at 9:40 a.m. and asked Norm Woods to lead in the Pledge of Allegiance to the Flag.

TRPA Members Present: Mr. Stewart, Mr. Pruett, Mr. Steele (present after action on the agenda), Mr. Swackhamer, Mr. Sevison, Mr. Robertson, Mr. Woods, Mr. Hansen, Mr. Hall (present after the lunch break on the 23rd), Mr. Westergard, Mr. King, Mr. Heikka, Mr. Reed, Mr. Morgan

TRPA Member Absent: Mr. Hsieh

II APPROVAL OF AGENDA

Executive Director Phil Overeynder advised of agenda modifications as follows: 1) Staff requests that the Finance Committee meeting scheduled for the 24th be continued to March, as staff has been unable to prepare necessary material because of time devoted to the Regional Plan EIS. 2) The applicant for the Davis/Low apartment project (item X C.) has requested a continuance, as noted in the packet material. 3) Mr. Rahbeck, representing Mr. Johnson (item XII A.) on the special determination for Uppaway Estates, has requested a time certain of 9:30 a.m. on the 24th to be heard. 4) The Deal/Soeller appeal of staff's decision (item XI B.) is to be continued a month at the appellant's request. 5) Staff requests that the first reading of the ordinance adopting redelineation of land capabilities (item XV C.) be continued in order to evaluate any comments before drafting of the ordinance. 6) The Nevada Department of Transportation erosion control plan (item X A.) is to be continued a month.

Mr. Pruett asked that he be given time to read a letter into the record from the Round Hill General Improvement District on the need for TRPA to act as soon as possible on the EIS for Round Hill. Chairman Reed agreed.

MOTION by Mr. Woods to approve the agenda as amended. The motion carried unanimously.

III DISPOSITION OF MINUTES

Bill Morgan asked that the fourth line from the end of the January 27, 1983 confidential executive session minutes be amended to read "...suggested that an attitude problem, if one exists, on the part of ...".



TRPA REGULAR MEETING MINUTES FEBRUARY 23, 1983

MOTION by Mr. Heikka to approve the January 27, 1983 executive session minutes as amended. The motion carried on the following vote:

Ayes: Mr. Stewart, Mr. Pruett, Mr. Swackhamer, Mr. Sevison, Mr. Robertson,  
Mr. Woods, Mr. Hansen, Mr. Westergard, Mr. King, Mr. Heikka, Mr. Reed  
Nays: None  
Abstain: Mr. Steele  
Absent: Mr. Hall, Mr. Hsieh

MOTION by Mr. Robertson to approve the January 26, 27, 1983 regular meeting minutes as presented. The motion carried unanimously.

IV CONSENT CALENDAR

MOTION by Mr. Sevison to approve the consent calendar. The motion carried unanimously.

V APPOINTMENT OF LAY MEMBERS TO THE  
ADVISORY PLANNING COMMISSION (APC)

Mr. Overeynder explained that the 2-year terms for in-Basin lay members Dennis Schlumpf (Placer County), Stan Hansen (City of South Lake Tahoe and El Dorado County) and Maury Bidart (Washoe County) had expired in January, 1983. There is also a current inter-agency agreement between TRPA and the Soil Conservation Service calling for a representative from that entity (Dick Pyle) to serve on the APC subject to periodic review by the Board. Norm Woods asked that Stan Hansen's name again be placed in nomination to serve on behalf of El Dorado County and the City of South Lake Tahoe. Tom Stewart concurred. Jim Reed asked that Sarah Michael, from Sacramento, be placed in nomination as an out-of-Basin lay member. Agency legal counsel Gary Owen advised that the only requirements for the appointments are that the number of in-Basin and out-of-Basin representatives be equal and that there be at least four lay members. Mr. Sevison asked that the matter be placed on the agenda again in March. Mr. Heikka suggested that the staff present a summary of the citizen positions that are now vacant and that the vote on the nominations be taken up on Thursday. The Chairman so directed.

VI SPECIAL REPORT

A. Federal Agency/TRPA Coordination Effort

Bill Morgan advised he had nothing to report.

Mr. Bob Pruett read into the record a portion of a letter to him from the Round Hill General Improvement District Board of Trustees on the urgency of getting TRPA's final action on the pending Round Hill project in time for the May 25 reevaluation of tax rates for the subdivision. Mr. Pruett asked that a copy of the draft EIS executive summary be made available to each of the Board members. Mr. Overeynder advised that the draft EIS had been released for the 60 day review and comment period; and, provided no problems are encountered, final action on the project is tentatively scheduled for the April Board meeting, in time for the May 25 tax rate reevaluation by the State of Nevada.

TRPA REGULAR MEETING MINUTES FEBRUARY 23, 1983

B. Evaluation of Nevada Side Case-by-Case Review Allowing Development on High Hazard Lands

Mr. Overeynder advised the Board that, pursuant to concerns raised in January, the staff had reevaluated the information on the relationship between ground cover, vegetation and slope and soil loss and had drafted three separate displays to graphically show the interrelationship of these factors. With regard to transmitting the document to EPA in compliance with EPA's conditions placed on approval of the 208 Water Quality Management Plan, staff recommends the report be submitted with an indication that this is not a policy document of the Governing Body but is simply a listing of the findings staff has made with regard to review of the case-by-case process. Staff continues to support the position that, given the range of ground cover in the Tahoe Basin, the previous figure on soil loss in relation to slope is accurate; however, staff would favor including the three new graphs in the report along with explanatory text.

MOTION by Mr. Steele to transmit the January 1983 Nevada side case-by-case evaluation report to EPA including an explanation of the three charts on soil loss in relation to slope, along with a cover letter indicating that the report is not a policy document but only a transmittal of information. The letter is also to advise that some of the Governing Body members have reservations about the report and the case-by-case process will be further analyzed in the Regional Plan amendments.

Chairman Reed commented that the document in no way co-opts the Board's future legislative authority on continuing or not continuing the case-by-case and does not place the Agency in any legal bind.

The motion carried unanimously.

VII PUBLIC HEARINGS

A. To Consider Amendments to the 1981 Case-by-Case Lot Review Criteria Pertaining to Land Stability, Resolution Amending 1981 Case-by-Case Lot Review Criteria

Mr. Reed opened the public hearing. Mr. Paul Himmelright reminded the Board of a February 11, 1983 letter sent to all the members and reiterated that the restrictions prohibiting review of applications for dwellings on slopes over 30% where property owners are willing to mitigate offsite impacts should be relaxed. The Board should have the ability to approve such applications where land owners are willing to complete the necessary projects to offset any negative effects of building on the individual lots. Mr. Overeynder advised the Board that staff had met with Mr. Himmelright and did not disagree with his approach; there may be situations where, in looking at the project as a whole, the impact on the environment because of the mitigation program is beneficial. The concern comes, however, in structuring the findings such that such approvals are limited to only those areas where there clearly is a demonstration that the project is beneficial. The case-by-case ordinance was structured to deal with pre-existing lots in subdivisions, not with areas outside of subdivisions where extensive improvements would be necessary to serve the area. In order to satisfy the Board's concerns, it may take fairly major overhauling of the existing system to allow all concerns to be included in the case-by-case process. Staff agrees

TRPA REGULAR MEETING MINUTES FEBRUARY 23, 1983

that there may be cases where it is beneficial to provide some flexibility to go beyond the limits. On the other side, the Board needs to be careful so that such approvals do not become the rule but the exception. Given the available information, staff continues to support the 30% breaking point between acceptable impacts that can be mitigated and those which can't be mitigated.

Mr. Larry Hoffman, for the Tahoe Sierra Preservation Council (TSPC), urged that the Board give itself the ability to look at individual proposals where slopes exceed 30% and not to arbitrarily cut off review at 30%. Currently such review is precluded.

Mr. Overeynder suggested that the Board may want to combine the analysis of the case-by-case process and amendment of the criteria with the Regional Plan amendments. Mr. Swackhamer voiced reluctance at removing the 30% rule. Under certain circumstances, approvals may be warranted if the overall benefit could be proved, but to allow appeal in all cases would be opening the door to everything. There should be a way for a really valid proposal to be heard. Staff advised that the current administration of the program does recognize that a certain margin of error may exist greater or less than 30% and permits processing of applications where staff can clearly make the finding that the information is questionable.

Mr. Westergard urged that the Board hold off on amending the process until the Regional Plan. Mr. Reed agreed stating that the Board had spent two years developing information for the Plan and, while possible modifications may be necessary, at this point the Board was treading on dangerous ground if it amended the program before all the work was completed. Mr. Steele suggested that any amendment should modify the 30% figure downward. Mr. Pruett spoke in opposition to any Agency program which would not recognize the very basic right of private property as set forth in the Compact, the thresholds, and the Regional Plan. Mr. Woods cautioned the Board not to approve modifications which would permit building only through implementation of very expensive mitigation programs. Just because someone can prove he has sufficient funds to mitigate is not reason enough to allow building on lots in excess of 30%. Mr. King suggested that the Board should draft appellate procedures which would at least allow a property owner to be heard by the Board.

Mr. Heikka reminded the Board of the need to protect the property values of affected lot owners and the effect of the 30% rule in the ongoing acquisition program. While he was not interested in modifying the policy on the 30%, he would like the Board to look at an appellate procedure that would give the Board the opportunity to review unique cases. Staff suggested that the Forest Service in administering the Burton-Santini program had viewed the case-by-case as a temporary regulation in determining fair market value of property. Mr. Morgan agreed and suggested that appraisers are charged with determining value of lands as they would presumably be on the open market. Appraisers use comparison sales - like locations, like size, like restrictions, etc. The market place will assess a higher value on land affected by only temporary rules. If the rules, however, are permanent, the market place value would be different.

Chairman Reed closed the public hearing.

TRPA REGULAR MEETING MINUTES FEBRUARY 23, 1983

MOTION by Mr. Stewart to integrate modification of the case-by-case criteria into the Regional Plan amendment process. The motion failed on the following vote:

Ayes: Mr. Westergard, Mr. Stewart, Mr. Steele, Mr. Swackhamer, Mr. Reed  
Nays: Mr. Sevison, Mr. Robertson, Mr. Woods, Mr. Hansen, Mr. King,  
Mr. Pruett, Mr. Heikka  
Abstain: None  
Absent: Mr. Hall, Mr. Hsieh

Agency legal counsel Gary Owen advised that in this case a simple 8 vote was required to direct preparation of a resolution for the Board's consideration. To adopt the resolution amending the process itself would take a 4:4 vote. Mr. Woods expressed concern that all the Board members were not present for these important discussions and votes. All Board members should set aside the two days necessary to complete Agency business. Mr. Steele advised that Carlyle Hall's flight had been cancelled at the last minute, and he had rescheduled a flight to Reno arriving in time for the afternoon session. Mr. Overeynder advised that Mr. Hsieh had a previous commitment that he was unable to cancel and would not be present for either of the two days. Mr. Reed reminded the Board that Tom Hsieh had never missed a meeting and he had called in advance advising of his absence.

MOTION by Mr. Heikka that, recognizing the Board is still taking a strong position on the 30% cut off point, staff be directed to draft for the Board's consideration in 30 days an appellate procedure which would allow the Board to review unique cases. The motion carried on the following vote:

Ayes: Mr. Robertson, Mr. Woods, Mr. Hansen, Mr. King, Mr. Pruett,  
Mr. Swackhamer, Mr. Sevison, Mr. Heikka  
Nays: Mr. Westergard, Mr. Stewart, Mr. Steele, Mr. Reed  
Abstain: None  
Absent: Mr. Hall, Mr. Hsieh

- B. To Consider Amendments to the Land Use Plan Through Redelineation of Land Capabilities in Portions of Incline Village Units 1, 1B, 2 and 4 and Ponderosa Unit 5, Washoe County

Greg George, Chief of the Project Review Division, summarized the Review Team's redelineation recommendations which were based on field inspections and analysis of other data. In net numbers the 391 high hazard lots in the three affected areas would be decreased to 296; the 294 land capability level 4 lots would be increased to 315 and the 183 level 6 lots would be increased to 257. In acreage figures, 422 high hazard acres are reduced to 314 acres; 224 acres in level 4 are being increased to 330 acres; and the 112 acres in level 6 are increased to 144. The net difference is a decrease in high hazard lots and an increase in low and moderate hazard lots; 150 lots are being downgraded. Seven additional areas where redelineation is necessary will be presented to the Board as soon as the sites can be inspected in the field. There currently is too much snow on the ground to send the Review Team out, but additional hearings will be scheduled when these reviews are completed. There is one 65 acre area where the Team identified an Inville soil with slopes greater than 30%. The SCS mapping

system used by the Agency does not identify such a soil type. The Team was asked to review the area based on slope, runoff and erosion potential and assigned it a capability level 2. Team member John Munn explained that the Team had been requested initially to analyze the areas in question due to the large number of challenges being submitted and approved. The Team drove every road and studied exposed slopes, along with previously-submitted reports from Grant Kennedy who had done work on earlier challenges. All reports and color photographs were reviewed for consistency with field conditions and redelineation lines were finally drawn to reflect the recommended changes.

Mr. William Curtis, representing the Nevada Tahoe Conservation District, apologized for Dick Pyle's absence as a spokesman for the Soil Conservation Service and expressed concern that the redelineations were being accomplished without coordination with the SCS and that the Inville soils with slopes exceeding 30% were being given a level 2 capability. Inville soils are basically alluvial soils of a coarse sandy loam nature which allows mitigation measures to work, i.e. percolation trenches and stabilization. These soils are more suitable for development with mitigation regardless of slope than other soil types in the Basin. It is recommended that SCS review these two specific areas of concern along with the final redelineation map. Mr. Bill Morgan suggested that, as keeper of the soil system, SCS should agree with any proposed change in soil type; as keeper of the capability system, however, TRPA is capable of proceeding with modifications to capability upon proper and appropriate review and analysis.

Mr. Larry Hoffman, for the Preservation Council, cautioned the Board on the impact of the redelineations, particularly for those persons whose capability levels are being lowered and who now have nonconforming land coverage on lots that are built out. The Board reminded Mr. Hoffman that, in the initial stages of the redelineation process, it was pointed out that capability levels would not only be upgraded but, likewise, downgraded. In terms of notification of all affected property owners, the staff did send a notice to all those persons (800+) on the assessor's rolls regarding the upcoming amendment, with opportunity given for public input. In discussing what procedure to follow in recognition of the redelineations, whether to simply recognize technical corrections and change the capability levels or to amend the General Plan, Mr. Owen advised the Board to first determine the environmental impacts of the redelineations, whether beneficial or detrimental, and the necessity of preparing an EIS.

Mr. Andy Sawyer, California State Water Resources Control Board, suggested that it was unacceptable to proceed with the idea that upgraded lots would be approved but the Agency would continue to approve development on high hazard lots that happen to be on the map as high capability. If the Board decides to continue processing these applications, it should adopt a policy not to process mismatched lots until completion of the Regional Plan process. Mrs. Joanne Payne, representing the Nevada North Tahoe Property Owners, suggested that the map available to Incline property owners since last August did not show the correctly redelineated capabilities, and those persons whose properties were downzoned from a level 4 to a level 2 have not had sufficient notice of the Agency's action.

In determining the environmental impacts of the redelineation, staff suggested that the Board was being asked to recognize the inherent properties of the land in question and not making a decision about development. The basic philosophy on the resultant impacts of building on level 4-7 lands and on 1-3 lands is not changing. Mr. Owen suggested that he did not think there was a need for an EIS in this case. However, the Land Use Plan of the Agency consists of the Environmental Constraints Map and text on the land capability map; if the Board changes the boundaries on the map, it will be amending its Land Use Element.

MOTION by Mr. Heikka to continue the matter 30 days, to work with SCS on the boundary redelineations and to direct legal counsel to prepare an ordinance to reflect the change in the maps. The motion carried unanimously.

The meeting recessed from 12:20 p.m. to 1:30 p.m. for a lunch break. Carlyle Hall was present at the afternoon session.

Chairman Jim Reed advised that he, Jim King and staff had met with the Advisory Planning Commission (APC) to develop a better procedure for transmitting APC comments to the Board. It was decided that on matters of a routine nature staff will include in the Board packet a summary of the APC discussion which has been cleared by one of four APC representatives. An APC member will always be present at the Board meetings to respond to questions. Establishing this process does not need formal Board action. Staff is directed to place on the agenda for next month consideration of a procedure that will allow the Board some kind of formal input from the APC on major planning matters and a procedure which will give the APC the opportunity to review a project itself at the same time it is reviewing an EIS. The Commission will not be recommending "yay or nay" on the project but will have the opportunity to recommend conditions of approval for the Board's consideration.

#### VIII REGIONAL PLAN DEVELOPMENT

Mr. Overeynder advised the Board that summaries of three of the EIS chapters had been made available for the Board members, and the Draft EIS itself would be completed before the end of the meeting on the 24th. A summary of the previous two month's presentations was given along with an update (coverage impacts under the three alternatives, the baseline criteria for the six sub-elements, and the differences between the alternatives - units, improvements and level of regulations). Charts were presented which graphically showed development priority concept (phasing and timing of development), key impacts on the different alternatives, problem areas relative to coverage, requirements in the baseline situation should nothing be implemented, and costs and possible revenue sources.

Mr. Woods suggested that the Board needed to be more realistic in coming up with revenue sources; nothing makes people madder than talk of a Basin user fee. A more realistic way to raise funds is to raise the tax rate throughout the total Basin in California and Nevada. Staff suggested that the Board may want to restrict the user fee to only certain portions of the Basin where a fee for certain recreational benefits could be justified. Mr. Heikka suggested that legislators and those who originally determined that environmental standards should be established for Tahoe be put on notice early in the process of the magnitude and level of funding which will be necessary if thresholds are to be achieved. Mr. Swackhamer suggested that people living in the Basin should not