

**TRPA  
APC  
PACKETS**

**OCTOBER  
1984**

OCT-84 APC

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TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8896

South Lake Tahoe, California 95731

2155 South Avenue

(916) 541-0246

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

NOTICE IS HEREBY GIVEN that on October 10, 1984, 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 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.

Date: October 1, 1984

By: Gary D. Midkiff  
Gary D. Midkiff  
Acting Executive Director  
Tahoe Regional Planning Agency

Note

USFS has jurisdiction now over the 64-acre tract in T.C.

Re: Chapter 7  
be ready to discuss water allocation EIR in context of next month's discussion of chp 7

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue  
South Lake Tahoe, California

October 10, 1984  
9:30 a.m.

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PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PLANNING MATTERS

A. Regional Plan Status Report

1. Proposed Review Schedule
2. Progress of Ordinances
3. Plan Area Statements

B. Draft Water Quality Ordinance, Chapter 7

C. Draft, Transportation Portions of Chapter 8

D. Review of Draft Plan Area Statements

1. Placer County

2. Douglas County

3. El Dorado County

4. Washoe County

E. Discussion of Interpretation of Bailey System  
Regarding Soil Type and Slope Combinations

F. Status of Redevelopment Under Regional  
Plan Development Limitations

REPORTS

A. Staff

B. Legal Counsel

C. Public Interest Comments

D. APC Members

3 pm

*Bill Combs, too still have some problems*  
*of R. doesn't want to discuss*  
*this yet; still work to do*

VI RESOLUTIONS

VII CORRESPONDENCE

VIII PENDING MATTERS

IX ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

Ski Incline Lodge  
Incline Village, Nevada

July 11, 1984 9:30 a.m.

The Advisory Planning Commission conducted a workshop to discuss the status of the Ordinances and the Plan Area Statements until such time as a quorum could be determined. A staff report was presented by Gordon Barrett on the status of the Ordinances, the progress of the public hearings in regard to the Plan Area Statements and the framework of the entire Regional Plan.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Harper called the meeting of the Advisory Planning Commission to order at 10:20 a.m.

APC Members Present: Ms. Temple (arrived at 1:30 p.m.), Mr. Renz, Ms. Wilson, Mr. Ryerson, Mr. Hoefler, Mr. James, Mr. Rosse, Ms. McMorris, Mr. McMullen (arrived at 2:00 p.m.) Mr. Curtis, Mr. Poppoff, Mr. Murphy, Mr. Combs, Mr. Harper

APC Members Absent: Mr. Hoole, Ms. Sparbel, Mr. Pyle, Mr. Hansen, Ms. Michael

It was noted that Edith Wilson will be representing the City of South Lake Tahoe. Mike James was sitting in for Roy Hampson and Vern Rosse for Lew Dodgion. Mike Harper asked if Conservation and Natural Resources was going to appoint someone in Connie Sparbel's place as she had been taken off the APC due to fiscal reasons. It was stated that nothing had been decided on that matter. Mike Harper pointed out the difficulty of getting a quorum without having the position filled. He further pointed out that it is a requirement of the Compact to have the position filled.

II APPROVAL OF AGENDA

Mike Harper stated that agenda items V B.2. and 3. had been dispensed of in an informal fashion prior to the determination of a quorum.

MOTION by Mr. Hoefler, with a second, to approve the agenda as amended. The motion carried unanimously.

III DISPOSITION OF MINUTES

Mr. Curtis asked to clarify his motion on page three to approve the redelineation for these portions of Incline Village and Ponderosa as presented by staff. Mr. Curtis's proposal was that the line delineations themselves be subject to review at the staff level. Mr. Midkiff stated that the boundary line adjustments are at a staff level determination. Mr. Curtis feels that should be acknowledged as part of the motion.

MOTION by Mr. Curtis, to accept the minutes as amended. The motion carried with two abstentions by Ms. Wilson and Ms. McMorris.

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Mr. Harper turned the meeting over to Mr. Combs to act as chairperson at this time.

V PLANNING MATTERS

A. Determination on Technical Adequacy of Draft Environmental Impact Statement, Bitterbrush, Incline Village

Staff presentation by Greg George recommending that the APC find that the Final EIS for Bitterbrush is technically adequate and recommend that the Final EIS be certified by the Governing Board.

Milt Sharp, consulting engineer for Bitterbrush, had no presentation to make in regard to the technical adequacy but would be available to answer any questions the APC might have. Mr. Harper asked if the traffic impacts that were modeled were based upon the assumption that this project was timeshare. Mr. Sharp stated that it was not based upon that assumption and that Washoe County was under the assumption in the traffic analysis it was based on a condominium project. Mr. Curtis asked if there was any attempt to look at the water tank site as another possible alternate route. Mr. Sharp explained that that possibility had been reviewed and determined to be too costly and also disruptive to that portion of the site which is otherwise undisturbed. Mr. Harper wanted confirmation of the statement, in regard to Alternative A, that Bitterbrush's contact with IVGID has indicated that they have not taken a position as to whether they would oppose or not oppose the use of that portion of the road if Alternative A was to be constructed. Mr. Sharp stated that IVGID has not taken any formal action recently; any action that had been taken goes back a few years when a formal request was made of them to construct this Alternative A. Mr. Sharp stated he did discuss the matter with the Acting Manager who indicated that their position of not having made a final decision had not changed.

Stuart White, attorney for lower Bitterbrush, commented on his concerns of heavy trucks traveling through the lower portion of Bitterbrush and the wear and tear on that portion of the highway. Lower Bitterbrush solely maintains that road. Is mitigation for this concern included in the technical adequacy since it is an environmental impact on that section of the highway? Mr. Sharp responded that there is no question that construction puts a heavy burden on the existing roadway facility. He stated that Washoe County is in the best position to enforce any type of maintenance program or to comply with the developers to make repairs that are caused by the construction activities. Mr. Combs asked to have a brief rundown of the status of the project with Washoe County. Mr. Sharp stated that the project was approved in 1972 by Washoe County and later by TRPA by a litigation settlement. The project has been under construction since 1979 or 1980. The site work improvements are covered by an agreement by Washoe County and the developers and the subdivision agreement is backed by a letter of credit in the amount of 1.5 million dollars, which covers the value of the site improvements. Mr. Combs asked if the money could be used as site restoration from damage done by construction. Mr. Sharp felt the response would require a legal decision, but that technically the money is to guarantee completion of construction of site improvements. Mr. Sharp further stated that he felt that Washoe County has enough authority to refuse to release the bond until they are

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satisfied that the site improvements are being constructed to their satisfaction. Mr. Harper clarified the question by stating that the question asked was could Washoe County take those bond monies and go back and tear up foundations and revegetate and reslope, the answer is no. Counsel has advised that monies are for completion of improvements, not for restoration.

Ms. McMorris asked what is the status with the Fire Department. Mr. Sharp responded that the fire trucks could come through Tyrolian Village if they had to. Mr. Curtis asked if the 2nd Alternate route were constructed, could it be used for construction access rather than using lower Bitterbrush access. Mr. Sharp said yes, if it were constructed. The only problem is that it is a major project to construct that access and funds are not available for it. Mr. Poppoff made the comment that he does not feel that the APC should be involved in the approval of an EIS when the project is already under construction.

MOTION by Ms. McMorris, with a second by Mr. Harper, finding that the Bitterbrush EIS is technically adequate by the following vote:

Ayes: Mr. Renz, Mr. Ryerson, Mr. Hoefer, Mr. Rosse, Ms. McMorris, Mr. Curtis, Mr. Murphy, Mr. Combs, Mr. Harper  
Nays: Mr. James  
Abstain: Ms. Wilson, Mr. Poppoff  
Absent: Ms. Temple, Mr. Hoole, Mr. McMullen, Ms. Sparbel, Mr. Pyle, Mr. Hansen, Ms. Michael

Mr. Harper commented on the status of Washoe County with the Bitterbrush settlement. In 1982, Leroy Development Company approached Washoe County and requested if they would issue building permits out of 1982 allocations, not 1983 allocations. The permits were issued in December, 1982 with conditions, which included the finding or satisfaction of the North Tahoe Fire Protection District (NTFPD) that emergency access was available. The NTFPD is contending that emergency access is not available for the simple reason to have emergency access, you have to go through Tyrolian Village Unit #5. A ditch has been dug across the road to emphasize that Tyrolian Village is private. The District Attorney's office has contended that emergency access is available through Tyrolian Village; someone pointed out that it is rather tough to drive across the access and a fire truck could fall in that "legal access", and nothing stops Tyrolian Village from barricading the road if they so desire. Mr. Harper urges the APC to suggest a mitigation package utilizing the monies. \$100,000 of the money must be committed for alternate transportation or secondary access. The difference between emergency access and secondary access needs to be discussed since secondary access is for air quality reasons also. Emergency access is nothing more than being able to get an emergency vehicle in there if necessary. The contention appears to be whether, in fact, a second emergency access can be constructed and how much of the mitigation package should be used and also the timing of that, because the monies are going for that fund as the units are sold. Mr. Harper asked if there are six mitigation packages, alternatives A, B, & C, plus one-way roads for Alternative A-1 and Alternative D-1.

Mr. George made a summary of the staff's recommended alternative of a combination of mitigation measures to be considered by the APC. Staff's first priority

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is to achieve the highest amount of erosion control for the area. Monies would be collected and made available for the access problem. Collect \$100,000 and hold in trust. Mr. Harper feels there is a better way to mitigate without impacting those particular funds. Mr. Ryerson feels that any use of mitigation funds, other than what they were set aside for, are to mitigate major project impacts on the environment and should not be used for any other use. Feels a recommendation to the Governing Board or a recommendation from the Governing Board to Washoe County include that concept. Ms. McMorris commented that public safety should be most important to this Agency, and the access road and Unit #1 should be taken care of regardless of where the funds come from. She also asked if the retaining walls were falling apart and what are they are made of. Mr. Sharp said they are made of a process called reinforced earth which is earth fill with stainless steel strips. She feels some of the mitigation funds go for the access and maintenance of the deteriorating retaining wall. Mr. Harper asked if the energy dissipation devices be funded first, \$200,000 of the cut slope stabilization project be done second, and the third monies be added into construction of the cut slope stabilization program. Mr. Harper asked if one of those secondary accesses were built, does that take care of the construction of the remainder of the cut slope stabilization. Mr. George said it reduces the total cost because it would actually go up through that cut slope and some of the erosion control would be done as part of the access. Mr. Harper asked if a rate of sale had been determined, and what is a realistic timeframe when some of the secondary access could be built presuming it was recommended. For example, \$262,000 could become \$500,000 in five years due to interest rates and inflation. Mr. Sharp said that there is not an answer to that question and said he had never heard of anybody who could predict how rapidly the units could be sold. Mr. George stated that they may be sold faster if there were a secondary access. Staff feels the provision of a secondary access is definitely a benefit to that site. Mr. Sharp commented on staff's priorities. The first two priorities are also prioritized in the settlement agreement. The agreement doesn't say that \$100,000 has to be used for emergency or secondary access, the agreement does make provisions for the fact that if there isn't any need for secondary access that the \$100,000 be used for other purposes. Mr. White, attorney for lower Bitterbrush, commented on the necessity of a second access in the initial approval. He feels it is still possible to to build a two lane road on this Alternative A for about \$240,000, and have enough other money for erosion control. If the Tyrolian Village access were open, everyone from Tyrol would use it as a short cut, which would be more traffic through lower Bitterbrush. The supplemental EIS that was in the packet this month says that 100% of the necessary erosion control and the construction of a one-way access can be done with the \$750,000. The attitude of IVGID is not an opposition to the access, they realize that a very large portion of the mitigation money will be spent on their cut slope all the way around Ski Way which they built. Some possible trade-offs are equally available to satisfy their traffic concerns, such as closing the one-way access on heavy ski days or closing it with heavy snowfall. Mr. White feels that IVGID can be worked with in order to get an easement across their property, which was one of the main concerns. Also, IVGID will be dealing with the TRPA and working with the developers. Mr. White said he was surprised when the two engineers at least agreed to one access to be built one-way within the \$750,000, that the staff would tell them to set aside \$100,000 so that we can agree on how to use it and waste \$100,000; and even more amazing was to have



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\$273,000 left where they are going to spend on other problems in the Basin. The only mention in the settlement agreement of the \$100,000 limit on the road is their letter of credit on the road if it is not built, the letter of credit can not exceed \$100,000. It says specifically in the settlement agreement that the TRPA can go higher on the road or lower on the road. In Mr. White's opinion, to spend any of the \$750,000 on any other project and just leave the road out would leave the \$100,000 useless. The settlement agreement says if there is any money left over, the road is third. He does not feel that the staff recommendation can be followed since it is against the basis of the settlement agreement. The settlement agreement also says that when they commence construction on the 51st unit, an alternative access would have to be started also. Mr. White's suggestion is to spend \$18,000 on the energy dissipation devices, spend \$200,000 on cut slope stabilization, spend money to build the secondary access and spend what's leftover for more cut slope stabilization. Mr. Harper asked if there is a building schedule. Mr. Sharp said he is not aware of any schedule. Mr. Harper asked if those units built on the lower road are going to create more erosion than those on the higher. Mr. Sharp felt that that was not necessarily true. Mr. Harper asked if the \$200,000 would take care of the problem period. Mr. Sharp said the \$200,000 is offsite mitigation which has nothing to do with the work that is going on at the site. Mr. Harper asked how much problem exists on-site that needs to be rectified right now. Mr. Sharp said the problems on-site have been mitigated in other ways. Part of the litigation agreement required the developer to construct those big corrugated metal retention walls and to do some additional vegetation. Mr. Harper suggested that the APC recommend a mitigation package that essentially calls for first priority being the dissipation devices, the second priority being the \$200,000 on construction of the portions of the cut slope and the third priority being construction of a one-way road on the bottom portion coupled with a one-way access incorporating Alternative A and that the units that are to be constructed in lieu of that are to follow a construction pattern along that bottom road. Mr. James asked if it is legally possible to get the access through Tyrolian Village. Mr. George stated that there is a letter from the District Attorney indicating that they do have a legal right for emergency access at that point. Mr. White feels that Alternative A is much more feasible than fighting Tyrolian Village. Mr. Curtis feels that Alternative A is the best solution for an already bad situation. Mr. Hoefler does not feel that \$750,000 comes anywhere near enough to mitigate the impacts of this project, but feels he can accept the staffs recommendations without supporting anymore than \$100,000 going into the road construction only as seed money to get the road on. The road is important, but there are other ways of getting it done.

MOTION by Mike Harper, with a second by Bill Curtis, recommending that no more units be built in Bitterbrush until funds be expended on first 3 priorities up to secondary access until road is completed, if it takes \$262,000 or whatever it takes to build the road with the stipulation that if something is worked out along the lines of Alternative D, that those funds ought to be reallocated. The motion was carried by the following vote:

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Ayes: Mr. Renz, Mr. Ryerson, Mr. Rosse, Ms. McMorris, Mr. Curtis, Mr. Poppoff, Mr. Murphy, Mr. Combs, Mr. Harper  
Nays: Mr. Hoefler  
Abstain: Ms. Wilson, Mr. James  
Absent: Ms. Temple, Mr. Hoole, Mr. McMullen, Ms. Sparbel, Mr. Pyle, Mr. Hansen, Ms. Michael

*Pursuant to a telephone conversation with Mr. Harper, the following is a clarification of his motion:*

*Priority 1 -- Sufficient funds to be expended first for the installation of energy dissipation devices, to be partially secured by a financial instrument of no more than \$50,000.*

*Priority 2 -- \$200,000 to be expended second for the construction of cut slope stabilization improvements, to be secured by a financial instrument of no more than \$200,000.*

*Priority 3 -- Sufficient funds to be expended third for the construction of alternate access A, to be partially secured by a financial instrument of no more than \$100,000, and with the following stipulations:*

*Units on the lower street to be constructed first.*

*Construction of units to commence from Unit #2, Phase 1, and proceed along the lower street.*

*No construction of units to be allowed beyond the pod of units where Access A intersects with the lower street until Access A is completed.*

*Credit for the construction of Access A is to be provided against the \$750,000 provided for mitigation through the litigation settlement.*

*A one-way street system is to be required with one-way ingress from Fairview Boulevard through Bitterbrush Unit #1 and one-way egress onto Ski Way via Access A, with the internal street pattern facilitating this one-way street system.*

*Priority 4 -- Sufficient funds to be expended fourth for remaining cut slope stabilization improvements.*

*Priority 5 -- Sufficient funds to be expended fifth for the preparation and implementation of an operation and maintenance plan for surface water management facilities.*

*Priority 6 -- Sufficient funds to be expended sixth on additional erosion control projects.*

**B. Regional Plan Status Report**

**1. Litigation**

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Susan Scholley reported on the recent preliminary injunction issued against the Agency from the lawsuit involving the Attorney General of the State of California and the League to Save Lake Tahoe vs. TRPA. The Judge wrote his decision and is in the process of being implemented by an order. Rick Skinner has filed a proposed order; the Agency is the process of filing objections to that order. Ms. Scholley said a final order was expected by next week at the earliest. A long list of projects has been presented to Rick Skinner and Clem Shute, comprised of up coming public works projects, Caltrans projects, and other projects which need to be reviewed this summer. Ms. Scholley stated that any project creating more coverage would be pretty much out of the question for review.

Ms. Scholley also reported on the Tahoe Sierra Preservation Council's lawsuit which was filed in the Eastern District of California and the District of Nevada District court against the Agency involving 779 plaintiffs, divided somewhat equally between the two states. They have also sued the states of California and Nevada and the improvement districts. The reason for the suit is a charge of inverse condemnation of their property, which the plaintiffs charge is a violation of the 14th amendment and their civil rights. Mr. Ryerson asked if this case appears to be any different than any other inverse condemnation case that come against agencies like this. Ms. Scholley said it is not, but it's unique in that it is against our General Plan.

Ms. Scholley reported on the Lake Country settlement agreement between the State of California and Lake Country vs. TRPA. It is contingent upon the State of California introducing and passing by September of 1984 legislation which would provide the monies to buy the Lake Country property.

In regard to other lawsuits, Ms. Scholley said there are several others suing the Agency at the present time, (i.e., the City of South Lake Tahoe, re: Airport, and Forrester, re: Tahoe Keys Convenience Center).

D. Presentation: Water Quality Monitoring and Evaluation Program

Mr. Ziegler distributed copies of the Draft Monitoring and Evaluation Program: Water Quality Subelement along with a schedule of expenditures and revenues to the APC. A brief presentation was given by Mr. Ziegler on the status of the program. The schedule spreads out the program, ending in the spring of 1987, which is 3 years from the adoption of the Regional Plan. Mr. Ziegler reported on the involvement of the USGS Sediment Study and the Tahoe Research Group's Lake Monitoring in regard to the program. The Tributary Study is also a major part of the program which is conducted by the the Tahoe Research Group and the USGS. Mr. Ziegler asked for some direction from the APC as to what type of action would be appropriate from the APC and the Governing Board on a program like this. Mr. Harper said maybe staff should make recommendations to APC from the committee, but did not feel public hearings were necessary. Mr. Poppoff feels that the monitoring program is one of the most important parts of the Plan, and that the program should be laid out so we can see where we are going. Mr. Ziegler said the institutional arrangements are difficult. One possibility is to work it into the Tahoe Monitoring Program. Mr. Ziegler stated that the

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monitoring program is not cheap. Mr. Harper suggested that a program should be set up by staff and rescheduled for APC recommendation after working through the subcommittee.

C. Subcommittee Reports and Recommendations to the APC

1. Air Quality/Transportation

Mr. Ziegler introduced the two new members of the staff, Barbara Maco, Senior Air Quality Planner and Jim Kellar, Senior Transportation Planner.

Ms. Maco pointed out the changes she is making to the Air Quality Ordinance - Chapter 8, which will be reviewed by the subcommittee before being brought to the APC for recommendations.

IV PUBLIC HEARING ON CODE OF ORDINANCES (continued from June)

A. Land Use Ordinance, Chapter 2

Mr. Barrett pointed out specific changes that were made since the last meeting. Mr. Ryerson expressed his concern for those Plan Area Statements that are inconsistent with the ordinance should be consistent with the goals and policies. Mr. Ryerson thinks it would be a good idea to note those plan area statements that are inconsistent and make a finding in the adoption on that issue to avoid any litigation. Mr. Hoefer commented on the problem on the issue of no signs on trees and asked for an exception for public agencies to be allowed to put signs in the forest on trees, i.e. boundary markers, marked wildlife trees, temporary signs for marked stream zones, cutting area boundaries, etc., since signs on posts just don't make it. Mr. Hoefer's proposal is to add except as provided for use by public agencies. No objections to this change were heard.

Mr. Gregg Lien, representing the Tahoe Sierra Preservation Council, commented on specific areas of concern in regard to Chapter 2 - Land Use Ordinance. Those specific areas include:

1. Page 2 - Local Government Specific Plans: Feels clarification necessary in language of last sentence on that page. Feels language should read that, "plan area statements will be prepared in more detail where they are needed in keeping with the general guideline nature of the Plan". Not accepted by the APC.
2. Page 3 - Second sentence on the page: add a comma at the end of that sentence and say, "unless approved by the Agency". Not accepted by the APC.
3. Page 5 - Permitted Uses: In the first sentence after 2.01.03.4 add, "or those to be determined to be similar in nature upon application and approval by the Agency". This language was accepted to be changed by the APC. Also on page 11, he feels that, "VII.", in the table be omitted; the APC did not agree.

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4. Page 12 - Precise Boundaries: Second sentence of paragraph at the end, after project approval add, "or upon application to the Agency". Mr. Barrett suggested it to say, "subject to Agency approval", which was accepted by the APC.
5. Page 14 - Man-Modified Report: Could land be permissibly modified after 1972 without Agency approval? Change to any agency permit not Agency permit. Not accepted by the APC.
6. Page 16 - a.3. - wants it scratched. Language left as is.
7. Page 19 - Top of page - wants Section e. put back in. APC recommended to leave Section e as is.
8. Page 21 - Height Standards - wants to stay with basis as it was before, don't go down. APC recommended to leave as is.
9. Page 30 - Real Estate Signs - Feels two square feet in size is too small. APC disagreed and recommended to leave as is.
10. Page 30 - Signs on trees - wants private use as well as public uses. APC recommended to leave as is.

Mr. McMullen added a change to Page 14 sentence (1) at the top of the page to read ". . .or was thereafter modified subject to an Agency permit or where an Agency permit was not necessary by man's placement of fill, dredging or grading in a fashion substantially altering the land's soil and geomorphic characteristics;". The APC accepted the recommendation.

MOTION by Mr. Ryerson with a second by Mr. Rosse to recommend 7/3/84 DRAFT Chapter 2 - Land Use Ordinance with today's amendments; the motion also includes direction to note where there are conflicts with other ordinances and plans now in effect and that those plans are superceding, i.e., the 208 plan. Motion carried on the following vote:

Ayes: Ms. Temple, Ms. Wilson, Mr. Ryerson, Mr. McMullen, Mr. Hoefer, Mr. Rosse, Mr. Curtis, Mr. Poppoff, Mr. Murphy, Mr. Combs, Mr. Harper  
Nays: Mr. James  
Abstain: None  
Absent: Mr. Renz, Mr. Hoole, Ms. Sparbel, Mr. Pyle, Ms. McMorris, Mr. Hansen, Ms. Michael

B. Water Quality Ordinance, Chapter 7

Continued to August APC meeting.

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VI REPORTS - none

VIII RESOLUTIONS - none

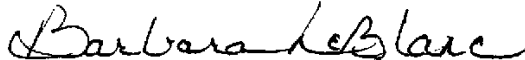
IX CORRESPONDENCE - none

X PENDING MATTERS - none

XI ADJOURNMENT - The APC meeting adjourned at 3:00 p.m.

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

Respectfully submitted



Barbara LeBlanc  
Secretary II