

**TRPA
GOVERNING BOARD
PACKETS**

**JUNE
1993**

NOTICE OF MEETINGS
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

NOTICE IS HEREBY GIVEN that on June 23 and 24, 1993, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The June 23 session will commence at 9:30 a.m. at the South Lake Tahoe City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The June 24 session will commence at 9:30 a.m. at the TRPA office, 308 Dorla Court, Elks Point, Nevada. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on June 23, 1993, at 8:30 a.m. at the City Council Chambers, the Finance Committee will discuss receipt of the May financial statement and check register and the TRPA/Caltrans Overall Work Program for FY 93-94. (Finance Committee: Klein, Neft, Lau, Pruett, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on June 23, 1993, at 8:30 a.m. in the downstairs conference room at the South Lake Tahoe Administrative Center, 1052 Tata Lane, South Lake Tahoe, California, the Legal Committee will discuss the following: 1) dispute resolution for Chase illegal tree removal, permit modification, and boat house conversion, El Dorado County APN 26-042-03; and 2) settlement of Terrace Land v. TRPA. (Legal Committee: Upton, Westergard, Waldie, Cronk, Chairman DeLanoy)

Date: June 14, 1993


David S. Ziegler
Executive Director

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

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe Council Chambers
1900 Lake Tahoe Boulevard
South Lake Tahoe, California

June 23, 1993 9:30 a.m.

TRPA Office, 308 Dorla Court
Elks Point, Nevada

June 24, 1993 9:30 a.m.

All items are action items unless otherwise noted.

OFFICIAL AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. APPROVAL OF MINUTES
- IV. APPROVAL OF AGENDA
- V. CONSENT CALENDAR (see page 3)
- VI. PROJECT REVIEW
 - A. Cedar Flat Homeowners Association, Buoy Field Reconfiguration and Expansion, 4370 North Lake Boulevard, Placer County APN 92-180-55 134-143
- VII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS
 - A. Amendment of Chapter 37, Individual Parcel Evaluation System, and Chapter 2, Definitions, Relative to SEZ Indicators 144-161
 - B. Amendment of Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination, Salzberg, Airport Road and U.S. 50, El Dorado County APN 33-050-01 162-171
 - C. Amendment of Chapter 14, Community Plans, Subsection 14.6.C, to Make Alternative Plan Requirement Consistent With EIS Alternatives 178-183
 - D. Amendment of Plan Area Boundary Between Plan Area 045, Incline Village Commercial, and Plan Area 046, Incline Village Residential, to Add APNs 132-020-01, -02, and -03 to Plan Area 046 184-189
 - E. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt MOU Between TRPA and Nevada State Lands to Exempt Certain Activities From TRPA Review and Approval 190-199
 - F. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt MOU With El Dorado County to Exempt Certain Public Works Activities From TRPA Review and Approval 199-208

VIII. PLANNING MATTERS

A. Workshop: Employee Trip Reduction Program and Parking Ordinance
Wednesday, June 23, 1:30 p.m.

209-

B. Status Report on Mitigation Measures in 1991 Threshold Evaluation

210

IX. ADMINISTRATIVE MATTERS

A. Five-Year Strategy (July 1993-June 1998) and Program of Work for
FY 93-94

211-

B. Appointment of Lay Members to the Advisory Planning Commission

212

C. Review and Discussion on Resolution No. 91-11 Relative to Capital
Financing Committee

213-217

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Receipt of May Financial Statement and Check Register

B. Legal Committee

C. Capital Financing Committee

XI. REPORTS

A. Executive Director

1. Status Report on Processed Projects

218

2. Status Report on IPES and Land Capability Determinations

219

3. Other

B. Agency Counsel

C. Governing Board Members (No Action)

XII. RESOLUTIONS

XIII. PUBLIC INTEREST COMMENTS (No Action)

XIV. ADJOURNMENT

I. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. Unmet Transit Needs for Placer County, Adoption of Resolution

220-

B. Unmet Transit Needs for El Dorado County, Adoption of Resolution

227

- C. Confirming the TRPA and El Dorado County Proposition 116 Non-Urban County Transit Fund Distribution, Adoption of Resolution
- D. Proposition 116 Non-Urban County Transit Applications Submitted for Consistency With Regional Transportation Plan/Air Quality Plan, Adoption of Resolution

228-229
230-232

CONSENT CALENDAR

| <u>Item</u> | <u>Recommendation</u> |
|---|---|
| 1. TRPA/Caltrans Overall Work Program FY 93-94 | Adoption by Resolution 1-41 |
| 2. U.S. Forest Service, Tahoe Mountain Timber Harvest/Hazard Reduction Project, 1,521 Acres, Resource Management, El Dorado County, File #580-101-93 | Approval With Findings And Conditions 42-54 |
| 3. Trimont Land Company/North Star at Tahoe, Mt. Pluto Restaurant Facility, Special Use Determination, Placer County APN 110-070-15 | Approval With Findings And Conditions 55-64 |
| 4. Owens Self-Serve Car Wash, Major Plan Revision, Commercial Floor Area Addition, 8775 North Lake Boulevard, Kings Beach, Placer County APNs 90-192-17 and -33 | Approval With Findings And Conditions 65-87 |
| 5. California Tahoe Conservancy, Alpine Meadows Ski Area Special Use Determination, Sherwood Chair Lift Replacement and Snack Shack Addition, Placer County APN 83-010-50 | Approval With Findings And Conditions 88-98 |
| 6. Independent Sanitation, Incline Village Transfer Station Building Addition, 1076 Tahoe Boulevard, Washoe County APN 130-152-15 | Approval With Findings And Conditions 99-112 |
| 7. Livoni, Special Use Determination, Potential Avalanche Hazard Area, 410 Gonowable Road, Crystal Bay, Washoe County APN 123-145-05 | Approval of Findings 113-122 |
| 8. Supply-One, Inc., Special Use Determination, Commercial Building Addition/Remodel, 2970 Highway 50, El Dorado County APN 34-671-01 | Approval of Findings 123-130 |
| 9. Smith, Appeal of IPES Score, Placer County APN 84-032-17 | Approval 131-133 |

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that any item be removed from the calendar, it will be taken up separately under the appropriate agenda category.

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 procedure 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.

- Article III (g) Public Law 96-551

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe Council Chambers
South Lake Tahoe, California

May 26, 1993

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Wayne Chimarusti called the regular May 26, 1993, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:35 a.m. and asked Vice Chairman John Upton to lead in the Pledge of Allegiance.

II. ROLL CALL AND DETERMINATION OF QUORUM

Chairman Chimarusti noted that Ron James was sitting in as Nevada Governor Bob Miller's appointee for this meeting.

Members Present: Mr. James, Mr. Waldie, Mr. Kanoff, Mr. Sevison, Ms. Lau,
Mr. Klein, Ms. Bennett, Mr. Westergard, Ms. Neft,
Mr. Bradhurst, Ms. Hagedorn, Mr. Upton, Mr. Chimarusti
Members Absent: Mr. Cronk, Presidential Appointee (position vacant)

III. APPROVAL OF MINUTES

Mr. Chimarusti asked that page 19 of the April 28 minutes be amended to include Mr. Cronk's name in the roll call. The minutes as drafted showed Ms. Hagedorn voting twice on the rental car ordinance.

MOTION by Mr. Klein to approve the April 28 minutes as amended. The motion carried unanimously.

IV. APPROVAL OF AGENDA

MOTION by Ms. Lau to approve the agenda as presented. The motion carried unanimously.

V. CONSENT CALENDAR

Deputy Director Jerry Wells advised that the Finance Committee had previously discussed use of shorezone mitigation funds for preparation of an EIS. Committee Chairwoman Kay Bennett had at that time asked for separate Board action on this consent calendar item (3).

Mr. Waldie asked that items 10 and 11 (Martin/Wheeler/Krause pier relocation and LaTourette pier and boathouse repair) be acted on separately.

Mr. Westergard asked for clarification only on the Graham/LaMarca multi-family triplex items (6 and 7). He did not want them taken off calendar.

Mr. Klein asked that item 1 (Garza commercial change in operation) be acted

TRPA REGULAR MEETING MINUTES MAY 26, 1993

on separately, as requested by an April 16 letter from Mr. King, of McGee Plumbing. (Copies were distributed to Board members prior to the meeting).

Deputy Director Jerry Wells explained that Mr. King's concerns on the Garza matter had been resolved with added conditions of approval.

In response to Mr. Westergard's question about the Graham/LaMarca applications (items 6 and 7), Senior Planner Lyn Barnett explained the provisions regarding use of bonus units for multi-residential structures. A structure of four or fewer units normally would be reviewed by the City of South Lake Tahoe under the existing MOU. The reason these projects were before the Board was because the MOU did not cover applications which proposed to use bonus units.

Ms. Lau noted that there was a memo in the packet requesting continuance of consent calendar item 12 (the Forest Service, Tahoe Mountain Timber harvest/hazard reduction project) to the June meeting.

MOTION by Mr. Klein to accept the consent calendar with items 3, 10, and 11 being acted on separately. The motion carried unanimously.

(Following are items approved on the consent calendar: 1. Garza, Commercial Change in Operation, Special Use Determination, El Dorado County APN 23-191-19; 2. Layton, Commercial Building Remodel, 8325 North Lake Boulevard, Kings Beach, Placer County APN 90-075-21; 4. South Tahoe Public Utility District, South Upper Truckee Backup Generator, Special Use Determination, El Dorado County, APN 36-581-01; 5. Boland, New Commercial/Residential Building, 8445 Brock Avenue, Kings Beach, Placer County APN 90-122-19; 6. Graham/LaMarca, Multi-Family Triplex Dwelling 1089 Herbert Avenue, City of South Lake Tahoe, El Dorado County APN 27-202-06; 7. Graham/LaMarca, Multi-Family Triplex Dwelling, 1097 Herbert Avenue, City of South Lake Tahoe, El Dorado County APN 27-202-11; 8. Amendment of TRPA/Caltrans Overall Work Program FY 92-93 (Resolution No. 93-11); 9. Agate Bay Water Company, Replace and Enlarge Existing Community Water Tank, Special Use Findings, Placer County APNs 116-010-07 and -08; 13. Release of Water Quality Mitigation Funds (\$25,021) to El Dorado County for Final Payment on Vector and Sweeper Trucks)

Release of Shorezone Mitigation Funds for EIS Preparation
Relative to Reconsideration of the Location Standards for
Certain Shorezone Structures (Consent Calendar 3.)

Associate Planner Coleen Shade summarized the staff request to use \$90,000 of the shorezone mitigation funds for preparation of an EIS in response to the requirement in Code Chapter 54 to reconsider shorezone relocation standards. A letter from Todd Carr, of Vail Engineering, expressed concern that the document would not meet the environmental documentation requirements of California State Lands. While staff could not guarantee the document would satisfy the State, staff was coordinating the effort with State Lands, since the State did not have funding or the resources to be the lead agency on preparation of the document. Staff hoped that the document could serve as a functional equivalent to the required EIR, should the State choose to change its shorezone policies relating to Lake Tahoe.

Mr. Todd Carr, from Vail Engineering, suggested that shorezone mitigation

TRPA REGULAR MEETING MINUTES MAY 26, 1993

funds collected primarily for California projects be used to benefit future California projects. On the issue of cooperation, TRPA could only ask for coordination from California State Lands; there was no guarantee that the document would be sufficient for the State. Both California Fish and Game and Nevada Wildlife Departments had policies that recommended against docking facilities in fish habitat areas.

Mr. Wells presented more information on the State's position regarding a functional equivalent document, the requirement for TRPA to reconsider location standards pursuant to completion of the fish habitat study, the range of topics to be covered in the study, and whether \$90,000 was sufficient to prepare an inventory of existing and potential pier structures in all areas around the Lake.

Executive Director Dave Ziegler explained that the study responded to a Code requirement for reconsideration of location standards for structures in the shorezone. The study would be a comprehensive disclosure of all impacts reasonably foreseeable in the shorezone; it would be a cumulative impact study.

Mr. Westergard suggested that the study not be confined only to evaluation of changing the standards within the fish habitat areas. If the study was to be used to determine whether there would be additional restrictions placed not only within the fish habitat areas but elsewhere in the Basin, then the study might be worthwhile. He could not see spending \$90,000 now when a year from now there may be enough concern about proliferation of piers to say there would not be any more single use, residential, or other types of piers. There were a whole series of questions of extreme concern to some of the Board members in this area; if the study would address these concerns, then the money was well spent. Without this assurance he could not support the release of funding.

Mr. Ziegler explained that the result would be the same whether the study was a cumulative study which looked at every possible act of development in the shorezone or a study treated as the cumulative impact portion of an EIS on a specific action (the action in this case being adjustment of the pier location standards). The Code required the study to address the cumulative impacts of every foreseeable activity in the shorezone; the linking of the study to location standards enabled staff to move more quickly on the location standards, if the Board chose to change them down the road. The end result would be the same, in any case, because of the need to analyze alternative scenarios.

Mr. Westergard asked that the record reflect this concept, because as currently worded the \$90,000 was for the purpose of preparing an EIS for the reconsideration of the location standards. He wanted the purpose expanded to take in the evaluation of the impacts of piers in the Tahoe Basin.

Mr. Ziegler suggested that the wording be changed to state that the purpose of the release of the funds was to investigate the cumulative impacts of all reasonably foreseeable development in the shorezone and also, in that context, to look at the impacts of changing the pier location standards.

TRPA REGULAR MEETING MINUTES MAY 26, 1993

Mr. Westergard concurred with the clarification.

Ms. Shade explained that this modification would not change the money amount. There would be a cap on expenses in the Request for Proposals.

Ms. Hagedorn asked that the Scenic and Recreation Values element of the study include an inventory and mapping of public access opportunities to the Lake.

Ms. Shade responded that the public access inventory was pretty spotty at the present time, and she would make sure it was included in this summer's surveys. The survey would take in the whole shoreline, much of which would be walked. Public access information would be addressed on a per parcel basis.

To the continuing concern that there be some buyoff by the California State Lands on the results of the study, Mr. Wells suggested that it was not likely that State Lands would sign an MOU with TRPA on this particular issue because of the political climate and the sensitivity of the issue. The best staff could do was to work with State staff to get as high a level of commitment as possible.

The Board discussed the depth and detail that could be obtained for \$90,000, the fact the study would primarily be conducted in-house with the use of mentors as necessary for additional expertise, the use of pre-existing documents where appropriate, and the recent Code amendment which authorized use of mitigation funds to conduct the study.

MOTION by Mr. Upton to approve release of shorezone mitigation funds as discussed. The motion carried with Mr. Chimarusti abstaining.

Martin/Wheeler/Kraus Pier Relocation and Expansion,
Multiple-Use Determination, Placer County APN
85-202-01 (Consent Calendar Item 10.)

Associate Planner Jim Lawrence presented the staff summary of the proposal to remove one existing pier and to relocate one existing pier as a multiple-use pier. The piers currently were out of the water. Staff recommended approval of the application.

Mr. Waldie questioned whether the pier was "unserviceable" under the Code definition and no longer served the purpose for which it was designed. If the pier was not serviceable because it was out of water due to siltation from Blackwood Creek, he questioned whether the pier would qualify for multiple use. If the pier was unserviceable because it was no longer in the water, it was certainly unusable. If it was unserviceable for the requisite number of years, it could not be improved, enlarged, or altered. The pier was also in a fish habitat. Multiple use policy was designed because it theoretically diminished the impact of piers. A multiple use was permitted only if the land owner agreed not to develop or use an existing pier where there was a right to build. If the property owner on the adjoining lot were to request a single use pier in this fish habitat area, he could not get one; he therefore was not giving up anything. There was not much of a sacrifice if the pier being given up was not an existing pier but a potential pier.

TRPA REGULAR MEETING MINUTES MAY 26, 1993

Staff responded to questions regarding proposed conditions of approval, the pierhead line, other entity review procedures and comments relative to navigational safety, and previous disturbance of the Blackwood Creek Watershed.

Hydrologist and landscape architect Brent Thrans, on behalf of the application, distributed copies of site photos and aerial photographs showing configuration of Blackwood Creek, the structures in the shorezone, and scenic impacts. Mr. Thrans presented information on the rechanneling of Blackwood, the buildup of siltation, logging, quarry activities, the location of the structures, the proposed modifications, and the scenic impacts. The applicant was willing to proceed with a multi-use facility and was willing also to shorten the pier as the deposition dispersed due to natural causes. Mr. Thrans responded to questions.

Mr. Gregg Lien, representing the applicants, addressed the history of the area, public trust and ownership issues, the effort to provide pier use to the properties while reducing the impacts, and the fact that applications were on file with TRPA for various shoreline activities (pier extensions, dredging) over the last ten years. Mr. Lien also discussed the stopping of the clock on the serviceability determination with the filing of an application, the public interest being served with the multiple use approach (one pier instead of three potential), the scenic benefits, public access, and Fish and Game and Army Corps of Engineers positions.

MOTION by Mr. Sevison to approve the Martin/Kraus/Wheeler application as outlined with proper conditions and findings.

Mr. Westergard noted that condition 18 required removal in the event that natural processes operated to remove the material which had accumulated beneath and adjacent to the existing Martin pier. He wanted the action conditioned on having the applicants assume the responsibility for reporting on this condition; failure to do so constituted a violation of the permit terms.

Mr. Lien, on behalf of the applicant, agreed to monitor the condition and to a condition that there be an annual reporting process or something similar.

Mr. Waldie advised he would vote in opposition to the project, although it was as good a project as any he had seen. He opposed it, however, because the condition that had necessitated the application was a natural condition that, by all the testimony, would solve itself. He could find no great public interest to be served in the application with the exception that the private interest which had been so intrusive on the public interest would be less so. TRPA was about to enter into a major shorezone study dealing with precisely the issues raised in the discussion. Yet, TRPA was continually moving along as if that study had no particular relevance to what the Board was doing. If the study had any meaning at all, the Board ought not to be acting on pier applications until the study was completed.

Chairman Chimarusti noted that findings for an earlier effort by the applicant to obtain approval of a single use pier to extend beyond the pierhead line on this property could not be made; the applicant was encouraged by staff at that

TRPA REGULAR MEETING MINUTES MAY 26, 1993

time to seek a multiple-use pier.

Mr. Thrans suggested it would be decades before the situation would change, according to an engineer's report.

Ms. Hagedorn commented that, while she understood Mr. Waldie's concerns, she was impressed with the elimination of two piers. She assumed the door would be open if the pier to the south could be co-joined with the multiple use pier in place.

The motion carried on the following vote:

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| Ayes: | Mr. Upton, Mr. Kanoff, Mr. Klein, Ms. Lau, Mr. Sevison, Mr. Bradhurst, Ms. Neft, Mr. James, Ms. Hagedorn, Mr. Westergard, Mr. Chimarusti |
| Nays: | Mr. Waldie, Ms. Bennett |
| Abstain: | None |
| Absent: | Mr. Cronk |

La Tourette, Pier and Boathouse Repair/Modification,
Multiple-Use Determination, Placer County APN
117-020-08 (Consent Calendar Item 11.)

Associate Planner Jim Lawrence presented the summary of the proposed reconstruction of an existing pier and boathouse and the addition of a boatlift. The boatlift could be permitted if the pier was recognized as a multiple use. One of the two parcels involved would be deed restricted to prevent future pier construction. Ten families would be using the pier. While a pier currently could not be permitted on one of the parcels because it was in a fish habitat, there was a potential for future construction, should TRPA modify its regulations. The lots involved in the proposal were all in a single family trust ownership involving ten families.

Mr. Waldie asked if the multiple use designation could be approved in view of the single trust ownership of the lots in question. He questioned whether the single ownership was in compliance with the Code section that required the facility to be used by "other littoral property owners." The other users in this case were all in the same trust.

Mr. Blanck explained that a strict interpretation of the Code would require a different name on the title of the two parcels. In the past, staff had interpreted the Code in such a way that the end goal or result was to have more than one family using the facility.

Mr. Waldie questioned the appropriateness of the multiple use pier determination. Though there were two lots under the same ownership, retiring one of those lots would not be a reduction in potential development. If a family owned two parcels, it was highly unlikely that the family would request two piers. The decision did not follow the Code. While the installation of an extra boat lift had little impact on the public interest, he was concerned with the loose interpretation of the Code in an area where every loose interpretation added impact against the public interest. The loose interpretation that provided a multiple use was designed to relax standards

TRPA REGULAR MEETING MINUTES MAY 26, 1993

for the particular application. He was not ready to relax standards by loosely interpreting the Code.

Mr. Lawrence responded to questions on the configuration of the boat lift, the color of the structure, and the removal of pilings.

MOTION by Mr. Sevison to approve the La Tourette application as submitted with findings as outlined.

Mr. Wells explained that the extent of deviation from the standards for a single use pier was dependent on certain factors. One was the reduction of development potential; the other was the number of people utilizing the facility. Staff looked at all these points; and based on how much the applicant was working towards those findings, staff determined how much deviation could be permitted. In this case, all that was being done was to add a boat lift. If the applicant wanted to extend the pier 100 feet, staff would look at the request differently. The findings related not so much to the multiple use as to the extent of deviation. By approving this action, the Board was not committing to a future approval of a pier extension. Such a request would be taken up on its own merit.

The motion carried on the following vote:

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| Ayes: | Mr. Kanoff, Mr. Klein, Ms. Lau, Mr. Sevison, Mr. Bradhurst, Ms. Neft, Ms. Bennett, Ms. Hagedorn, Mr. Upton, Mr. Chimarusti |
| Nays: | Mr. James, Mr. Waldie, Mr. Westergard |
| Abstain: | None |
| Absent: | Mr. Cronk |

VII. SPECIAL DETERMINATION

A. Severance of McDonald's From Redevelopment Project #1 and Stipulation Regarding Reservation of Rights in Bankruptcy Proceeding

Agency Special Projects Attorney Susan Scholley summarized the contents of the redevelopment agreement, which included the relocation of McDonald's from its current site. Due to the time involved in the Ski Run hotel bankruptcy proceedings, the parties to the redevelopment had agreed that McDonald's could be permitted to make application to TRPA to proceed with its relocation. All parties to the bankruptcy and the redevelopment agreement had various contentions as to the validity of the permit for Project #1, and all parties wanted to make sure that, by letting McDonald's relocate, no one was making any concessions or jeopardizing positions and future arguments regarding the permits and agreements. None of the parties would use the relocation of McDonald's either against another party or as an argument in favor of a particular position. The League, the California Attorney General's office, and the City were agreeable to the action. The bankruptcy trustee had reviewed it and would hopefully be approving it.

Mr. Gary Midkiff, on behalf of McDonald's, advised that he was satisfied with the agreement.