

**TRPA  
GOVERNING BOARD  
PACKETS**

**DECEMBER  
1994**

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD MEETING  
COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on December 21 and 22, 1994, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The December 21 session will commence at 9:30 a.m. at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The December 22 session will commence at 8:00 a.m. at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada. The agenda is attached hereto and made a part of this notice.

All Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on December 21, 1994, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of the November financial statement and check register; 3) approval of salary increase for Agency Counsel and Special Projects Attorney, as per recommendation of the Legal Committee; 4) FY 1994-95 LTF allocation (\$283,235) to Placer County for TART service/operations; and 5) release of mitigation fund interest to TRPA for creation of erosion control needs database. (Finance Committee: Neft, Lau, Kanoff, Cole, Chairman Bennett)


NOTICE IS FURTHER GIVEN that on December 21, 1994, commencing at 8:30 a.m. at the same location, the Capital Financing Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) guidance on legislative and funding direction for 1995. (Capital Financing Committee: Westergard, Cronk, Waldie, (vacancy), Chairman Upton)

NOTICE IS FURTHER GIVEN that on December 21, 1994, at 9:15 a.m. in the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); and 2) authorization to file Petition for Writ of Certiorari in TSPC v. TRPA (Ninth Circuit Court of Appeals, 1994) (Legal Committee: Upton, Westergard, Waldie, Cronk, Chairman DeLanoy)

NOTICE IS HEREBY GIVEN that on Thursday, December 22, 1994, at 8:00 a.m. at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada, the Shorezone Policy Committee of the Tahoe Regional Planning Agency will meet for an all day training session. The agenda is attached hereto and made a part of this notice. (Shorezone Policy Committee: Bradhurst, Cole, Waldie, Westergard).

Date: December 12, 1994

By:

  
Jerry Wells  
Deputy 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.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

Horizon Casino Resort  
Stateline, Nevada

December 21, 1994  
9:30 a.m.

TRPA Office, 308 Dorla Court  
Zephyr Cove, Nevada

December 22, 1994  
9:30 a.m.

All items are action items unless otherwise noted.

Page #

AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal, and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE GOVERNING BOARD IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. APPROVAL OF MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 3)
- VII. PROJECT REVIEW
  - A. Placer County Department of Public Works, Tahoe City Urban Improvement Project, Placer County, Project #530-102-93
  - B. Altvater Trust/Schumacher, Modification of Permit Conditions for a Multiple-Use Pier Expansion Permit, Washoe County APNs 130-230-16 and -17
- VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS
  - A. Amendment of Chapters 2, 4, 13, and 43, and Other Related Amendments, to Limit Subdivisions and Urban Uses to Existing Urban Areas, to Set Criteria for Subdivisions in Preferred Affordable Housing Areas, and to Set Criteria for Adding Multi-Family Residential Uses to Plan Areas

47-96

97-103

104-141

- B. Amendment of Plan Area Statement 013, Watson Creek (Conservation), and Plan Area Statement 014, Cedar Flat (Residential), to Add APN 092-010-18 to Plan Area 014 **142-163**
- C. Reaffirmation of TRPA's Regional Transportation/Air Quality Plan **164-166**
- D. Amendment of Kingsbury Community Plan Chapter 4 Matrix to Clarify and Modify the Irrevocable Commitment **167-173**
- E. Amendment of Chapter 33, Allocation of Development, for Distribution of Residential Allocations to Parcels Below the IPES Line in 1995 **174-179**
  
- IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)
  - A. FY 1994-95 Local Transportation Fund Allocation (\$283,235) to Placer County for TART Service/Operations **180-182**
  
- X. APPEALS OF IPES SCORES
  - A. Michael Northcutt, Placer County APN 93-081-14 **183-213**
  - B. Dennis Voos, El Dorado County APN 25-580-06 **214-217**
  - C. Frederick Apar, Douglas County APN 03-172-16 **218-231**
  
- XI. ADMINISTRATIVE MATTERS
  - A. Election of TRPA Chairman and Vice Chairman for Two-Year Terms (1995-1996)
  
- XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION
  - A. Finance Committee
    - 1. Report on Committee Meeting
    - 2. Receipt of November Financial Statement and Check Register
    - 3. Approval of Salary Increase for Agency Counsel and Special Projects Attorney, as Per Recommendation of the Legal Committee
  
  - B. Legal Committee
    - 1. Report on Committee Meeting
    - 2. Authorization to File Petition for Writ of Certiorari in TSPC v. TRPA (Ninth Circuit Court of Appeals, 1994) **232-234**
  
  - C. Capital Financing Committee
    - 1. Report on Committee Meeting

D. Rules Committee

- 1. Report on Committee Meeting

XIII. REPORTS

A. Executive Director

- 1. Monthly Status Report

B. Agency Counsel

- 1. Monthly Status Report

C. Governing Board Members (No Action)

XIV. RESOLUTIONS

- A. For Roger Imsdahl - 11:45 a.m., Wednesday, December 21

235

- B. In Support of Transportation Restructuring Principles for Smaller Northern California Counties

236

XV. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. Lands of Sierra, Land Capability Challenge, El Dorado County APN 32-313-41	Approval	1-15
2. Olin, Special Use Determination, New Single Family Dwelling, 7498 North Ave., Placer County APN 112-150-19	Approval of Findings and Conditions	16-23
3. California Tahoe Conservancy, Sanitation Salvage Timber Harvest, El Dorado County APN 32-050-06	Approval of Findings and Conditions	24-29
4. South Tahoe Public Utility District, Sanitation Salvage Timber Harvest, El Dorado County APN 25-040-12	Approval of Findings and Conditions	30-37
5. Pinewood Cooperative Apartment, Condominium Conversion, Special Use Determination, Washoe County APN 127-23-06	Approval of Findings and Conditions	38-44
6. Release of Mitigation Fund Interest to TRPA for Creation of an Erosion Control Needs Database	Approval	45-46

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 in 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 require 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

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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. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GHI office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY  
SHOREZONE POLICY COMMITTEE  
TRAINING SESSION

The following is an agenda for the training session to be held for the Governing Board members of the Shorezone Policy Committee on December 22, 1994, from 8:00 a.m. to 5:00 p.m. at the TRPA offices, 308 Dorla Court, Zephyr Cove, Nevada.

8:00 a.m.	Public Interest Comments Introduction Evolution of the Shorezone Policies Shorezone EIS and Cumulative Impact Analysis
8:45 a.m.	Current Shorezone Ordinances Project Review Process Coordination with other Agencies
9:30 a.m.	Current Compliance Procedures Coordination With Other Agencies
10:15 a.m.	Other Agencies with Jurisdiction
11:30 a.m.	Morning Wrap-up
12:00 p.m.	WORKING LUNCH Slide Presentation *
1:00 p.m.	Field Trip (weather permitting) **
4:00 p.m.	Training Wrap-Up and Governing Board Shorezone Committee Comments (back at TRPA offices)

\* Lunch will be provided for Governing Board Committee members

\*\* Members of the public planning to participate in the field trip will need to provide their own transportation. Carpooling is strongly urged.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

South Lake Tahoe City Council Chambers

November 16, 1994

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Wayne Chimarusti called the regular November 16, 1994, 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 to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

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

III. PUBLIC INTEREST COMMENTS

Chief of Project Review Rick Angelocci introduced new Assistant Planner Vanessa Mongeon to the Board members. Mr. Angelocci thanked Mr. Chimarusti for the support he had given staff over the last two year during his tenure as TRPA Board Chairman. (This was Mr. Chimarusti's last meeting.)

IV. APPROVAL OF MINUTES

MOTION by Ms. Lau to approve the October 26, 1994 regular meeting minutes as presented. The motion carried unanimously.

V. APPROVAL OF AGENDA

The Chairman and staff noted the following: 1) Altvater Trust/Schumacher to be taken up after the lunch recess; 2) the Chase settlement to be taken up after action on the Consent Calendar; 3) amendments to Chapter 82, the Bugalski IPES appeal, and the water quality and SEZ restoration efforts to be taken up after the Chase matter; 4) the California Tahoe Conservancy report on Lake Christopher restoration to be taken up at 11:15 a.m.; 5) amendments to Chapter 43 to be continued to the December meeting; 6) approval of salary increase for Agency Counsel and Special Projects Attorney to be continued to the December meeting.

MOTION by Mr. DeLanoy to approve the agenda as modified. The motion carried unanimously.

VI. CONSENT CALENDAR

Deputy Director Jerry Wells asked that item 4 (South Tahoe Public Utility District emergency generator) be taken off the calendar and acted on separately, at the request of Mr. Joseph Holt, an affected property owner.



TRPA REGULAR MEETING MINUTES NOVEMBER 16, 1994

Consent item 6 (Schumacher/Williamson resolution of enforcement) should be taken up on the regular agenda after the lunch recess.

MOTION by Mr. Cole to approve items 1, 2, 3, and 5 on the consent calendar. The motion carried unanimously.

(Following are items approved: 1. Pat Walsh, Land Capability Challenge El Dorado County APN 36-391-12; 2. Tahoe Beach and Ski Club, Tourist Accommodation Sales Office Addition, Special Use Determination, 3601 Lake Tahoe Boulevard, City of South Lake Tahoe, El Dorado County APN 27-040-30; 3. Nextel Communications, Smart SMR of California, Inc., Panel Antenna Additions, 55 Highway 50, Douglas County APN 07-040-14; 5. South Tahoe Public Utility District, New Emergency Generator, Spill Contingency Project, El Dorado County APN 25-061-32)

South Tahoe Public Utility District, New Emergency Generator, Special Use Determination, El Dorado County APN 36-370-35 (consent calendar item 4)

Senior Planner Lyn Barnett presented a brief summary of the proposed new 2,400 kilowatt diesel fuel emergency generator at the Luther Pass pump station in Meyers. The generator was needed to provide emergency power to the pump station in the event of a major power outage and, if needed, to pump treated effluent out of the Tahoe Basin. The November 14 letter of objection (copy distributed) from neighboring property owner Joseph Holt raised concerns with generator noise. An Environmental Assessment (EA) done for the project specifically addressed noise and carbon monoxide (CO) emissions. Because of the potential to exceed emission standards, the generator would not be permitted to operate for more than 1.5 hours in any one day, except in an emergency. Because the site did not meet the CNEL noise level threshold for the applicable Plan Area, staff proposed mitigation requiring that the generator not produce more than 80 decibels at a distance of 50 feet, that there be an evaluation of the noise after installation of the generator to determine if additional mitigation was necessary, and that the generator use be limited to emergency and testing conditions only. The existing generator would be made quieter than it currently was. Mr. Barnett responded to Board member questions regarding noise testing and timing.

Mr. Richard Solbrig, STPUD Assistant Manager, presented information on the expertise of the noise monitoring company (Brown & Buntin), the District's commitment to the effectiveness of noise mitigation, the District's recognition that the approval would not result in increased pumpage capacity, the fact the generator would not be tested for more than 1 hour per month (as required by the Air Resources Board), and limitations on usage. The District could hold effluent at the sewer plant for up to four hours without having to use the emergency storage basin. Construction would be reviewed and approved by the Lake Valley Fire District to insure that plans for fuel storage, fuel, tank design, and vegetation removal met all regulations.

Mr. Joseph Holt, a nearby resident on Grass Lake Way, spoke in opposition to the proposal, citing the worsening of the current power brown-outs, the fire hazard caused by stored fuel, and the intense noise levels of the current

TRPA REGULAR MEETING MINUTES NOVEMBER 16, 1994

generator. He urged Board members to visit the site before acting on the project so that they could hear the sound of the temporary generator on the site.

The Board members discussed mitigation measures, sound attenuation, noise testing, the need for the project in emergency situations, the proposal for more electrical power in the Meyers area in emergency situations, and the ability of the Fire Department to pump from the storage tanks in an emergency fire situation.

Mr. Chuck Siegel and Mr. Kendall Pierce, nearby residents, both spoke in opposition to the proposal, citing concerns with storage of fuel on the site, fire hazard, and noise levels.

Mr. Upton noted that the District and staff were sensitive to the concerns expressed by nearby residents and the need and importance of following up on all mitigation. He also noted that one of the STPUD board members lived on Grass Lake Road near the proposed generator.

MOTION by Mr. Upton to make the findings necessary to approve the STPUD emergency power generation project. The motion carried unanimously.

MOTION by Mr. Upton to approve the project with conditions as proposed. The motion carried unanimously.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

B. Legal Committee

4. Settlement of TRPA v. Chase

Agency Counsel R. J. Nicolle presented the Legal Committee's recommendation for approval of a settlement in the Chase matter that would include a \$14,000 cash penalty settlement, removal of all boathouse modifications except for necessary exterior lighting (which would be shielded to direct lighting downward), and necessary planting. The planting had already occurred. The settlement would also require a deed restriction to prevent future residential or living use of the boathouse.

MOTION by Ms. Lau to approve the TRPA v. Chase settlement as proposed by Agency Counsel. The motion carried unanimously.

X. PLANNING MATTERS

A. Staff Presentation on Water Quality and Stream Environment Zone (SEZ) Restoration Efforts

Senior Planner Carl Hasty provided the Board with a handout ("Water Quality Program") and, using an overhead projector, presented information on the Lake's hydrologic cycle, threshold components and standards, SEZ restoration, erosion control, BMP retrofit, and water quality program partners. He responded to Board member questions about neighborhood improvement districts

TRPA REGULAR MEETING MINUTES NOVEMBER 16, 1994

to achieve areawide programs, the importance of education, funding needs, the need to focus on the primary contributors to water quality problems (not just the individual parcel owner), GIS information and data, TRPA priority projects for erosion control and SEZ restoration, and Board member concerns regarding the accuracy of and ability to achieve thresholds.

Mr. Chimarusti encouraged the Board in its future decisions to stick to the targets and to pursue them, even though they were ambitious. Delaying implementation of solutions would make needed decisions harder to make and more expensive and difficult to implement. Damage to water quality would continue to increase. He urged the Board to have the courage to pursue TRPA's goals aggressively and not delay them. The problem was incremental and was caused by all contributors.

Mr. DeLanoy complimented Mr. Hasty for the presentation and asked staff to summarize the material and charts into a packet of material which could be made available to new Board members.

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

D. Amendment of Chapter 82 Related to Use and Distribution of Mitigation Funds

Senior Planner Carl Hasty explained that the proposed amendment would permit interest earned on water quality mitigation funds to be used for water quality planning. The project in mind was creation of data base and GIS systems so TRPA could assess what improvements were needed and to track improvements which had been done. The Capital Financing Committee discussed this last month and the Finance Committee took it up this morning. While mitigation funds could not be used for planning purposes, interest from the funds could be used. Staff would be coming to the Board at a later meeting with costs. The proposal would not conflict with local government public works departments, which would also have access to the information once accrued. Although available funds would not be used for lobby purposes, the information generated from the effort could be used in lobbying efforts by the Capital Finance Committee and others. The Advisory Planning Commission (APC) reviewed this and recommended unanimously in favor of the amendment.

No one wished to speak during the public hearing. The hearing was closed.

MOTION by Mr. Upton to make the findings necessary to adopt amendments to Chapter 82 as outlined. The motion carried unanimously.

Chairman Chimarusti read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency; Amending Chapter 82 of the Code of Ordinances Relating to Water Quality Mitigation Funds; and Providing for Other Matters Properly Relating Thereto.

MOTION by Mr. Upton to adopt Ordinance No. 94-24. The motion carried unanimously.

TRPA REGULAR MEETING MINUTES NOVEMBER 16, 1994

IX. APPEALS

A. Bob Bugalski, Appeal of IPES Score, El Dorado County APN 015-323-13

Senior Planner Carl Hasty explained that the original field work found the Bugalski parcel to be 100% Stream Environment Zone (SEZ); follow-up field work resulting from the appeal found that, while two-thirds of the parcel was SEZ, the remainder was not, bringing the parcel's 0 score to 109. The 109 score was the IPES team recommendation. The applicant was requesting a 0 score.

Agency Special Projects Attorney Susan Scholley reminded the Board that the scope of the appeal was limited to the scoring and technical aspects of IPES, not to how a score would affect acquisition potential. The Board should focus on the technical information only.

Mr. Paul Kaleta, with Basin Strategies, on behalf of the appellant, presented the history of the IPES work on the parcel. In looking for solutions for the property owner, he had contacted the Forest Service but had learned that there was not as much money available for acquisition as in the past. However, a private party had indicated he would trade Mr. Bugalski for the parcel if it had a 0 score, not the 109 score. Adequate data had been submitted into the record to indicate that TRPA's original IPES team found a 0 score. Independent experts had also determined that the site was 100 percent SEZ. This data was all in TRPA's files. He did not feel that the IPES criteria were applied correctly and the Board should not go along with the 109 score. If the Board could not agree to a 0 score, he asked that the matter be continued so he could address access and utility questions.

Mr. Upton suggested that, because there were two reports in the file indicating a 0 score and one that said 109, there was Board discretion in this matter.

Ms. Scholley noted that the vote for approval of the requested 0 score was 5 in California and 9 total.

MOTION by Mr. Upton to modify the score on the Bugalski parcel from 109 to 0, based on the information in the record. The motion failed on the following vote:

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

MOTION by Mr. Upton for continuance. The motion carried unanimously.

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS (continued)

A. Lowering the IPES Line in Douglas County

Agency Special Projects Attorney Susan Scholley distributed a revision to

TRPA REGULAR MEETING MINUTES NOVEMBER 16, 1994

Criteria #4 under the compliance finding for movement of the IPES line and presented the summary of the findings which were at issue when the item came up last month, i.e. capital improvement program progress and compliance with project conditions. The County had spent \$200,000 on the Glenbrook curve revegetation project and in 1995 would have funding to complete the project and commence the Skyland water quality improvement project. Staff recommended favorably on the capital improvement program finding. There were no problems with Findings 1 (eligibility under the 208 Plan), 2 (vacant lot equation), and 3 (monitoring). Ms. Scholley summarized the status of criteria under Finding 5 (compliance with project conditions) and particularly Criteria #4 regarding the percentage of projects which were issued notices of violations. It was the intent of the IPES criteria to address the satisfactory compliance with project conditions of approval. Violations that arose out of "unpermitted" activities were never intended to be included in this criteria. Staff therefore subtracted two of the four violations because they were unpermitted activities. The distributed revision showed that the two violations were resolved by the end of the year, making Douglas County 100% in compliance with the criteria. (Staff also looked at Washoe County and determined that its one unresolved violation was also an unpermitted activity; Washoe County should have shown that it, too, had no unresolved violations.) Staff felt that all compliance findings could be made for the compliance criteria. The number of allocations used in Douglas County in 1993 was 15, thus making the new eligible score 695. A property would have to have a score of 695 or better to be eligible to build. The number of points that could be purchased would be 69 points. Because of the California State Water Resources Control Board conditional certification of the 208 Plan, the effective date of the new line would be in 90 days from adoption of the ordinance (February 15, 1995). The APC unanimously recommended all four findings and on the fifth finding left up to staff a decision on whether the additional research would justify acting this month.

Ms. Bennett objected to removing unpermitted activities from the required finding because it removed an incentive for local governments to insist and ensure that activities were conducted with permits. The criteria should be changed to include those unpermitted activities in the equation. She was disappointed that violations and such deliberate acts were not addressed, since it was one of the greatest incentives in achieving compliance.

Mr. Chimarusti noted that the formula was set by the existing Code provisions, and the decision to drop the unpermitted activities from the equation was not a matter of discretion.

Ms. Scholley explained that the required finding according to the Goals and Policies, the 208 Plan, and the Code was that the level of compliance of conditions of project approvals within any jurisdiction was satisfactory. The reason for this was because all the IPES criteria for lowering the criteria were things which were within the control of TRPA and/or the counties. Expenditures on CIP projects, installation of monitoring programs (not the results), retirement of parcels below the line, and conditions of approval all related to projects. The finding was not to deal with the uncertainties, although there was still an incentive for TRPA and local jurisdictions to pursue unpermitted activities.

TRPA REGULAR MEETING MINUTES NOVEMBER 16, 1994

MOTION by Mr. Kanoff to approve Resolution No. 94-20, lowering the IPES line in Douglas County. The motion carried on the following vote:

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

The meeting recessed for a lunch break from 12:00 to 1:05 p.m.

X. PLANNING MATTERS (continued)

C. Presentation by California Tahoe Conservancy on Lake Christopher Restoration Project

Mr. Tim Oliver, representing the South Lake Tahoe Public Works Department, noted that 13 organizations and/or persons were involved in the Lake Christopher restoration effort. He located the site on a large aerial photograph and described the history of the site leading to its restoration.

California Tahoe Conservancy representative Steve Goldman showed slides and described in detail the restoration project at Lake Christopher.

Mr. Lee Schegg, with the North Tahoe Public Utility District, introduced the Griff Creek restoration discussion and explained the past uses on the site and the restoration goal.

Mr. Bill Hoffman, from the Conservancy, showed slides and described the Griff Creek restoration project.

Mr. Goldman briefly described the Conservancy's next restoration project in the Truckee River/Cove East area in South Shore and responded to Board member questions.

No Board action was taken.

VII. PROJECT REVIEW

A. Altwater Trust/Schumacher, Pier Modification and Multiple-Use Determination, Washoe County APNs 130-230-16 and -17

Associate Environmental Specialist Doug Smith presented a summary of the proposal for two adjacent littoral parcels to obtain a multiple-use finding in exchange for adding a second boatlift to an existing pier. Mr. Smith distributed a revised page 57 for the packet material and explained that the change would delete special condition K. requiring payment of a fine. Agency Counsel had determined that a fine was not appropriate in this matter. One condition of approval would require the recording of a deed restriction for both parcels to prohibit additional pier development. The pier was not located in a fish habitat. Because approval of the expansion required a decrease or reduction in the nonconformity of the existing boathouse, staff

TRPA REGULAR MEETING MINUTES NOVEMBER 16, 1994

was recommending removal of a handrail (railing) on top of the boathouse and the stairway leading up to it. Mr. Smith distributed photos of the structure.

The Board members questioned staff on ownership of the two parcels and whether the removal of the railing and stairway would qualify as reduction in nonconformity.

Mr. Waldie suggested he was not content with the extent of staff's search into the ownership question and whether there were truly two separate owners. He also questioned whether the removal of the handrail and stairway were sufficient reduction in nonconformity to meet the Code requirements and why neither the applicant nor his or her representative were present to respond to Board member questions.

Agency Counsel R. J. Nicolle advised that the application was filed on June 17, and the Board needed to hear it this meeting, without a request for a continuance from the applicant.

Mr. Smith explained he had advised the applicant's representative of the condition requiring removal of the stairway and railing. Mr. Smith also told the representative to let Mr. Smith know if the owners wanted the matter continued. Mr. Smith said the representative never informed Mr. Smith that they desired a continuance. With regard to a reduction in nonconformity, Mr. Smith explained that staff's interpretation of the Code would allow a reduction in nonconformity of the pier and not require the total removal of the nonconforming boathouse.

The Board members discussed the documentation of the reduction in nonconformity, the responsibility for the applicant to comply with the conditions if the second boat lift was approved, whether the conditions were acceptable to the applicant, and the reduction in development potential with the deed restriction. The members agreed that the litigation settlement was a separate matter from this project and would be discussed separately.

Ms. Vicki Hartigan, with Outside Counsel Tom Susich's office, explained that, although the boatlift was initially put in without a permit, the ultimate conclusion reached by the Board on the project must be kept separate from the litigation matter.

Mr. DeLanoy advised that initially Kern Schumacher had called him concerning Schumacher I because of his position as a TRPA Board member. Mr. Schumacher's legal counsel was Rick Campbell, who at that time was a member of Mr. DeLanoy's law firm. Since that time, Mr. Campbell had left the firm. He asked Agency Counsel whether Schumacher I and II were two separate items.

Ms. Nicolle concurred that these two cases were separate and distinct from each other.

The Board members discussed the required security, the color of the structure, whether precedent would be set with the approval, the status of the environmental impact report on shorezone structures, the potential that structures with environmental impacts would be removed by December 1999, and