

**TRPA
GOVERNING BOARD
PACKETS**

**MAY
1994**

NOTICE OF MEETINGS
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

NOTICE IS HEREBY GIVEN that on May 25 and 26, 1994, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The May 25 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 May 26 session will commence at 9:30 a.m. at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada. The official 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 May 25, 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 April financial statement and check register; 3) revisions to the FY 93-94 operating budget; 4) Executive Director salary; 5) Placer County request for release of air quality mitigation funds (\$39,000) for TART maintenance facility; and 6) resolution allocating State Transit Assistance funds to Placer County for TART. (Finance Committee: Klein, Neft, Lau, Kanoff, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on May 25, 1994, at 8:30 a.m. in the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) settlement offer concerning League to Save Lake Tahoe vs. TRPA and Committee for Lake Planning vs. TRPA case (Douglas County Community Plan litigation); 3) reallocation of Bitterbrush mitigation fund; 4) discussion of policy in dealing with fraudulent applications and/or signatures on TRPA applications; and 5) appeal by Grable Ronning of staff determination. (Legal Committee: Upton, Westergard, Waldie, Cronk, Chairman DeLanoy)

NOTICE IS FURTHER GIVEN that on May 25, 1994, during the lunch recess at noon, the Rules Committee will meet at Passaretti's Restaurant, 1181 Emerald Bay Road, South Lake Tahoe, California. The agenda will be as follows: 1) public interest comments (no action); 2) discussion of amendment of Rule 5.1 pertaining to complete and accurate application and authorization forms; 3) discussion of amendment of Rule 2.10 pertaining to deletion of the tentative agenda requirements; and 4) discussion of affirmative action amendments. (Rules Committee: Hagedorn, DeLanoy, Bradhurst, Lau, Chairman Waldie)

NOTICE IS FURTHER GIVEN that on May 26, 1994, at 9:00 a.m. the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada, the Capital Financing Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) capital financing plan and improvement program; and 3) local jurisdiction lists for City of South Lake Tahoe, Douglas County, and El Dorado County. (Financing Committee: Bennett, Westergard, Cronk, Waldie, Chairman Upton)

Date: May 16, 1994

By: 

Jerry Welis
Deputy Director

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

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

May 25, 1994
9:30 a.m.

TRPA Office, 308 Dorla Court
Zephyr Cove, Nevada

May 26, 1994
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. 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. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

- A. Amendment of 1994-1998 List of Additional Public Service Facilities to Add Fallen Leaf Lake New Water Intake and Treatment Facility and McKinney Water District Water Tank Replacement
(This item must be acted on prior to action on consent calendar item 11.)
- B. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvement in Vicinity of Parcel

102-112

113-131

VIII. APPEALS

- A. Grable Ronning, Appeal of Staff Determination to Stay Enforcement Action Against the Wilson Property Pending Resolution of Litigation

132-175

IX. ADMINISTRATIVE MATTERS

- A. Filling Nevada Lay Member Vacancy on Advisory Planning Commission 176
- B. Progress Report on the Three-Year Strategic Plan Objectives and the '93-94 Work Program Milestones for the Period of January 1 - March 31 177-
- C. Quarterly Report on MOUs Regarding Exempt Activities 180-181 179
- D. Quarterly Report on MOUs Delegating Review and Approval to Local Jurisdictions 182-185
- E. Recommendations Concerning Areas of Emphasis for the Nevada Legislative Committee to Continue Review of the Tahoe Regional Planning Agency (S.J.R. 7) 186-190
- F. Approval of Executive Director Salary 191-

X. PLANNING MATTERS

- A. Workshop on Interagency Planning Efforts for the East Shore (Nevada 28 and Adjacent Areas) - Wednesday, May 25, 1:30 p.m. 192

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee
 - 1. Report on Committee meeting
 - 2. Receipt of April Financial Statement and Check Register
 - 3. Revised Operating Budget FY 1993-94
- B. Legal Committee
 - 1. Report on Committee Meeting
 - 2. Settlement Offers Concerning League to Save Lake Tahoe vs. TRPA and Committee for Lake Planning vs. TRPA cases (Douglas County Community Plan Litigation)
- C. Capital Financing Committee
 - 1. Report on Committee Meeting

XII. RESOLUTION

- A. In Support of California Parks and Wildlife (CalPAW) Initiative (Proposition 180) 193-195

XIII. REPORTS

- A. Executive Director
 - 1. Status Report on Processed Projects 196

- 2. Status Report on IPES and Land Capability Determinations
- 3. Monthly Status Report
- B. Agency Counsel
- C. Governing Board Members (No Action)

XIV. ADJOURNMENT

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

- A. Resolution Allocating State Transit Assistance (STA) Funds to Placer County for TART 198-200
- B. Resolution Approving the Programming of Section 18(i) Funds (\$194,650) to the Tahoe Transportation District (TTD) for Operation of the Lake Lapper 201-202
- C. Resolution Approving the Programming of FY 1992-93 Section 18 Funds (\$24,461) for STAGE Operations 203-204
- D. Resolution Approving the Programming of Section 18 Funds (\$60,480) to the TTD for Six Bus Shelters and the Purchase of a Computer 205-206
- E. First Resolution Approving the Programming of Section 18 Funds (\$35,571) to the TTD for Operation of the Lake Lapper 207-208
- F. Second Resolution Approving the Programming of Section 18 Funds (\$35,571) to the TTD for Operation of the Lake Lapper 209-210

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. Foothills Farmers Market, Commercial Operation Highway 28 at Dollar Hill, Placer County APN 93-160-66	Approval of Findings and Conditions	1-7
2. Sayre/Topol, Lighthouse Shopping Center, Commercial Boat Operation, Special Use Determination, Placer County APN 94-110-19	Approval of Findings and Conditions	8-14
3. Bruce Davis, New Commercial Office Building, Commercial Floor Area Transfer, 2241 James Avenue, City of South Lake Tahoe, El Dorado County APN 23-211-37	Approval of Findings and Conditions	15-25
4. Martinelli, Single Family Dwelling Addition, Special use Determination, 3030 Lake Tahoe Boulevard, El Dorado County APN 025-010-22	Approval of Findings and Conditions	26-35
5. Hyatt, Resolution of Enforcement, Washoe County APN 127-010-02	Approval	36

- 6. Country Club Estates, Resolution of Enforcement, Approval
Washoe County APN 130-163-28 37
- 7. Placer County, Release of Air Quality Mitigation Approval 38
Funds (\$39,000) for TART Maintenance Facility
- 8. Schumacher II, Resolution of Enforcement, Approval 39 - 40
Washoe County APN 130-230-16, -17, -18
- 9. Choate, Single Family Dwelling Addition, Approval of Findings 41-49
Special Use Determination, Placer County and Conditions
APN 97-140-11
- 10. Gene Clothier, Resolution of Enforcement, Approval 50 -
1691 Michael Drive, Douglas County APN 03-024-07
- 11. Fallen Leaf Lake Lodge Homeowners Association, Approval of Findings 51-64
New Water Intake and Treatment Facility, Special and Conditions
Use Determination, El Dorado County APN 21-420-4
(This item will be acted on after action on agenda item VII. A.)
- 12. Mi Casa, Too Restaurant, Change in Commercial Approval of Findings 65-70
Operation, Placer County APN 94-070-09 and Conditions
- 13. Tahoe City Public Utility District, McKinney Approval of Findings 71-74
Well No. 2 and Emergency Generator Building, Special use Determination, Grouse Drive, Chamber-lands Subdivision, Placer County APN 97-050-29
- 14. Lake Tahoe Christian Fellowship, Church Building Approval of Findings 75-89
Expansion, 2941 Lake Tahoe Boulevard, City of and Conditions
South Lake Tahoe, El Dorado County APN 26-261-07
- 15. Lake Tahoe Airport, Replacement of South Hazard Approval of Findings 90-101
Beacon/Obstruction Light, El Dorado County APN and Conditions
34-771-01

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 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

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

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

April 27, 1994

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Wayne Chimarusti called the regular April 27, 1994, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:05 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. Uhler,
Ms. Cavin (for Ms. Lau), Mr. Klein, Mr. Joiner (for
Ms. Bennett), Mr. Cronk, Mr. Westergard, Ms. Neft,
Mr. Bradhurst, Mr. Upton, Mr. Chimarusti
Members Absent: Presidential Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS - See Mr. Hooper's comments (page 3)

IV. APPROVAL OF MINUTES

MOTION by Mr. DeLanoy to approve the March 23, 1994, regular meeting minutes as presented. The motion carried unanimously.

V. APPROVAL OF AGENDA

Chairman Chimarusti noted the following changes: 1) continuation of the Grable Ronning appeal (XI B); 2) withdrawal of status report on IPES ranking of parcels by jurisdiction (XII B); 3) addition of XIV, resolution for Capital Financing Committee; 4) continuation of consent calendar item 4 (Sagan Design Group new commercial office building and commercial floor area allocation, 2790 Lake Forest); and 5) continuation of Board appointment of Nevada lay member to the Advisory Planning Commission (VII A).

MOTION by Mr. Cronk to approve the agenda as discussed. The motion carried unanimously.

After discussion, Chairman Chimarusti directed that the Grable Ronning appeal be referred to the Legal Committee.

VI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

Mr. Joiner reported on each of the topics discussed by the Finance Committee.

1. Receipt of March Financial Statement and Check Register

TRPA REGULAR MEETING MINUTES APRIL 27, 1994

2. Resolution Establishing Salary for Acting Executive Director

MOTION by Mr. Klein to adopt Resolution No. 94-6 as recommended by the Finance Committee setting Jerry Wells salary while Acting Executive Director. The motion carried unanimously.

MOTION by Mr. Kanoff to accept the March statement and check register as recommended by the Finance Committee. The motion carried unanimously.

3. Allocation of CTRPA Indirect Source Review Fund Balance to Local Jurisdictions

MOTION by Ms. Neft to approve allocation of CTRPA ISR funds to local jurisdictions as recommended by the Finance Committee. The motion carried unanimously.

4. Placer County Mitigation Fund MOU

5. Washoe County Mitigation Fund MOU

MOTION by Mr. Klein to adopt both the Placer County and Washoe County MOUs as recommended by the Finance Committee. The motion carried unanimously.

6. Quarter Status Report on Project Securities - in the packet material

B. Legal Committee

Legal Committee Chairman Drake DeLanoy reported on the items discussed earlier in the day at the Committee meeting. The Walshaw matter was not taken up because no one was present for the Walshaws. The allocation of the Bitterbrush mitigation fund was continued to May, and the indemnity of the Governing Board members was addressed in an Agency Counsel memo which would be distributed to all Board members. The Fleur du Lac representative was present at the Legal Committee meeting and paid a \$10,000 fine from the contractor, not the owner (\$5,000 to TRPA and \$5,000 to Lahontan). The last item discussed by the Committee related to the \$15,000 Bitterbrush fine, which was to be paid by July 1, 1994.

MOTION by Mr. DeLanoy to adopt the Legal Committee's report. The motion carried unanimously.

C. Capital Financing Committee

Committee Chairman John Upton noted that the Governing Board's agenda was amended to add consideration by the Board of a resolution supporting the joint efforts of the League to Save Lake Tahoe and the Tahoe Basin Association of Governments (TBAG) to obtain federal funds for projects on the TRPA capital improvements list. The Committee would be meeting at the conclusion of the day to finalize the list of improvements for lobbying efforts next week in Washington. Mr. Upton asked that, when this matter came up, the Board would delegate the finalizing of the list to the Committee.

TRPA REGULAR MEETING MINUTES APRIL 27, 1994

Acting Executive Director Jerry Wells advised that Mr. Gordon Hooper, in the audience, had missed the public comment portion of the agenda and would like to make a brief presentation.

III. PUBLIC INTEREST COMMENTS - (continued)

Mr. Gordon Hooper, former chairman of the California Tahoe Regional Planning Agency from 1974 to 1980, spoke on behalf of Mr. Jim Baetge, one of the candidates for the TRPA Executive Director position. As CTRPA Chairman, he had hired Mr. Baetge on loan from Caltrans to serve as CTRPA Executive Officer. He did not want the TRPA Board in its deliberations on the hiring of a new director to in any way be influenced by Mr. Baetge's past involvement with the CTRPA. While with CTRPA, Mr. Baetge was a voice of reason, a person who calmed the waters, and a person who had made his job as chairman easier. Mr. Baetge was an excellent candidate for the Board to consider.

XIV. RESOLUTION

- A. Supporting the Joint Efforts of the League to Save Lake Tahoe and the Tahoe Basin Association of Governments (TBAG) to Obtain Federal Funds for Projects on the TRPA Capital Improvements List

Agency Counsel R.J. Nicolle distributed a resolution endorsing the League and TBAG efforts to obtain federal funds for implementation of the TRPA capital improvements list of projects. The resolution referenced a list which the Capital Financing Committee would be considering later in the day. The League and TBAG were referenced in the resolution because they were the two entities going back to Washington to seek project funding.

Mr. Klein questioned the specific reference to special interest groups. The City of South Lake Tahoe had a policy of not supporting one interest group above all others, and he would like to carry that forward here.

Chairman Chimarusti suggested the names of the groups were not the important issue; the important thing was what projects were on the list.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, advised that while the more people and groups involved the better, there needed to be a substantial commitment for the lobbying effort.

Mr. Upton explained that the short-term, top priority projects included cut slope improvements at Highway 50/Spooner Summit (\$5 million), Cove East habitat restoration (\$3.73 million), the North Tahoe PUD bike path, the rescinded Highway 50 bike path, and an Incline Village bike path. The focus of the committee was to find projects with the greatest visibility. Beyond that, the list was somewhat more general and would be made more specific in consultation with local jurisdictions. The focus was on air and water quality improvements.

MOTION by Ms. Hagedorn to adopt the resolution.

Ms. Mary Gilanfarr, for the Tahoe Sierra Preservation Council, advised that

TRPA REGULAR MEETING MINUTES APRIL 27, 1994

TSPC and the Tahoe-Truckee Regional Economic Coalition (TTREC) had been actively involved along with many others in selecting the capital improvements list. She was dismayed that the League was now claiming ownership of the basinwide effort of hundreds of participants. The list evolved out of a consensus effort. It was important to send a message to Congress that this represented the efforts of a great many people and groups and was not the sole product of one group.

Chairman Chimarusti asked that the resolution be reworded and brought back in the afternoon.

Mr. Waldie asked that the May meeting agenda contain a resolution in support of the California Parks and Wildlife (CalPAW) legislation. This June ballot issue would provide \$40 million to the Conservancy and others.

Ms. Hagedorn agreed to defer her motion on the Capital Financing Committee resolution.

VII. ADMINISTRATIVE MATTERS

B. Executive Director Vacancy

1. Interviews of Finalists

Agency Counsel R.J. Nicolle distributed a list of the candidates, a synopsis of her reference checks, a recent newspaper article about the finalists, and a summary of the interview schedule, as follows:

9:30-10:15 a.m.	James W. Baetge
10:15-11:00 a.m.	Alan R. Pendleton
11:00-11:45 a.m.	Ronald N. Short

Chairman Chimarusti reminded the Board members of the process to date, starting with the receipt of 134 applications for the position. Through staff and other participant screening, the applications were narrowed down to nine candidates who were interviewed by a Governing Board committee. The three finalists being interviewed today were recommended by the committee.

Following these comments, the Board interviewed the three candidates in open session and asked questions regarding, in part, previous work experience, why they were seeking the job, management style, the position and its relation to the Board and staff, the relationship between the environment and the economy, legislative experience, TRPA's existing strategic plan, transportation and environmental issues in the Tahoe Basin, and availability for the position.

The interviews concluded at 12:45 p.m. The Board members took a brief recess for lunch and started deliberations at 1:05 p.m.

2. Selection of Executive Director

The Board members discussed the qualifications of the candidates, what they were looking for in an Executive Director, the requirements of the position

TRPA REGULAR MEETING MINUTES APRIL 27, 1994

and past related experience, the findings of the reference checks and whether to conduct background investigations, the high caliber of the applicants, and the selection process itself.

Chairman Chimarusti asked for a show of hands in an effort to get an initial feeling from the Board members on the candidates. Mr. Baetge received 11 votes; Mr. Short received 1 vote, and Mr. Pendleton received 1 vote. (One Board member did not vote.)

The Board members discussed further background checks and how Board members had handled such investigations at the local level.

MOTION by Mr. Cronk to select Mr. Baetge for the Executive Director position.

Chairman Chimarusti asked that Mr. Cronk rephrase the motion to ask whether there should be further background checks, as a courtesy to those Board members who wanted background checks.

MOTION rephrased by Mr. Cronk to have further background checks of the Executive Director candidates. The motion failed on the following vote:

Ayes: Mr. Upton, Mr. Kanoff, Mr. Klein, Mr. Uhler, Mr. DeLaney
Nays: Ms. Cavin, Mr. Bradhurst, Ms. Neft, Mr. Waldie, Mr. Joiner,
Ms. Hagedorn, Mr. Cronk, Mr. Westergard, Mr. Chimarusti
Abstain: None
Absent: None

MOTION by Mr. Cronk to select Mr. Baetge as Executive Director of the Tahoe Regional Planning Agency. The motion carried unanimously.

3. Related Administrative Items

Chairman Chimarusti agreed to advise the candidates of the outcome of the Board's decision. The Board members discussed the salary for the position, how the position was advertised, and its relationship to the salary of the Deputy Director Jerry Wells.

MOTION by Mr. Cronk that Chairman Chimarusti have discretion to offer the position to Mr. Baetge at a salary of up to \$72,000. The motion carried unanimously.

XIV. RESOLUTION

- A. Supporting the Joint Efforts of the League to Save Lake Tahoe and the Tahoe Basin Association of Governments (TBAG) to Obtain Federal Funds for Projects on the TRPA Capital Improvements List

Ms. Nason distributed a redraft of the resolution and explained that the League to Save Lake Tahoe and the Tahoe Sierra Preservation Council had worked together on the redraft over the lunch break. The resolution made clear the fact that TRPA had worked with the groups that were coming in to do the lobbying.

TRPA REGULAR MEETING MINUTES APRIL 27, 1994

Staff distributed the list of projects referenced in the resolution.

Board members complimented Capital Financing Committee Chairman John Upton for his work in getting consensus on the proposal.

MOTION by Ms. Hagedorn to adopt Resolution No. 94-7 as amended. The motion carried unanimously.

VIII. CONSENT CALENDAR

Chairman Chimarusti reminded the Board that item 4 (Sagan Design Group, new commercial office building, commercial floor area allocation, Placer County APNs 93-036-05, -18 and -19) was continued.

Acting Executive Director Jerry Wells noted that two letters had been received by staff expressing concern about parking related to the Lyon's Restaurant patio addition (item 5). The applicant had agreed to work with the neighboring properties to address the problem. It was not really a TRPA Code issue and would be taken up in the City of South Lake Tahoe's permit process. The matter was not to be taken off consent.

Legal Committee Chairman Drake DeLanoy explained that the Committee felt that the payment of the \$15,000 fine in the Bitterbrush matter (item 12, resolution of enforcement, Washoe County APNs 126-294-12 through -15 and APNs 126-295-11 and -12) should not be tied to the sale of properties in escrow by Bitterbrush. The Legal Committee approved payment of the \$15,000 as of July 1, 1994.

Mr. Steve Chilton, Chief of the Compliance Division, summarized the earlier Legal Committee discussion. Mr. Yehros and his attorney, Tom Hall, were at the meeting but did not agree at that time to the Committee's recommendation. Although he did not know what Mr. Yehros' position was, the Board could still take action on the Committee's recommendation. If there was not agreement, the next step would be a legal matter.

Mr. Waldie suggested the Board take action to approve a settlement offer of payment of a fine of \$15,000 by July 1, 1994.

Chairman Chimarusti directed that this matter be taken off consent and acted on separately.

Mr. Westergard asked that the staff pay close attention to the enforcement of the condition placed on item 10 (Sweetbriar, New Timeshare Development, Special Use Determination, Placer County) and that the deadline for compliance be monitored.

MOTION by Mr. Cronk to approve the consent calendar with the exception of item 4 (Sagan Design Group new commercial office building) and item 12 (Bitterbrush, Ltd., Resolution of Enforcement). The motion carried unanimously.

(Following are the items approved in this motion: 1. Tahoe Valley Campground, Meeting/Dining Hall and Information Center Addition, 1175 Melba Drive, City of

TRPA REGULAR MEETING MINUTES APRIL 27, 1994

South Lake Tahoe, El Dorado County APN 23-081-08; 2. South Tahoe Public Utility District, Water Storage Tank Replacement Special Use Determination, El Dorado County APN 29-260-27/29; 3. Incline Village General Improvement District, New Golf Course Cart Building and Driving Range Improvements, 955 Fairway Drive, Washoe County APN 131-240-02; 5. Lyon's Restaurant, Patio Addition, Commercial Floor Area Transfer, 3310 Lake Tahoe Boulevard, City of South Lake Tahoe, El Dorado County APN 27-170-15; 6. Lake Tahoe Unified School District, Bijou School Healthy Start Classroom and Parking Lot Improvements, 3501 Spruce, City of South Lake Tahoe, El Dorado County APN 25-250-03; 7. Incline Village First Baptist Church, New Church, 300 Country Club Drive, Washoe County APN 130-050-01; 8. Fleur du Lac Association, Joint Resolution of Enforcement Action With Lahontan Regional Water Quality Control Board, Placer County APN 85-140-44; 9. American Legion Hall, El Dorado County Farmers' Market, Special Use Determination, El Dorado County APN 31-091-06; 10. Sweetbriar, Inc., New Timeshare Development, Special Use Determination, Placer County; 11. U.S. Forest Service, Lake Tahoe Basin Management Unit, Tahoe Rim Trail, Segments 15, 16, 17, Washoe County File #940075)

12. Bitterbrush, Ltd., Resolution of Enforcement, Washoe County APNs 126-294-12 Through -15 and APNs 126-295-11 and -12 (consent calendar item 12)

MOTION by Mr. Waldie that the Board approve extending an offer for settlement of the \$15,000 fine, that the fine be allowed to be extended for payment not exceeding through July 1, 1994. The motion carried unanimously.

(Vice Chairman John Upton chaired the meeting during the discussion and vote on the next agenda item.)

IX. PROJECT REVIEW

- A. Lake Tahoe Balloons, New Commercial Boating/Recreation Operation, El Dorado County APN 22-210-10

Associate Planner Jim Allison presented an overview of the proposal to operate a hot air balloon concession service out of the Lake Tahoe Airport and responded to Board member questions about the City's business license permit, the number and type of shuttle boats involved in the operation, visual impacts, and the method of operation.

Ms. Cavin expressed concern with the project's impacts on scenic quality.

Mr. Jay Kniep, the applicant's representative, introduced Mr. Robert Allen, the owner of the operation and a balloon pilot.

Mr. Robert Allen explained the FAA regulations were the same for a balloon as they were for a fixed-wing aircraft. Balloons could operate in an airport zone; they could fly as high as an airplane or right next to the water. There were no restrictions for balloons around commercial airports.

(Chairman Chimarusti came back into the meeting during the discussion.)

TRPA REGULAR MEETING MINUTES APRIL 27, 1994

MOTION by Mr. Cronk to make the findings to approve the Lake Tahoe Balloon operation as proposed. The motion carried with Ms. Cavin voting in opposition and Mr. Chimarusti abstaining.

MOTION by Mr. Cronk to approve the project based on the staff summary and with conditions. The motion carried with Mr. Chimarusti abstaining.

Chairman Chimarusti announced that TRPA had a new Executive Director. He had offered Mr. Baetge the position, and he had accepted.

- B. Angelo Todaro Project, New Multi-Family Dwelling and Subdivision, Washoe County APN 127-022-02

Associate Planner Jim Allison summarized the Todaro proposal. The project proponent received four allocations from Washoe County and would be required to transfer in four development rights to be paired with the four allocations. Although the development rights still needed for the eight-unit project would be obtained through bonus units and allocations, the staff summary was drafted to provide for obtaining the development rights from the Bitterbrush project. Staff proposed an additional condition 10 (copies distributed) to address the change. (Mr. Allison read the new conditions.) Staff recommended approval of the proposal.

Mr. Westergard questioned the ability of the project proponent to preserve the commercial floor area by banking it and also to subdivide for new development. It was inconsistent that the property, which was now nonconforming, could get approval for a conforming use while maintaining the commercial floor space. At the least, this was double-dipping. He did not think this met the laws of the Agency and he would vote in opposition.

Agency Special Projects Attorney Susan Scholley explained that in staff's opinion, the proposal did meet the requirements of the Code. The Code provided the mechanism to preserve all the commercial floor area legally existing on the date of the adoption of the Regional Plan and did allow for it to be banked and transferred to any other area within the Basin. A big part of that was to provide an incentive for people to tear down nonconforming buildings and to relocate such uses without fear of losing the economic benefit of the nonconforming use. In this case, the new residential use and subsequent subdivision would be required to meet all current rules regarding allocations and development rights. The additional development was to be earned. Staff was comfortable recommending approval.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, asked the Board members where the service-providing population in the Incline area would live if all the vacant parcels capable of containing multi-family dwellings were approved for single family homes.

Mr. Dan Tonnemacher, architect and applicant's representative, discussed the problems with the restaurant, which had been in existence since the early 1970s; the opportunity to clean up the site by removing the commercial operation; the banking of the 4,000 square feet; the ability to sell the coverage at approximately \$20 per square foot; and the costs and design of the