

**TRPA
GOVERNING BOARD
PACKETS**

**OCTOBER
1994**

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

NOTICE IS HEREBY GIVEN that on October 26 and 27, 1994, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The October 26 session will commence at 9:30 a.m. at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The October 27 session will commence at 9:30 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 October 26, 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 September financial statement and check register; 3) acceptance of the FY 93-94 TRPA audit; 4) acceptance of the FY 93-94 STA Fund and LTF audits for El Dorado and Placer Counties; 5) allocations of FY 94-95 Local Transportation Funds to South Lake Tahoe for STAGE operations and to TRPA for administration and planning; 6) MOU between TRPA and Tahoe Transportation District regarding expenditure of Rental Car Mitigation Funds; and 7) status report on project securities. (Finance Committee: Neft, Lau, Kanoff, Cole, Chairman Bennett)

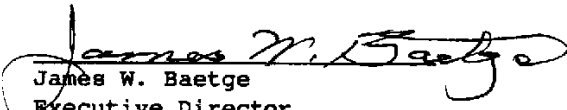
NOTICE IS FURTHER GIVEN that on October 26, 1994, at 8:30 a.m. in the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) settlement of TRPA v. Navellier; 3) settlement of Peterson et al. v. TRPA; and 4) performance evaluation of Agency Counsel and Special Projects Attorney (includes closed session without action). (Legal Committee: Upton, Westergard, Waldie, Cronk, Chairman DeLanoy)

NOTICE IS FURTHER GIVEN that on October 26, 1994, at Jason's Restaurant, 8338 North Lake Boulevard, Kings Beach, during the lunch recess the Rules Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) amendment of the Rules of Procedure chapter regarding project review, testimony, and the role of official APC members; 3) APC appointment process; and 4) release of personnel information. (Rules Committee: Hagedorn, DeLanoy, Bradhurst, Lau, Chairman Waldie)

NOTICE IS FURTHER GIVEN that on October 26, 1994, at 4:00 p.m., at the North Tahoe Conference Center, the Capital Financing Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) endorsement of water quality and air quality capital improvement priority list. (Capital Financing Committee: Westergard, Cronk, Waldie, vacancy, Chairman Upton)

Date: October 17, 1994

By:


James W. Baetge
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.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

October 26, 1994
9:30 a.m.

TRPA Office, 308 Dorla Court
Zephyr Cove, Nevada

October 27, 1994
9:30 a.m.

All items are action items unless otherwise noted.

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. Carolyn Jackson, Pier Reconstruction/Expansion, Resolution of Enforcement Action, 8365 Meeks Bay Avenue, El Dorado County APN 16-081-36 59-75
- B. Sierra Boat Company, Harbor Entrance Realignment, 5146 North Lake Boulevard, Placer County APN 115-030-50 76-86

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

- A. Application by Tahoe Redevelopment Agency, Park Avenue Development Project, Amendment of the Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination for El Dorado County APNs 29-440-04, 29-400-14, 29-200-12, 29-200-22, 29-200-23 87-102
- B. Lowering of the Individual Parcel Evaluation System (IPES) Line in Washoe and Douglas Counties 103-

- C. Amendment of the Rules of Procedure Chapter Regarding Project Review, Testimony, and the Role of Official APC Members

118-125

IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (TRPA)

- A. Resolution Allocating FY 1994-95 Local Transportation Funds (\$363,744) to the City of South Lake Tahoe for STAGE Operations
- B. Resolution Allocating FY 1994-95 Transportation Development Act (TDA) Funds (\$41,191) to TRPA for Administration and Planning
- C. Amendment of TRPA's FY 1994-95 Overall Work Program (OWP)

126-129

130-132

133-142

X. ADMINISTRATIVE MATTERS

- A. Resolution Creating the Shorezone Policy Committee and Appointing the Membership
- B. Quarterly Status Report on Work Program Priority Milestones
- C. Performance Review of Agency Counsel and Special Projects Attorney (Including Closed Session Without Action)
- D. Discussion Relative to Selection of New TRPA Chairman

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144-146

XI. PLANNING MATTERS

- A. Building and Erosion Control Awards Presentation - 11:30 a.m., Wednesday, October 26
- B. Status Report on Revegetation Headstart Program

147-148

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee
 - 1. Report on Committee Meeting
 - 2. Receipt of September Financial Statement and Check Register
 - 3. Receipt of FY 1993-94 TRPA Audit
 - 4. Receipt of FY 1993-94 State Transportation Assistance Fund Audit for El Dorado County
 - 5. Receipt of FY 1993-94 Local Transportation Fund Audits for El Dorado and Placer Counties
 - 6. MOU Between TRPA and Tahoe Transportation District (TTD) Regarding Expenditure of Rental Car Mitigation Funds Collected by TRPA
 - 7. Status Report on Project Securities

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B. Legal Committee

- 1. Report on Committee Meeting
- 2. Settlement of Peterson et al. v. TRPA

C. Rules Committee

- 1. Report on Committee Meeting
- 2. Amendment of the Rules of Procedure Chapter Regarding Project Review, Testimony, and the Role of Official APC Members

D. Capital Financing 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. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>
1. Forbes, Special Use Determination, Subdivision of Existing Development (2 Units), Washoe County 132-020-02	Approval of Findings and Conditions 1-8
2. McLean, Special Use Determination, Subdivision of Existing Development (2 Units), 819 Alder Avenue, Washoe County APN 132-020-01	Approval of Findings and Conditions 9-16
3. Wayne Peterson, Special Use Determination, Subdivision of Existing Development (2 Units), Washoe County APN 124-041-16	Approval of Findings and Conditions 17-22
4. Thomas and Donna Haughian, Special Use Determination, Subdivision of Existing Development (2 Units), Washoe County APN 132-212-01	Approval of Findings and Conditions 23-28
5. Thomas and Donna Haughian, Special Use Determination, Subdivision of Existing Development (2 Units), Washoe County APN 132-212-07	Approval of Findings and Conditions 29-34

- 6. Lands of Sierra, Land Capability Challenge
El Dorado County APN 32-313-41 Approval 35
- 7. Swanson, Additional Height, Ham Radio Tower,
941 Jennifer Street, Washoe County APN 125-373-20 Approval of Findings and Conditions 36-42
- 8. Navellier, Resolution of Enforcement, Douglas
County APN 03-192-19 Approval 43-45
- 9. Douglas Northpoint, Inc., Bank of Lake Tahoe,
Commercial Floor Area Addition/Change in
Operation, 938 Tahoe Boulevard, Incline Village,
Washoe County APN 132-012-01 Approval of Findings and Conditions 46-58

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

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

South Lake Tahoe City Council Chambers
South Lake Tahoe, California

September 28, 1994

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Wayne Chimarusti called the regular September 28, 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.

II. ROLL CALL AND DETERMINATION OF QUORUM

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

IV. APPROVAL OF MINUTES

MOTION by Mr. Cole to approve the August 24, 1994, regular meeting minutes as submitted. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells advised that staff had received a request from Mr. Bugalski's agent for a continuance on his IPES appeal (item IX B.) to the November Board meeting. The appeal had been pending for several years because the appellant had not provided the additional information requested by staff. After staff placed the matter on the agenda for final action, the appellant requested a continuance. While staff was prepared to proceed today, it could support the continuance but would request the appeal not be continued beyond November.

Chairman Chimarusti directed that a letter be sent to the appellant advising there would be no more continuances, and the Board would take action on the appeal in November.

Mr. Wells noted that the presentation on the Park Avenue EIS scoping process (item XI C.) would be taken up after lunch.

Agency Special Projects Attorney Susan Scholley advised the Board that the offer of settlement in Peterson et al. v TRPA was withdrawn based on the earlier action of the Legal Committee.

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

TRPA REGULAR MEETING MINUTES SEPTEMBER 28, 1994

III. PUBLIC INTEREST COMMENTS

Referencing the letter he had sent to all the Board members, Mr. Gregg Lien briefly commented on shorezone issues and explained that the purpose of his letter was to remind the Board of its January decisions regarding consistency and the need to follow the existing rules in the review of projects.

VI. CONSENT CALENDAR

MOTION by Mr. Upton to approve the consent calendar as presented. The motion carried unanimously.

(Following are items approved on the consent calendar: 1. Munger, Land Capability Challenge, Placer County APN 93-071-04; 2. McCormick, Land Capability Challenge, Washoe County APN 125-563-02; 3. Resolution Amending 1994-1998 List of Additional Recreation Facilities Pursuant to Section 33.6, to Add Heavenly Ski School (Resolution No. 94-17); 4. Gerald and Marjorie Daum, Chevron Service Station, Commercial Addition, Special Use Determination, 2986 Highway 50, Meyers, El Dorado County APN 34-671-03 and -04; 5. City of South Lake Tahoe, Release of Water Quality Mitigation Funds (\$23,652) for Purchase of an Asphalt Concrete Berm Machine; 6. El Dorado County, Release of Water Quality Mitigation Funds (\$30,743) for Closeout Costs on Ten Completed Erosion Control Projects; 7. Douglas County, Release of Air Quality Mitigation Funds (\$30,000) for Extension of STAGE Service to Kahle Drive in Douglas County; 8. Heavenly Ski Resort, New Ski School Facility, El Dorado County APN 30-370-04)

VII. PROJECT REVIEW

A. Liner, Pier Extension, Placer County APN 115-020-01

Associate Planner Jim Lawrence presented a brief summary of the proposal to extend an existing 20-foot pier by 40 feet. Staff recommended approval of the project because it met all development standards. The pier was nonconforming because it was located in prime fish habitat, and staff had determined that the extension would not degrade the fisheries threshold. To mitigate the 40-foot extension, the project would involve landscaping and the removal of 70 linear feet of an existing sea wall. Currently there was a substantial amount of runoff going into the Lake from the uphill highway drainage; the applicant proposed to install extensive water quality and drainage improvements to treat this runoff. Mr. Lawrence distributed a photograph of the current site and a simulation of the proposed project.

Mr. Gregg Lien, for Dr. Liner, explained this particular permit was applied for four and a half years ago, and the applicant had spent approximately \$34,000 to date at the TRPA level. The applicant's proposal had studied issues related to scenic quality, fish habitat, water quality, navigation, hydrology, vegetation, and backshore stability. The Army Corps of Engineers, Fish and Game, and California State Lands Commission had all had an opportunity to review the project, and there had been no negative comments from any public entities or private parties. The project would not degrade any environmental threshold and would actually provide an improvement in the

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ability to attain at least one threshold.

Consultant Brent Thrans presented a history of the property and showed slides of the area from the air, the existing residence, the site, the pier extension, proposed drainage improvements to treat and handle highway runoff, scenic improvements, weather conditions, and public access points.

Mr. Waldie commended Mr. Thrans and the applicant for the presentation, for the concern for public access, and the willingness to expend personal resources to enhance the lake. This was an extraordinary project.

In view of the devastation caused by storms in this area of Flick Point, Mr. Cronk questioned why the applicant was proposing to remove the top three feet of the sea wall.

Mr. Thrans explained that this was being proposed as a scenic benefit measure.

Mr. Uhler suggested a lot of work was being done in exchange for the 40-foot extension. He expressed concern with water coming over the top of the wall in a heavy storm and questioned the need for public access and the increased liability on the part of the property owner.

Mr. Lien explained that the liability issue had come up in the discussions with State Lands, and Dr. Liner had indicated voluntarily that this was acceptable to him.

Mr. Cole urged the Board to keep in mind this was an extensive mitigation project for a fairly small benefit. It was being done voluntarily and it was a wonderful project. He hoped the Board would not adopt this as a precedent or standard for like projects in the future.

MOTION by Mr. Uhler to make the findings needed to approve the Liner pier extension. The motion carried unanimously.

MOTION by Ms. Neft to approve the project with conditions as proposed. The motion carried unanimously.

B. Livoni, Pier Extension, Washoe County APN 123-145-05

Associate Planner Jim Lawrence presented the summary of the proposed extension to a nonconforming pier. The pier was nonconforming because of its location relative to a fish habitat. The existing pier was 37 feet long; the extension was for 23 feet, and the final structure would be consistent with design standards and guidelines for piers. Mr. Lawrence presented more detail on the issues relating to fisheries, recreation resources, navigation, and scenic quality. To mitigate the extension, the applicant would change the color of the residence roof to a darker color and provide a natural stone stairway to access the pier. Mr. Lawrence distributed photographs of the existing condition and simulations of the proposed structure.

Mr. Waldie questioned the adequacy of the public record and its ability to sustain the Board's decision from any legal attacks. He was particularly

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interested in an initial letter of objection from the Nevada Division of Wildlife and a subsequent finding withdrawing the objections. Was there a letter withdrawing the initial opinion?

Mr. Lawrence explained that in the review of shorezone applications staff requested review and comment letters from the various agencies with jurisdiction. The original letter staff received from Nevada Wildlife was for denial of the project because of concerns about a pier extension located in a fish habitat and the impact on top-line trollers. A site visit by the entity in question resulted in recommended changes in construction and a new finding that the project would not have an impact.

Mr. Waldie asked if these records, even if not presented to the Board, were a part of the public record and admissible as part of the record upon which the Board was making its decision.

Agency Legal Counsel R. J. Nicolle responded that Rule 5.21 of the TRPA Rules of Procedure provided that all information contained in the project file was a part of the administrative record.

Consultant Brent Thrans showed slides of the site, the existing condition and the proposed configuration of the stairway. The applicant proposed landscape screening of the stairway and a change in the roof color as mitigation for the extra pier length.

MOTION by Mr. Upton to make the necessary findings to approve the Livoni pier extension. The motion carried unanimously.

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

Chairman Chimarusti thanked Mr. Lien and Mr. Thrans for outstanding presentations and the applicants for outstanding projects.

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

- A. Amendment of Plan Area Statement 168, Talmont, and Plan Area Statement 166, Upper Ward Valley, Boundaries to Include the Remainder of Talmont Estate Parcels (APNs 83-460-22 Through -27) Within Plan Area Statement 168

Agency Special Projects Attorney Susan Scholley summarized the proposal to amend a Plan Area Statement boundary so that remaining parcels in Talmont Estates would be a part of a different Plan Area. This would eliminate the need for special use findings on single family homes. It was an oversight that the separating boundary ran down through the middle of the subdivision.

No one wished to comment during the public hearing.

MOTION by Mr. Upton to make the findings needed to amend PAS 168 and PAS 166 as proposed. The motion carried unanimously.

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MOTION by Mr. Upton to adopt Ordinance No. 94-21.

Chairman Chimarusti read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Regional Plan of the Tahoe Regional Planning Agency, as Amended; Amending Plan Area Boundaries Between Plan Area 168, Talmont, and Plan Area 166, Upper Ward Valley; and Providing for Other Matters Properly Relating Thereto.

The motion carried unanimously.

(Mr. Waldie was out of the room during the following discussion and vote.)

- B. Amendment of Chapter 4, Project Review and Exempt Activities, MOU Between TRPA and Placer County to Implement Sign Ordinance

Principal Planner Gordon Barrett presented the summary of the ordinance amendment which would provide for Placer County to implement sign provisions within the Tahoe City Community Plan. The sign standards were approved by the Board in February. The staff and the Advisory Planning Commission (APC) recommended approval.

Mr. Uhler advised that on September 27 the Placer County Board of Supervisors granted approval and agreed to take on any additional review functions that TRPA wanted to delegate.

No one wished to speak during the public hearing.

MOTION by Mr. Uhler to approve the findings to amend Chapter 4 as outlined. The motion carried unanimously. (Mr. Waldie, Ms. Bennett, and Ms. Hagedorn were absent.)

Chairman Chimarusti read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended; by Amending Chapter 4 of the Tahoe Regional Planning Agency Code of Ordinances Relating to Exempt Activities; Adopting a Memorandum of Understanding With Placer County to Exempt Certain Sign Activities From TRPA Review; and Providing for Other Matters Properly Relating Thereto

The motion carried unanimously.

(Mr. Waldie returned to the meeting.)

IX. APPEAL OF IPES SCORES

- A. William Smith, Washoe County APN 125-161-01

Senior Planner Joe Pepi explained that Mr. Smith's original IPES score was 582; based on changes in several of the scoring factors resulting from information submitted by the applicant, staff was recommending approval of a

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new score (743) and the granting of the appeal. Staff's change in position was based on an earlier misreading of the R Factor and also completion of nearby erosion control projects.

MOTION by Mr. Bradhurst to grant the appeal for the William Smith parcel. The motion carried unanimously.

- B. Bugalski, El Dorado County - continued to November
- C. Robert Meyers, El Dorado County APN 22-221-01

Mr. Pepi explained that the original score given to this Tahoe Keys parcel was 559; based on a second evaluation, the score was raised to 593. The majority of the parcel was in a Stream Environment Zone (SEZ), and staff recommended denial of the appeal. The basic score reduction resulted from the size of the parcel. The 208 water quality plan and Chapter 37 required that there be sufficient size in the parcel to infiltrate the runoff generated by the impervious surface created by development. Because this was difficult to accomplish with small parcels, size reduction factors were assigned to affected small parcels. The Tahoe Keys soils designations were based on the Soil Conservation Service determination on depth to groundwater for the total area. Mr. Pepi presented technical information on the soil and hydrologic characteristics of the site.

MOTION by Mr. Kanoff to grant the Meyers appeal. The motion failed with Mr. Upton being the sole vote in favor of the motion.

Mr. Westergard inquired about the status of the remaining IPES appeals.

Mr. Pepi responded that there was still an appeal window for those parcels which were still being evaluated. There were approximately 15 to 20 of these later appeals on file and 20 to 25 remaining from the initial evaluations.

Mr. Wells explained that staff was pursuing a third party arbitration process to resolve outstanding appeals without having to bring them to the Board.

Mr. Upton asked staff to furnish him with size comparisons for lots adjacent to the Meyers parcel on Garmish Court.

X. ADMINISTRATIVE MATTERS

- A. Appointment of Nevada Lay Member to Fill Vacancy on the Advisory Planning Commission

Deputy Director Jerry Wells noted this was not an action item but simply to advise the Board of the Nevada lay member vacancy resulting from Janet Beronio's resignation from the APC. It was up to Douglas County to make a recommendation to the full Board.

Mr. Kanoff explained that the County would make its recommendation in October.

Mr. Bradhurst suggested that the procedure discussed by the Rules Committee

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was to have the County advertise and interview individuals and then to run the selected name by the affected state delegation for concurrence before bringing the matter to the full TRPA Board.

Chairman Chimarusti questioned whether the other members of the Nevada delegation were actually to act on the County's recommendation. This could cause a problem if the approval was not given.

Agency Counsel R. J. Nicolle advised that the Governing Board had not adopted any new rules regarding APC lay member appointments, although the process was discussed at the Rules Committee.

Rules Committee Chairman Waldie explained that the Committee tried not to formalize the process but rather to continue and restate what it thought was the practice. The idea was that the local entity make a decision for submittal to the affected state and then to the TRPA Board. The idea was to get as much input as possible from individual members before going to the full Board. Nothing was required; this was an informal process.

Ms. Nicolle suggested that the informal polling of the Nevada Tahoe Regional Planning Agency (NTRPA) members could be viewed as, in essence, a serial meeting. It might be better to send all the members a letter describing the candidate and asking for comments. The Compact did require that lay members to the APC be appointed by the Board.

Mr. Chimarusti expressed concern with the ramifications of TRPA turning down a candidate recommended for approval by the county but opposed by the state delegation. Perhaps the name of the potential nominee should be circulated to the state for comment prior to having the county commit itself.

Mr. Kanoff advised that the name currently being considered by Douglas County was Phil Caterino, a former TRPA employee.

Mr. Cole suggested that the lay member selection by the county had a certain autonomy, and he was concerned about the concurrence from the rest of the state delegation on what essentially was a county recommendation.

Chairman Chimarusti suggested that the procedure may need more polishing by the Rules Committee. In the meantime, he'd like the current APC vacancy filled. Otherwise the Board would stick with the rules it had.

Mr. Waldie noted that, after similar discussion, this was what the Rules Committee had decided to do.

XI. PLANNING MATTERS

A. Resolution on Caltrans Rescission of State Route 50 Right-of-way

Long Range Associate Planner Bridget Mahern reminded the Board of the informational packet sent prior to the meeting regarding the right-of-way and explained the action before the Board was adoption of a resolution supporting Caltrans decision to rescind the freeway designation of the State Route 50

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right-of-way from near Meyers to the California-Nevada border. In 1959, the California Highway Commission officially designated this area as a freeway right-of-way. In 1987, Caltrans initiated preliminary rescission studies, and in 1989 TRPA adopted several resolutions in support of the rescission. TRPA's 1992 Regional Transportation Plan/Air Quality Plan also recommended the same because the right-of-way was inconsistent with the RTP/AQP, there was not a lot of support for the freeway, and because of Caltrans funding problems. On September 13, the California Transportation Commission (CTC) approved the initiation of the rescission process and commencement of the 60-day public comment period. The CTC would make a final decision in January 1995. Caltrans was seeking TRPA support for the rescission.

Mr. Upton asked what effect the rescission would have on the right-of-way and adjacent areas along Highway 50 in the Meyers Community Plan area. It was his understanding this area would then be available to adjacent property owners for parking and signage. What was the timing for use of the land after the CTC decision in January?

Ms. Mahern responded that she was not sure of the timelines. Current recommendations were for the California Tahoe Conservancy and the City of South Lake Tahoe to develop MOUs regarding use of the right-of-way. One recommendation was that Caltrans work with the Conservancy and South Lake Tahoe to exchange portions of the right-of-way for credits to be used at a later date. Portions of the property that were not of interest to these two entities would be available for sale to the adjacent property owners, with money received to go into the state highway account.

Mr. Uhler recounted problems Placer County had had with Caltrans and funding for completing a \$20-\$30 million improvement project on Highway 49. He wanted to ensure that the rescission would not put a greater burden on local jurisdictions to complete needed public improvements on the affected section of right-of-way. Would this remove the state's obligation any further away from needed projects?

Mr. Cole responded this would not. It would free up the use of the land for other projects the City had in mind (Montreal extension and bike trails) which could not be done so long as the property was considered right-of-way. For all practical purposes, this was an old action, and the rescission was a formalizing of what had been the City's position for a very long time. He was concerned with the state's desire to provide for other uses on the land still in its control, such as a California Highway Patrol office off Al Tahoe Boulevard. This flew in the face of the City's Community Plan for the area and the intent for all government offices and agencies to be located in the "government center" in the Johnson/Al Tahoe Boulevard vicinity. He did not want the land once rescinded to be developed in a manner incompatible with the community's desires.

Mr. Chimarusti asked if it was possible to request that the resolution earmark the funds obtained from sale of land for expenditure in the Tahoe Basin.

Agency Special Projects Attorney Susan Scholley described ongoing negotiations in conjunction with the rescission and redevelopment. The City wanted a