

**TRPA
GOVERNING BOARD
PACKETS**

**APRIL
1995**

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on April 26 and 27, 1995, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The April 26 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 April 27 session* will commence at 9:00 a.m. at Tallac Vista Conference Center, 1775 Sherman Way, South Lake Tahoe, California. (See below for more information on location.) 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 April 26, 1995, commencing at 8:30 a.m. at the City Council Chambers, location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of the March financial statement and check register; 3) revisions to the FY 94-95 operating budget; 4) report on security holdings; 5) El Dorado County's five-year project list and release of water and air quality mitigation funds (\$384,398) for FY 94-95 projects; 6) release of no more than \$100,000 air quality mitigation funds to Douglas County for purchase of trolley; 7) authorization for TRPA to provide legal service to the TTD; and 8) release of \$300,000 water quality mitigation funds to Washoe County. (Finance Committee: Wynn, Neft, Cole, Heller, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on April 26, 1995, commencing at 8:30 a.m. at the City Council Chambers, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) TRPA v. Schumacher, settlement proposal; 3) Merle Lawrence, resolution of enforcement; 4) William Day, resolution of enforcement, Washoe County APN 122-201-16; and 5) amendment of Policies 1.5, 1.8, 1.9, 1.16, 1.17, 2.6, 2.7, 2.10, and 3.2 of the Personnel Policy Manual. (Legal Committee: Miner, Cronk, Sevison, Waldie, Chairman DeLanoy)

NOTICE IS FURTHER GIVEN that on April 26, 1995, during the lunch recess at the City Council Chambers, the Rules Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) appointment of alternates by APC lay members; and 3) amendment of Policies 1.5, 1.8, 1.9, 1.16, 1.17, 2.6, 2.7, 2.10, and 3.2 of the Personnel Policy Manual. (Rules Committee: DeLanoy, Neft, Sevison, Hagedorn, Chairman Bradhurst)

NOTICE IS FURTHER GIVEN that on April 26, 1995, commencing at 2:00 p.m., or as soon thereafter as possible, at the City Council Chambers, the Capital Financing Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) discussion on status of legislative and funding package; and 3) discussion on list of water and air quality improvement projects for El Dorado County. (Capital Financing Committee: Westergard, Miner, Cronk, Waldie, Chairman Cole)

Date: April 17, 1995

By:


Jerry Wells
Deputy Director

*Due to limited parking, a shuttle is being provided for transportation to the retreat at Tallac Vista Conference Center; persons desiring more information about the shuttle should contact the Tahoe Regional Planning Agency by Friday, April 21, at (702) 588-4547.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

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

April 26, 1995
9:30 a.m.

Tallac Vista Conference Center
1775 Sherman Way, South Lake Tahoe, California

April 27, 1995
9:00 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, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, 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. Altvater Trust/Schumacher, Modification of Permit Conditions for a Multiple-Use Pier Expansion Permit, Washoe County APNs 130-230-16 and -17 (to be continued to the May 24 meeting)
- B. Old Forge Trust, Pier Modification/Expansion, 1041 Lakeshore Boulevard, Incline Village, Washoe County APN 130-230-09
- C. Garwoods Grill, New Buoys, 5000 North Lake Boulevard, Carnelian Bay, Placer County APN 115-050-28 and -29

94-103

104-117

- VIII. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

- A. Amendment TO TRPA'S Regional Transportation Improvement Program
- B. Programming of FY 1994-95 Federal Transit Administration (FTA) Section 18 Funds (\$36,060) for Trolley Service in South Lake Tahoe and Tahoe City

118-125

126-127

IX. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

- A. Resolution to Amend Policies 1.5, 1.8, 1.9, 1.16, 1.17, 2.6, 2.7., 2.10, and 3.2 of the TRPA Personnel Policy Manual Pertaining to:
 1) Release of Personnel Information; 2) Overtime; 3) Probationary Review; 4) Executive Director; 5) Agency Counsel, Special Project Attorney and Other Legal Counsel; 6) Vacation Accruals; 7) Leave Without Pay for Family- or Medical-Related Purposes and Other Reasons; 8) Subpoenas; and 9) Salary Schedule Clarification

128-146

X. PLANNING MATTERS

- A. Status Report on Condition of Approval for the East Shore Timber Harvest Project

147-152

XI. ADMINISTRATIVE MATTERS

- A. Quarterly Status Report on Work Program Priority Milestones

153-156

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Report on Committee Meeting
2. Receipt of March Financial Statement and Check Register
3. Revisions to FY 94-95 Operating Budget
4. Authorization for TRPA to Provide Legal Services to the Tahoe Transportation District

157-158

B. Legal Committee

1. Report on Committee Meeting
2. TRPA v. Schumacher, Settlement Agreement

159

C. Capital Financing Committee

1. Report on Committee Meeting

D. Rules Committee

1. Report on Committee Meeting
2. Determination Regarding Appointment of Alternates by APC Lay Members

160-163

E. Shorezone Policy Committee

1. Report on Committee Meeting

XIII. REPORTS

A. Executive Director

- 1. Monthly Status Report
- 2. Status of California and Nevada Legislative and Funding Issues
- 3. Notice of Preparation, EIR/EIS Supplement for the Ski Run Component of the South Lake Tahoe Redevelopment Project No. 1 164-185
- 4. Notice of Circulation, Draft EIR/EIS for the South Tahoe Public Utility District A-Line Pipeline Relocation Project 186
- 5. Notice of Circulation, Draft EIR/EIS for the Heavenly Master Plan 187

B. Agency Counsel

- 1. Monthly Status Report

C. Governing Board Members (No Action)

XIV. RESOLUTION

- A. Commending California Senator Tim Leslie for His Contributions to Transportation Policy 188

XV. PLANNING RETREAT - April 27, 1995, 9:00 a.m., Tallac Vista Conference Center, South Lake Tahoe, California

- A. Three-Year Strategy Update
- B. Workload Priorities
 - 1. Threshold Capital Improvement Program
 - 2. Operations
- C. Financial Strategy
 - 1. Threshold Capital Improvement Program
 - 2. Operations
- D. Legislative Strategy

XVI. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>
1. South Tahoe Public Utility District, Special Use Determination, Arrowhead Water Tank Project, El Dorado County APN 035-030-15	Approval of Findings and Conditions 1-11

- | | | | |
|-----|--|-------------------------------------|-------|
| 2. | North Lake Tahoe Fire Protection District, New Public Service Facility, Fire Station Number 2, Southwest Corner of Calaneva and Somers Drives, Crystal Bay, Washoe County APN 132-044-02 and -03 | Approval of Findings and Conditions | 12-23 |
| 3. | Perry, Special use Determination, New Single Family Dwelling, 514 Gonowabie Road, Washoe County APN 123-133-11 | Approval of Findings and Conditions | 24-37 |
| 4. | John Fellows, Commercial Addition/Modification, New Landscape Nursery, 541 Emerald Bay Road, City of South Lake Tahoe, El Dorado County APN 23-111-30 | Approval of Findings and Conditions | 38-56 |
| 5. | William Day, Resolution of Enforcement, Washoe County APN 122-201-16 | Approval | 57-59 |
| 6. | Matte Bed and Breakfast, Tourist Accommodation 5080 California Street, Carnelian Bay, Placer County APN 115-040-06 | Approval of Findings and Conditions | 60-69 |
| 7. | Incline Village General Improvement District, Temporary Boat Ramp Extension, Ski Beach, 967 Lakeshore Boulevard, Washoe County APN 127-280-01 | Approval of Findings and Conditions | 70-78 |
| 8. | Southwest Gas, Natural Gas Pipeline Reinforcement, Project No. 530-307-94, Placer County | Approval of Findings and Conditions | 79-86 |
| 9. | El Dorado County's Five-Year Project List and Release of Water and Air Quality Mitigation Funds (\$384,398) for FY 94-95 Projects | Approval | 87-90 |
| 10. | Douglas County, Release of No More Than \$100,000 Air Quality Mitigation Funds for Purchase of a Trolley | Approval | 91 |
| 11. | Washoe County, Release of \$300,000 Water Quality Mitigation Funds for Erosion Control | Approval | 92-93 |

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 an 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.

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
Kings Beach, California

March 22, 1995

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular March 22, 1995, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:45 a.m. and asked Vice Chairman Drake DeLanoy to lead in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanoy, Mr. Waldie, Mr. Cole, Mr. Heller,
Mr. Cronk, Ms. Neft, Mr. Wynn, Mr. Upton
Members Absent: Mr. Avel, Mr. Sevison, Ms. Bennett, Mr. Westergard,
Mr. Bradhurst, Ms. Hagedorn, Presidential Appointee
(position vacant)

Due to the very severe snow storm conditions, a quorum was not present. A number of Board members had attempted to reach Kings Beach but were turned away because of weather. Chairman Upton noted that the members could take up some of the report items but take no formal action. A quorum was not present until after the lunch recess and was achieved through telephone conference call with absent Board members.

III. PUBLIC INTEREST COMMENTS

Mr. Don Kornreich, an Incline Village resident, distributed and itemized his three handouts, one of which included his seven proposed policy and action recommendations for TRPA to consider for the good of the Basin.

Mr. Jeffrey Blanck, former Agency Counsel, advised the Board that for the past several months he had been working with the Pacific Environment and Resources Center under a grant which brought Russian environmental lawyers and advocates to the United States to study private and public sector activities. He introduced four visiting Russians who were in the audience.

Chairman Upton noted that the Tahoe Basin Association of Governments (TBAG) may or may not have a quorum for its noon meeting to discuss low cost housing.

VII. PLANNING MATTERS

A. Presentation by the Incline Village Chamber of Commerce on
Transportation, Erosion Control, and Scenic Improvements

Mr. Don Kornreich described the success he, the Incline Chamber, the Visitors Bureau and others had had in obtaining ISTEA, air quality mitigation, NDOT, Nevada State Park, and other funds for pedestrian, bikeway, transportation and erosion control improvement projects in the Incline area.

TRPA REGULAR MEETING MINUTES MARCH 22, 1995

Chairman Upton and other Board members thanked Mr. Kornreich and commended him for his conscientious and successful work in solving transportation and erosion control problems in Incline.

B. Presentation by Tahoe Basin Utility Districts on Water and Sewer Capacity for the Tahoe Region

Executive Director Jim Baetge explained that one of the recommendations of the Nevada Oversight Committee concerned the status of overall water and sewer capacity in the Tahoe Basin. The utility districts had done a lot of work together responding to these recommendations and also to the question of recreation facilities in the Basin. Their report today covered the results of their studies.

Dave Antonucci, general manager with the Tahoe City Utility District (TCPUD); Bob Baer, general manager with the South Tahoe Public Utility District; and Dan St. John and Patrick Finnigan, from the Incline Village General Improvement District (IVGID), presented overviews of each of their districts. A handout was provided which duplicated the slides shown throughout the presentations. Topics discussed included, in part, district functions, water allocations, sewage treatment, wastewater, recreation facilities, infrastructures, facility designs, challenges facing the utilities, critical issues, and spill status. The presenters responded to Board and staff questions.

Mr. Jack Shumate, a participant on the North Tahoe Regional Advisory Council, the Kings Beach Design Review Committee and North Tahoe Community Plan team, spoke on the need for water conservation in the Basin.

The meeting recessed for a lunch break from 12:20 to 1:30 p.m. Upon reconvening, the telephone conference operator connected Mr. Bradhurst, Ms. Hagedorn, Mr. Arael, Ms. Bennett, and Mr. Westergard into the meeting via telephone speaker phone. Chairman Upton asked for a roll call.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanoy, Mr. Waldie, Mr. Arael, Mr. Heller (present during Ms. Scholley's summary), Mr. Cole, Ms. Bennett, Mr. Cronk, Mr. Westergard, Ms. Neft, Mr. Bradhurst, Ms. Hagedorn, Mr. Wynn, Mr. Upton

Member Absent: Mr. Sevison

V. APPROVAL OF AGENDA

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

IX. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

B. Legal Committee

2. Reallocation of Bitterbrush Settlement Mitigation Fund

Agency Special Projects Attorney Susan Scholley summarized the history of the settlement fund created in 1982 as part of the settlement of litigation between Bitterbrush and TRPA over whether or not Bitterbrush had a vested right to construct a 203-unit condominium project in Incline. The \$750,000 fund was to be spent on a variety of offsite mitigation measures, one of which was the provision of secondary access for Bitterbrush Unit 2. Although in 1982 the settlement agreement floored in \$100,000 for the provision of secondary access, it was 1986 before the EIS was prepared and certified and the Board acted on allocating the \$750,000 settlement fund. The cost of construction of secondary access down the side of the hill on to Ski Way had risen to \$262,000. The agreement also required that, if the road was mandated by the Board, it would have to commence before construction of the 51st condominium unit. In 1986, after much testimony regarding safety issues related to secondary access, the Board agreed to commit \$262,460 for the provision of secondary access through the construction of a road for Bitterbrush. The Board made it clear that, in the event the cost of the road went up, the matter was to come back to the Board for reconsideration. In 1992, when the issue came back to the Board as the developer was preparing to commence the 51st unit, it was determined that the cost for the road was between \$450,000 and upwards of \$600,000. To give Washoe County and staff a chance to explore other solutions, the Board extended the trigger in the settlement agreement from the 51st unit to the 68th unit. Numerous meetings were held in an attempt to fund the road without use of TRPA mitigation funds; in the meantime, 58 units were transferred and permanently retired from the Bitterbrush site, and staff was hopeful that 25 to 50 more would be transferred. Further density reductions could also occur through consolidation of units. TRPA needed now to address allocation of the mitigation fund. The secondary access issue was the threshold issue to be decided. If the Board were going to require secondary access, it had to accept the fact TRPA would have to pay the entire cost of construction down the side of the Bitterbrush common area on an extremely steep slope on to Ski Way. IVGID opposed the road because it would have to cross District right-of-way. Most people involved with the project had concluded that road construction down the side of the hill was practically impossible but that access could be provided through Tyrolian Village or through other solutions.

Ms. Scholley explained that TRPA had received a letter from the North Lake Tahoe Fire Protection District advising the project representatives that, at its March 16, 1995, meeting, the Board of Directors voted to not approve any more construction plans for the Bitterbrush project until the secondary access road was constructed and in place. TRPA had understood prior to receipt of the letter that the fire chief was satisfied with the TRPA staff recommendation. She had not had any contact with the District since receipt of the letter. The letter could result in litigation between the project proponent and the Fire District. The Legal Committee after considering this with three members present this morning voted to recommend to the Board Option 1B, which would allocate \$100,000 for the provision of secondary access. Staff recommendation for Option 1C, however, was to allocate \$100,000 to the secondary access solution and, in addition, to agree to set aside for two years an additional \$150,000 so that, in the event someone came forward with a solution to the problem which the Board felt had merit and justified an

TRPA REGULAR MEETING MINUTES MARCH 22, 1995

additional contribution from TRPA above and beyond the \$100,000, that money would be available. She favored this option because it was the best way to provide an incentive to the various interested parties to continue to work on a solution. At the end of the two years, if the Board wished to allocate the money elsewhere and no one had come forward, the Board was free to do so. TRPA was not looking just at the developer to come up with a solution; the money would be open to anyone who could come forward with a proposal - be it the Fire District, Washoe County, Tyrolian Village, or the Bitterbrush Homeowners Association.

Ms. Scholley responded to Board member questions.

Mr. DeLanoy asked if Mr. Yehros, represented by attorney Tom Hall, had any objection to hearing and acting on the matter via telephone conference call.

Ms. Scholley noted that this arrangement complied with the Nevada Open Meeting law.

Mr. Tom Hall, attorney for Mr. Cy Yehros, advised he had no objection to proceeding and was ready to respond to the issue before the Board. He was in agreement with the staff recommendation for Option 1C, because it gave the Board some flexibility and control over expenditure of the fund that was being created, while not shutting the door for opportunities to solve secondary access. The 1982 settlement agreement provided that certain work would be done by Leroy Land Development and that the development was entitled to apply for and receive building permits from Washoe County. Before the end of 1982, the Bitterbrush developer did receive 185 units. He felt there was a contract in place plus vested rights based on the 185 units to go forward. The secondary access issue was one he was present to assist with and help on, but it was not a burden of the developer as a condition of building out the project. If the Board chose to remove the funding set forth in the contract, that removed Bitterbrush's ability to assist the other parties to come to a conclusion. He favored the greatest magnitude of flexibility provided with the \$100,000 and the \$150,000 set-aside for a future proposal. The priority for expenditure of the \$150,000 could be at the end of the project, such that the last unit that would be sold would be generating the money to be applied to the solution. The account now had about \$300,00 in cash, which he encouraged TRPA to expend for mitigation of environmental concerns. He joined with staff in recommending Option 1C; he would be discussing the matter further with the Fire District.

Mr. Bob Wheeler, representing the project management firm for Bitterbrush 2 Homeowners Association, supported the recommendation outlined in Option 1C for the additional \$150,000. He felt settlement with Tyrolian Village was possible if the Homeowners Associations could get together to best address the emergency access problem. Mr. Wheeler commented further on problems with the infrastructure, storm drains, and erosion.

Ms. Scholley explained that the \$100,000 would clearly be available for funding an agreement between Tyrolian Village and Bitterbrush or another solution, should there be one. The \$150,000 would be subject to the Board's later action on a solution to the road situation. As long as there was money in the mitigation fund, the Board had the discretion to reallocate those

TRPA REGULAR MEETING MINUTES MARCH 22, 1995

funds. The mitigation fund accumulated at the rate of \$4,054 per unit as units were built, sold and released from the deed of trust. At the moment there was approximately \$300,000 in the bank. The idea of making a public statement from the Board that it would set aside the \$150,000 served as the incentive or carrot for people to work towards a solution.

Mr. DeLanoy explained the 2:1 vote at the Legal Committee on the mitigation fund. He had voted for Option 1B because of concern with the fire problems in the area and the lack of cooperation among Tyrolian, the developer, IVGID, the County, and the fire department in obtaining secondary access through Tyrolian. If cars were to get stuck sickways on the road in the event of a fire, there was no way for the fire department to gain access. The project manager, the homeowners group, and Mr. Yehros suggested trying to work something out with Tyrolian on a collapsible fence. This would cost money.

Ms. Scholley explained that, as a result of litigation in the 1980s, emergency access was provided through Tyrolian Village by means of a chain link gate across the end of the subdivision. The Fire District had a key for emergency vehicle access.

Mr. Upton urged the Board to vote in favor of Option 1C because this issue had been a matter of such long contention in the community and the additional \$150,000 would hopefully help settle the matter. The other part of the message in committing the \$100,000 and having the additional \$150,000 was that there would need to be a strong, persuasive case to bring the \$150,000 into play. The real preference would be to use the \$150,000 for environmental purposes.

Mr. Waldie noted that both he and Mr. DeLanoy had voted against the staff recommendation. He was not certain that any mitigation fund should be set aside for the access road. Mitigation funds should have a closer nexus to environmental objectives. He shared the concern about the lack of fire protection which resulted from the approval of the project. This, however, was a failure of local government, not TRPA. TRPA was being asked to pick up the pieces of a project that had been abysmally handled at the local level. He did not see any of the local entities that had approved the project coming forward to contribute to the solution. It didn't make sense that TRPA should use its mitigation funds to provide a fire protection service that was essentially the responsibility of other entities. TRPA's set-aside of the \$150,000 as a carrot was implicitly a commitment that it would be delivered, and he was not ready to make that commitment today. This did not preclude a future request for the \$150,000. He voted for the \$100,000 because he was convinced by counsel at the Committee meeting that the \$100,000 was a by-product commitment of the settlement agreement, not a policy determination that this was a proper use of mitigation funds. He was no longer as convinced of this. While he was not comfortable with it, he supported the \$100,000 at this time for the access road because of the legal uncertainties. To go beyond that was an unwise policy decision for future questions.

Ms. Scholley explained this was a mitigation fund in name only. It was primarily a settlement fund, not a mitigation fund in the same sense as an air or water quality fund. The other measures set forth in the settlement agreement were more in the traditional environmental mitigation mode.

TRPA REGULAR MEETING MINUTES MARCH 22, 1995

Mr. Cronk noted that he had voted for the staff position at the Committee meeting because the fund was not really a "mitigation" fund. The settlement fund only related to this project; it was not as if it came out of a much larger pool of money. Because the developer or proponent had to come back with a proposed project as it related to the additional \$150,000, it made sense to make this available as an incentive. There was no question in his mind that there would ever be a secondary access road; this was impossible for financial and environmental reasons. He felt the staff recommendation was well thought out and would provide an additional and potential \$150,000 to the various parties to help solve the problem.

Mr. Bradhurst noted that TRPA approved Bitterbrush, as did the County, back in 1972 and likely looked at primary and secondary access in its action. While he agreed that secondary access should have been required by Washoe County, TRPA should have required it also. When he came on the Board in 1993, he tried to pull the project together to see if there was any way to provide secondary access - not necessarily emergency access. It was apparent after many meetings that that was not feasible for financial and environmental reasons and because of objections by the IVGID, an affected property owner. Gaining secondary access through Tyrolian Village was also difficult, although a court decision did require emergency access to Bitterbrush through Tyrolian Village through a chain link fence. Washoe County had a problem with the Tyrolian Village roads because they were substandard in width and in grade. The position that some had taken in Tyrolian Village was that secondary access could be provided if Washoe County would take control of the total substandard road system. This would place a significant burden on the County. The focus on reducing the number of units to be developed in Bitterbrush had brought the unit count from 203 units to 97 today through settlement agreement and transfer. This was a step in the right direction. The issue at hand was to acknowledge that a secondary access was not doable environmentally, legally, or financially; emergency access did exist. The issue was to look at what could be done to lessen the hazard and to ensure there was emergency access to the site. Things that could be done to lessen the hazard included reducing the number of units and converting the fence into a break-down rope fence between Tyrolian and Bitterbrush. There also should be an effort to provide visitor parking; if the developer was pulling back as he said he was, there ought to be plenty of space to make sure that there were spaces for cars so they did not accumulate in front of the units. He also would like to consider a path system or stairway down the hill to Ski Way for emergency use in the case of a fire. Option 1C made a lot of sense to him. As the local government representative for this area, he had tried very hard to get people together on this; he did not know what more could be done.

Mr. Waldie noted that he had in no way intended to suggest any denigration of Mr. Bradhurst's attempts to solve the problems. His efforts had been spectacular.