

**TRPA
GOVERNING BOARD
PACKETS**

**SEPTEMBER
1998**

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, September 23, 1998, commencing at **9:15 a.m.**, the **Governing Board** of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on September 23, 1998, commencing at **12:00 noon** during the lunch recess, at the same location, the **Finance Committee** will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** receipt of June 1998 financial statement; **3)** approval of designation of ending general fund balance for compensated absences; **4)** receipt of the August 1998 financial statement and check register; **5)** El Dorado County request for water quality mitigation funds (\$249,926) for projects on the water quality capital improvement list; **6)** RTPA resolution amending the TRPA/Caltrans FY 98-99 OWP; **7)** TRPA request for shorezone mitigation funds (\$20,000) for Shorezone EIS consultant services; and **8)** member comments. (Committee: Neft, Heller, Galloway, Bresnick, Chairman Bennett)

Date: September 14, 1998



By: _____
Jerry Wells
Deputy Executive Director

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

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. 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
8318 North Lake Boulevard
Kings Beach, California

September 23, 1998
9:15 a.m.

All items on this agenda 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, RTPA, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, RTPA, 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 AGENDA
- V. APPROVAL OF MINUTES
- VI. CONSENT CALENDAR (see last page of this agenda for items)
- VII. PROJECT REVIEW
 - A. Nevada Pacific Development Corporation, Commercial Building Expansion, Washoe County Assessor's Parcel Number 127-010-05, TRPA File Number 980227 (to be continued) PAGE 43
 - B. Heavenly Ski Resort, Lift K Construction and Associated Snowmaking, 3860 Saddle Road, South Lake Tahoe, El Dorado County APN 030-370-04, TRPA File #980311 PAGE 45
- VIII. PUBLIC HEARINGS
 - A. Amendment of PAS 111, Tahoe Island, Special Designation to Allow the Transfer of Existing Commercial Floor Area Into Parcels in Special Area #1 Which Contain Legally Existing Commercial Uses PAGE 59

TAHOE REGIONAL PLANNING AGENCY

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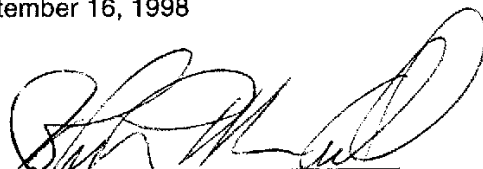
NOTICE OF AMENDED AGENDA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

NOTICE IS HEREBY GIVEN that the regular September 23, 1998, Governing Board meeting agenda for the Tahoe Regional Planning Agency is hereby amended by adding the following appeal item:

Appeal of TRPA Permit for Single Family Dwelling Rebuild at 881 Lakeview Avenue, El Dorado County APN 26-033-15, TRPA File No. 980331

September 16, 1998

By:



John L. Marshall
Agency Counsel

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.



- B. Amendment of Chapter 14, Community Plans, and Goal 2, Land Use Subelement of the Goals and Policies, to Address Commercial Allocation and Irrevocable Commitments **PAGE 69**
 - C. Amendment of the Regional Transportation Improvement Program to Include \$996,774 in FTA Funds for the Tahoe City 64-Acre Transit Center and to Program \$165,000 for Project Planning in FY 98/99 **PAGE 83**
- IX. PLANNING MATTERS
- A. Status of Metropolitan Planning Organization (MPO) **PAGE 87**
 - B. Heavenly Gondola Project Environmental Assessment, Discussion Regarding Scope of Environmental Document **PAGE 93**
 - C. Status Report on Environmental Improvement Program Implementation and Update Process – 1:30 p.m.
 - D. Presentation by the Planning and Conservation League on Proposition 7, Air Quality Improvement Initiative – 2:00 p.m. **PAGE 101**
 - E. Status Report on Regional Revenue Source Analysis
- X. ADMINISTRATIVE MATTERS
- A. Appointment of California Lay Member to the Advisory Planning Commission **P.103**
- XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION
- A. Finance Committee
- XII. REPORTS
- A. Executive Director Monthly Status Report
 - 1. Status Report on Project Applications
 - B. Legal Division Monthly Status Report
 - C. Governing Board Members
- XIII. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>
1. June 1998 Financial Statement	Receipt PAGE 1

- | | | | |
|----|---|-------------------------------------|---------|
| 2. | Designation of Ending General Fund Balance for Compensated Absences | Approval | |
| 3. | August 1998 Financial Statement and Check Register | Receipt | |
| 4. | El Dorado County, Request for Water Quality Mitigation Funds (\$249,926) for Projects on Water Quality Capital Improvement List | Approval | PAGE 3 |
| 5. | RTPA Resolution Amending the TRPA/Caltrans FY 98-99 Overall Work Program | Adoption | PAGE 7 |
| 6. | TRPA Request for Shorezone Mitigation Funds (\$20,000) for Shorezone EIS Consultant Services | Approval | PAGE 15 |
| 7. | Blessing Trust, Shorezone Pier Expansion, Placer County APN 85-222-05, TRPA File #980162 | Approval of Findings and Conditions | PAGE 17 |
| 8. | Heritage Cove, Pier Expansion and New Buoy Field, Multiple Use Determination, 7580 North Lake Boulevard, Placer County APN 123-123-01 | Approval of Findings and Conditions | PAGE 31 |

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

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Tahoe Seasons Resort
South Lake Tahoe, California

August 26, 1998

REGULAR MEETING MINUTES

I. PLEDGE OF ALEGIANCE

Chairman Drake DeLanoy called the regular August 26, 1998, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:30 a.m. and asked Vice Chairman Sevison to lead in the Pledge of Allegiance.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Dr. Miner, Mr. Sevison, Ms. Ande Engleman (for Nevada Secretary of State Heller), Mr. Cole (present at 9:35 a.m.), Mr. Joiner (for Ms. Bennett of Carson City, present at 9:35), Mr. Cronk, Mr. Perock, Ms. Neft, Mr. Galloway (present at 9:35 a.m.), Ms. Bresnick, Mr. Wynn, Mr. Upton (present at 9:35 a.m.), Mr. DeLanoy

Members Absent: Mr. Waldie, Mr. Neumann

III. PUBLIC INTEREST COMMENTS

Mr. Ken Alexander, from Glenbrook, asked whether there would be any discussion at the meeting on grazing.

Deputy Executive Director Jerry Wells responded that grazing issues would be discussed by the Board at the October meeting.

IV. APPROVAL OF AGENDA

Mr. Wells asked that the Board take up the discussion regarding local government contribution to TRPA (item XI.A.1.) after the consent calendar. There were no other agenda changes. Mr. Wells noted that because a quorum for California projects was not yet present the California projects on the consent calendar would need to be deferred.

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

V. APPROVAL OF MINUTES

MOTION by Dr. Miner to approve the regular July 22, 1998, meeting minutes. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Wells noted that items 1 and 2 were to be continued to September (June 1998 financial statement and FY 97-98 budget revisions). Items 6 and 8 would need to be

TRPA REGULAR MEETING MINUTES AUGUST 26, 1998

continued until at least five California Board members were present (Arch land capability challenge and McDonald's Corporation commercial addition).

MOTION by Dr. Miner to approve the consent calendar as discussed. (continue items 1 and 2 to September and items 6 and 8 until five California Board members were present). The motion carried unanimously. (Members present: Perock, Wynn, Sevison, Neft, Engleman, Cronk, Miner, Bresnick, DeLanoy)

(Following are items acted on:

3. July 1998 Check Register – RECEIVED
4. Paynter, Appeal of IPES Score, Washoe County APN 126-241-01 - APPROVED
5. Tait, Land Capability Challenge, Douglas County APN 005-173-01 - APPROVED
7. 800 Southwood Partners, LLC; New 8,000 Square Foot Commercial Building, Allocation of Floor Area, 800 Southwood Boulevard, Incline Village, Washoe County APN 132-202-09 – APPROVED)

(See next page of these minutes for action on the remaining consent calendar items.)

(Members Upton, Joiner, Galloway, and Cole came into the meeting during the following discussion.)

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Discussion and Direction on Local Government Contribution to TRPA Budget

Finance Director Paula Bergamini commented on the 1969 bistate compact language establishing an allocation for TRPA from the five counties within the Tahoe Basin equal to \$150,000 per year. This figure had never been adjusted for inflation; and, at the request of the Finance Committee, staff determined what the inflationary adjustment would be based on the Consumer Price Index for 1998. The handout distributed to Board members showed that the figure would total \$546,000 between the five counties.

Finance Committee member Neft explained the Committee's discussions relating to TRPA's financial difficulties and the thought that the local jurisdictions could increase their contributions over what they had been paying every year since 1969. The Agency needed to deal with this and soon. The Committee felt that members of the Local Government Committee could take this up and bring recommendations to the Board.

Mr. Wells noted that one topic for the Local Government Committee to discuss was phasing over time an increase in funding for TRPA. Additional funding would have to be on a volunteer basis, since the bistate compact did not give authority for TRPA to insist on a higher contribution. An MOU or some form of agreement would need to be approved to implement the increase. Compact amendments could be pursued at a later date if desired.

Dr. Miner suggested that the Board direct staff to discuss this with the local jurisdiction boards one on one and not just local representatives to the TRPA Board.

TRPA REGULAR MEETING MINUTES AUGUST 26, 1998

Ms. Neft suggested that a member of the Finance Committee also attend the meetings with local boards.

Mr. Upton explained that the State five years ago cut into El Dorado County's property tax base for \$9 million. While the State was now in great financial condition, the County had seen little benefit from it. There were a lot of perspectives on this issue.

Mr. Galloway explained that most Nevada counties had been suffering from a declining share of sales tax. It was with great difficulty that Washoe County had avoided a tax increase last year. Timing for an increase was not good and would be compared with other increases that were not made. Any discussions would have to include the County Manager or his designee and any requests put into a wish list with other requests.

Executive Director Jim Baetge suggested that the Board direct staff to work initially with the county managers to get a first reading on the issue.

Dr. Miner suggested the final determination on this should not, however, rest with the county managers. It was a board-level decision.

Chairman DeLanoy concurred and suggested staff start with the county managers.

VII. CONSENT CALENDAR (continued)

MOTION by Dr. Miner to approve items 6 and 8. The motion carried unanimously.

(Following are items acted on:

6. Arch, Land Capability Challenge, El Dorado County APN 033-431-04 - APPROVED
8. McDonald's Corporation, Commercial Addition, 1035 Emerald Bay Road, El Dorado county APN 023-430-23 - APPROVED AS MODIFIED (condition was distributed)

VIII. PROJECT REVIEW

- A. Elizabeth Elliott, Single Use Pier Relocation and Expansion, 660 Olympic Drive, Placer County APN 094-263-04

Assistant Planner Jon-Paul Harries noted two corrections in the staff's summary (a date change from 1998 to 1997 in the project description paragraph and a change from Section D to Section E in item I. of Required Actions). He passed around two letters in support and one letter in opposition to the proposal. The pier was currently an 18.5 foot wide nonconforming rock crib structure. The proposed open pile pier would be located 35 feet south and would meet design standards and extend 65 feet. While the pier was removed in 1997 as part of a TRPA permit for restabilization revetment along the shoreline, it was defined under the Code as existing because it had not been unserviceable for more than five years. The pier was located in a mapped fish spawning habitat. The revetment project included gravels and cobbles consistent with the substrate needed for spawning and was dynamic so that the gravels would move in and out with wave action. Because the area was not in compliance with scenic thresholds due to highly contrasting homes and little or no setbacks, the applicant was proposing as mitigation to repaint the white house and plant vegetative screening. Mr. Harries and Mr. Wells responded to questions from the Board regarding the revetment, coverage, and the opposition.

TRPA REGULAR MEETING MINUTES AUGUST 26, 1998

Ms. Sue Fox, representing Uli Schmid-Maybach, submitted a summary document outlining objections to the proposal. Her points of objection concerned the following: there was a community pier the applicants could use at Tahoe Sierra Estates (seven houses away); the pier in place was not really a functional pier; the area was a mapped fish habitat; the structure would not meet adopted goals and management standards; a pier extending out into the Lake was proposed on a neighboring property; painting the house would not negate the scenic impact of a pier extending out 83 feet into the Lake; noise impacts caused by motorized watercraft would increase noise; there would be increased uses in conjunction with the pier.

Mr. Kevin Agan, on behalf of the applicant, concurred with the staff's recommendation for approval, noting the request had approval from the Army Corps, State Lands, State Parks, and Fish and Game. Approval would be consistent with actions taken by TRPA since 1987.

Mr. Jeff Cutler, for the League to Save Lake Tahoe, noted that he had not prepared a presentation because he did not know of the agenda item until last week when he received the meeting information. This essentially was a new, larger pier in spawning habitat in violation of the code. It was stretching the rules to call this a modification of an existing structure. The structure had not been on the site for the past two years.

Agency Counsel John Marshall responded to questions about the findings required for Board approval.

Since no one else wished to comment, public comment was closed.

MOTION by Dr. Miner to make the findings to approve the Elliott pier relocation and expansion. The motion carried on the following vote:

Ayes:	Mr. Perock, Mr. Cole, Mr. Wynn, Mr. Sevison, Mr. Galloway, Ms. Neft, Ms. Engleman, Mr. Cronk, Dr. Miner, Mr. Upton, Mr. DeLanoy
Nays:	Mr. Joiner, Ms. Bresnick
Abstain:	None
Absent:	Mr. Waldie

MOTION by Dr. Miner to approve the project. The motion carried on the same vote.

Mr. Joiner explained that he had voted in opposition because clearly there was contrary evidence regarding the expansion of a nonconforming use. The burden of proof was clearly on the applicant to make findings that the pier would be to the public benefit and that there were no adverse impacts. This was an expansion, not just a relocation and rebuilding of an existing structure. These issues should have been more seriously considered in the staff summary.

Mr. Wynn responded he had considered all these issues in voting in favor of the pier.

Mr. Cronk suggested that if there was a problem with the Code definitions and the Board knew it was stumbling over poor Code language the Code should be cleaned up.

Mr. Galloway explained he had based his decision to vote in favor of the project on the fish study. The decision was the right one to make based on the available information.

TRPA REGULAR MEETING MINUTES AUGUST 26, 1998

The Board and staff discussed the availability of information prior to the meetings.

- B. Horizon Casino Resort hotel, Community Plan Special Events Area Designation and Special use Designation, Highway 50 in Stateline, Douglas County APN 007-140-11 - continued
- C. Ruvo, Residential Rebuild, 1960 Glenbrook Road, Douglas County APN 01-190-09

Chairman DeLanoy noted for the record that he was running for district court judge in Clark County. It was customary to receive contributions from law firms and others, and he had received contributions from the law firm of Lionel, Sawyer, and Collins, as well as one of the individual members of the firm. If anyone felt strongly that he should disqualify himself, they should speak up. (No comments from the public.)

Assistant Planner Charles Donaldson distributed a revision to condition (II(3)(c) and summarized the proposal to rebuild an 1,800 square foot structure and increase it to 2,500 square feet, with no change in land coverage. He presented information on the five issues relating to historic, scenic impacts, coverage in the backshore, the relocation of an existing structure, and verification of an existing residential unit. He responded to Board member questions on relocation and rebuilding, pertinent Code sections, historic structures, and the extent to which TRPA could look at deed restrictions, easements, and CC&Rs.

Mr. Paul Kaleta, on behalf of the applicant, concurred with staff's conditions as revised.

Applicant Larry Ruvo explained his efforts to purchase the property and design a home. The neighboring property owners approved of the project. He had committed to making a significant improvement in the backshore area of the beach house location and to Glenbrook Creek's fish habitat. He felt he had addressed all of staff's concerns. His home was not within the Glenbrook Association and was not governed by the CC&Rs of the Glenbrook Homeowners Association. Mr. Ruvo displayed a model of the proposed two-story home.

Ms. Mary Marsh Linde, attorney for the Glenbrook Homeowners Association, summarized the Association's objections to the proposal. In her presentation, she discussed the legality of the parcel; whether the use was a residential use as of January 1986; use of the structure as a real estate sales office; the stream environment zone on the property; previous court action and legal judgment resulting in a 1990 map on the clubhouse parcel; previous TRPA action and findings on the backshore in this area; the historic character of the structure; proposed coverage reliance on illegally constructed deck and walkway; whether coverage could be approved in a stream zone; and the status of easements, setbacks, and availability of parking spaces to homeowners. The Board should not act until it could be proven that there was a residential allocation available for the use, that existing coverage be verified, and her concerns all be addressed.

Mr. Donaldson responded that the Code permitted reconstruction/replacement on the same parcel of a residential unit legally existing on or before January 1986. This determination was based on evidence of a qualified exempt application filed in December 1985 and Douglas County approval for single family dwelling review in 1985.

TRPA REGULAR MEETING MINUTES AUGUST 26, 1998

Whether the work was completed prior to January 1986 was not relevant. On the legality of the parcel, the Douglas County Assessor could not provide this information because the parcel's configuration had changed so many times that information was not available. The proposed coverage was from a relocation and was therefore considered existing. Because the residential unit was existing, a new residential allocation and development right were not needed. Prior to commencement of construction, the applicant must demolish or relocate the existing structure. Because plans from a 1985 qualified exempt application showed the deck, staff was considering it as existing coverage. Setbacks were not within TRPA's purview unless they were scenic corridor setbacks. The applicant was proposing to go beyond what was required for mitigation in his proposal for restoration along Glenbrook Creek. Although this work was proposed as part of the project, based on information that the applicant was going to do further work upstream and because TRPA was going to review these projects more closely and in conjunction with each other, it was decided to postpone this portion from further review.

Attorney Harvey Whittemore, from the firm of Lionel, Sawyer, and Collins, on behalf of the applicant, suggested the opposition was raising red herrings that were not pertinent to the Board's review. The proposed project was not bringing in additional coverage; it was using existing coverage. With regard to the residential use, the applicant had researched assessor records, and the latest records showed the structure had been a qualified single family residence for as long as records had been in existence at the Assessor's Office. The last print he had gotten in 1994 indicated the residence was in existence since 1938. As proof that the structure was a qualified single family residence grandfathered prior to 1986, there was an earlier request for improvements of a residential rebuild at Douglas County in 1985, and TRPA staff approved this as a single family rebuild. He questioned if the objecting property owners really wished to have the site developed as a commercial use. Mr. Whittemore commented on the relocation plan, noting it was not a part of this application. The project was not subject to the CC&Rs; it met requirements for setbacks; it was improving the backshore and SEZ. The new condition proposed today by staff gave the Board significant control over what was required to restore Glenbrook Creek.

Ms. Linde responded to Mr. Whittemore's presentation on the lack of proof establishing the residential use, the legality of the parcel, conversion of commercial to a residential use, the objection to proposed intensification of the use, and the desire by the community to retain the historic nature of the area. She responded to Board member questions.

MOTION by Ms. Engleman to make a motion approving the staff recommendation.

Mr. Wynn asked to make a comment.

Ms. Engleman withdrew her motion.

Mr. Wynn suggested this was one of the most comprehensive staff summaries he had seen in his time on the Board. He had come on the Board when a previous application involving Mr. Ruvo was before the Board. This was his last day on the Governing Board, and he was completely satisfied that the interests of all those in Glenbrook and the environment were being protected.

TRPA REGULAR MEETING MINUTES AUGUST 26, 1998

MOTION by Mr. Wynn to make the findings to approve the Ruvo application. The motion carried unanimously.

MOTION by Mr. Wynn to approve the Ruvo project with revised conditions. The motion carried unanimously.

IX. PUBLIC HEARINGS

- A. Amendment of the Meyers Community Plan to Add Nursing and Personal Care to the Permissible Use List of Special Area #1 (Yank's Station Land Use District)

Mr. Gordon Barrett, Chief of the Long Range Planning Division, noted that the staff, the Advisory Planning Commission, and the Meyers Round Table group had recommended approval of the proposal to add nursing and personal care as a permissible use to the Meyers Community Plan. While this amendment would not approve a project, an applicant was waiting to process such an application.

Mr. Mike Dill, on behalf of Tahoe Properties, spoke in favor of the amendment.

Since no one else wished to comment, the hearing was closed.

MOTION by Dr. Miner to approve a finding of no significant effect for the Meyers amendment as proposed. The motion carried unanimously.

MOTION by Dr. Miner for the Chapter 6 findings. The motion carried unanimously.

Chairman DeLanoy 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; Amending Chapter 2 of the Meyers Community Plan, and Providing for Other Matters Properly Relating Thereto.

MOTION by Dr. Miner to adopt Ordinance No. 98-19. The motion carried unanimously.

- B. Amendment of Code Chapter 21, Density, Relative to Tourist Accommodation Units and Redevelopment

Mr. Gordon Barrett, Chief of Long Range Planning, presented the summary of the staff-initiated amendment in support of redevelopment. The issue was increasing density in special height areas. In addition to an amendment proposed by the Advisory Planning Commission, staff also recommended a cap on permitted density.

Mr. Lew Feldman, on behalf of Project 3 in the Stateline area, concurred with the recommendation.

Since no one else wished to comment, the hearing was closed.

MOTION by Mr. Upton to make the findings.

TRPA REGULAR MEETING MINUTES AUGUST 26, 1998

MOTION by Mr. Upton to adopt Ordinance No. 98-20.

Chairman DeLanoy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, As Amended, by Amending the Code of Ordinances of the Tahoe Regional Planning Agency; Amending Chapter 21, Density, and Providing for Other Matters Properly Relating Thereto

The motion carried unanimously.

- C. Amendment of Code Chapter 33, Allocation of Development, to Redistribute Commercial Allocations From Outside to Inside Community Plans in Douglas County

Mr. Gordon Barrett, Chief of Long Range Planning, explained this Douglas County-requested amendment would take the 5,000 square feet of allocation set aside for projects outside the County's Community Plans and move them into the Community Plans (2,000 into Round Hill, 3,000 into Kingsbury). Since no one in ten years had applied for the allocation outside the community plan and because of the need for the allocation within these areas, staff recommended approval of the amendment to focus the allocation within commercial areas. The APC recommended support.

No one wished to comment in the public hearing.

MOTION by Dr. Miner to make the finding of no significant effect. The motion carried unanimously.

MOTION by Dr. Miner to make the Chapter 6 findings. The motion carried unanimously.

MOTION by Dr. Miner to adopt Ordinance No. 98-21.

Chairman DeLanoy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Code of Ordinances of the Tahoe Regional Planning Agency; Amending Chapter 33, Allocation of Development, and Providing for Other Matters Properly Relating Thereto

X. PLANNING MATTERS

- B. Status Report on Regulations Relating to Motorized Watercraft

Chairman DeLanoy noted at the start of the discussion that jet skis had recently been banned from the San Francisco Bay.

Mr. Gordon Barrett, Chief of Long Range Planning, summarized the status of various studies underway during the summer months. The California Air Resources Board and the two state boating agencies were working together to get a boating survey completed. The survey started July 4, and eight days of the 11 days of inventorying boating activity at boat ramps were completed. Along with a mail survey, surveys were also starting at marinas and at watercraft concessions. The goal was to have all study information available by October 1 for John Reuter, of the Tahoe Research Group, to put together a