

**TRPA
GOVERNING BOARD
PACKETS**

**SEPTEMBER
2002**

**TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS**

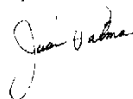
NOTICE IS HEREBY GIVEN that on Wednesday, September 25, 2002, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The 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 Wednesday, September 25, 2002, commencing at 8:30 a.m., at the same location, the TRPA Finance Committee will meet. The agenda will be as follows: 1) Public interest comments (no action); 2) Monthly statement; 3) Golf Course BMP Funding Discussion; 4) Resolution Allocating FY 2002-2003 Local Transportation Funds (\$213,629) to El Dorado County for Community Transit Services; 5) Resolution Allocating FY 2002-2003 Local Transportation Funds (\$69,000) to the RTPA for Planning and Administration; 6) Agency Counsel Merit Salary Increase; 6) Release of \$50,000 from Washoe County's Stream Environment Zone Mitigation Fund for the Incline Village General Improvement District's Rosewood Creek SEZ Restoration Project; and, 7) Member comments. (Committee: Slaven, Heller, Galloway, Solaro, Plank, Quinn)

NOTICE IS FURTHER GIVEN that on Wednesday, September 25, 2002, commencing at 8:30 a.m., at the same location, the TRPA Legal Committee will meet. The agenda will be as follows: 1) Public interest comments (no action); 2) Murphy Settlement of Violation; 3) Agency Counsel Merit Salary Increase; 4) Closed Session Regarding Pending Litigation; and, 5) Member comments (Committee: DeLanoy, Waldie, Miner, Swobe)

September 16, 2002



Juan Palma
Executive Director

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 25, 2002
9:30 a.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

AGENDA

- I. PLEDGE OF ALLEGIANCE (5 minutes)
- II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)
- III. PUBLIC INTEREST COMMENTS - **All comments are to be limited to no more than five minutes per person.**
Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, TMPO, 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. 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 (5 minutes)
- V. APPROVAL OF MINUTES (5 minutes)
- VI. CONSENT CALENDAR (see agenda pg. 3 for specific items) (5 minutes)
- VII. REPORTS
 - A. Executive Director Status Report (15 minutes)
 1. Monthly Status Report on Project Activities Pg. 75
 2. Tahoe Transportation District/Commission Agenda and Report from the September 13, 2002, Meeting Pg. 81
 - B. Legal Division Monthly Status Report
- VIII. WORKSHOP
 - A. Workshop on Proposed Scenic Review System (90 minutes) Pg. 85
- IX. PROJECT REVIEW
 - A. Lakehouse Mall Pier Plan Revision, Request for Condition (20 minutes) Pg. 87
of Approval Modification, Grove Street at Lake Tahoe, Placer County, Assessor's Parcel Number 94-090-10, et al., TRPA File No. 20021284 (**time certain 1:00 p.m.**)

X. PUBLIC HEARINGS

- A. Amendment to the TRPA Code of Ordinances Chapter (60 minutes) Pg.119
33 and Goals & Policies Chapter VII Amendments to
Allow for Residential, Commercial and TAU's
Allocations Through 2006
- B. Amendment to the TRPA Code of Ordinances Chapter (15 minutes) Pg.159
35 to Allow the Substitution of Bonus Units for Existing
Deed Restricted Affordable Housing Units
- C. Amendment to the City of South Lake Tahoe Standard- (15 minutes) Pg.169
Guidelines-Signage Relating to Sign Enforcement in
The City and Signage in the Stateline Redevelopment
Area
- D. Approval of FY 2002-2003 TRPA/TTD Disadvantaged (5 minutes) Pg.195
Business Enterprises Program and Supporting Resolution
- E. MOU to Participate in the Tahoe Yellow Cress (15 minutes) Pg.201
Conservation Strategy
- F. Addition of a New Policy to the Vegetation Sub-Element (5 minutes) Pg.203
To the Goals and Policies Pertaining to the Encouragement
Of Tahoe Yellow Cress Stewardship on Private Lands
- G. Resolution Addressing Dead Tree Removal and Desired (10 minutes) Pg.211
Future Conditions at Lake Tahoe
- H. Code Chapters 2, 4, 30, 53, 55 and Related Chapters,
Goals and Policies Chapter IV, and Design Review
Guidelines Amendments to Implement a Shorezone Scenic
Review System and to Further Regulate Colors and
Roofing Materials (**continued until October meeting**)

XI. APPEAL

- A. Harvey's Tahoe Management Company, Inc., Appeal of (45 minutes) Pg.215
Administrative Determination, Assessor's Parcel Number
007-111-09, 10, 11, & 12 (**time certain 1:30 p.m.**)

XII. ADMINISTRATIVE MATTERS

- A. Appointment of California Lay Member to the Advisory (5 minutes) Pg.221
Planning Commission
- B. Resolution for Dennis Harmon

XIII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee (5 minutes)
- B. Legal Committee (5 minutes)
- C. Local Government Committee (5 minutes)
- D. EIPIC (5 minutes)

E. Rules Committee (5 minutes)

XIV. REPORTS

A. Governing Board Members (5 minutes)

XV. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. August 2002 Financial Statement	Receipt	
2. Timberlake Pier Relocation and Expansion, Assessor's Parcel 6400 North Lake Boulevard, Placer County, Assessor's Parcel Number 094-520-001, TRPA File No. 200491	Approval with Conditions	<u>Pg. 1</u>
3. Resolution Allocating FY 2002-2003 Local Transportation Funds (\$213,629) to El Dorado County for Community Transit Services	Approval	<u>Pg.13</u>
4. Resolution Allocating FY 2002-2003 Local Transportation Funds (\$69,000) to the RTPA for Planning and Administration	Approval	<u>Pg.17</u>
5. Agency Counsel Merit Salary Increase	Approval	<u>Pg.21</u>
6. Release of \$50,000 from Washoe County's Stream Environment Zone Mitigation Fund for the Incline Village General Improvement District's Rosewood Creek SEZ Restoration Project	Approval	<u>Pg.23</u>
7. Edgewood Tahoe Golf Course, Expansion to the Proshop, 180 Lake Parkway, Stateline, Nevada, Douglas County, Assessor's Parcel Number 007-030-03, TRPA File No. 20020888	Approval with Conditions	<u>Pg.27</u>
8. Michael Murphy, Resolution of Enforcement Action, 379 Fairview Boulevard, Washoe County, Assessor's Parcel Number 131-231-04	Approval with	<u>Pg.49</u>
9. West Lake Investors, Relocation and Rebuild of A Pier, 800 West Lake Boulevard, Placer County, Assessor's Parcel Number 083-172-013, TRPA File No. 20010463	This item has been continued.	

Land Capability Challenges

10. Sondra Bors Land Capability Challenge, 357 Sunnyview Drive, El Dorado County, Assessor's Parcel Number 016-583-010	Approval	<u>Pg.55</u>
--	----------	--------------

- | | | | |
|-----|---|----------|--------------|
| 11. | Carl Barney Land Capability Challenge,
20 Somers Road, Crystal Bay, Nevada,
Washoe County, Assessor's Parcel
Number 123-032-006 | Approval | <u>Pg.59</u> |
| 12. | Gerald and Linda Ruttenbur Land
Capability Challenge, 597 Fallen Leaf
Way, Incline Village, Nevada, Washoe
County, Assessor's Parcel Number
125-511-018 | Approval | <u>Pg.63</u> |
| 13. | John and Lita Perkins Land Capability Challenge,
270 Talmont Circle, Pineland, California,
Placer County, Assessor's Parcel Number
083-300-054 | Approval | <u>Pg.67</u> |
| 14. | Jack and Marlene Silburn Land Capability
Challenge, 7793 Kingswood Drive, Kings
Beach, California, Placer County, Assessor's
Parcel Number 111-120-015 | Approval | <u>Pg.71</u> |

The consent calendar items are expected to be routine and non-controversial. 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 Members:

Chairman Dean Heller, Nevada Secretary of State
Wayne Perock, Nev. Dept. of Conservation
Appointee

Vice-Chairman Dave Solaro, El Dorado County
Drake DeLanoy, Nevada Gov. Appointee
Jon Plank, Carson City

Jerry Waldie, Calif. Senate Rules Com. Appointee
Jim Galloway, Washoe County
Catherine Derringer, Calif. Assembly Spkr. Appointee
Hal Cole, South Lake Tahoe
Tom Quinn, Calif. Gov. Appointee
Larry Sevison, Placer County

Ronald Slaven, Calif. Gov. Appointee
Coe Swobe, Nevada At-Large Member
Vacant, Presidential Appointee
Don Miner, Douglas County

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Horizon Casino Resort
U.S. Highway 50
Stateline, Nevada

August 28, 2002

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Chairman Dean Heller called the August 28, 2002, Tahoe Regional Planning Agency (TRPA) Governing Board meeting to order at 9:40 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Perock led the Board in the Pledge of Allegiance to the Flag.

Members Present: Mr. Weissinger, Mr. Waldie, Mr. DeLanoy, Mr. Solaro, Mr. Heller, Mr. Cole, Mr. Plank, Mr. Slaven, Mr. Perock, Mr. Harper (sat in for Mr. Galloway in the morning), Mr. Galloway, Mr. Swobe, Mr. Sevison

Members Absent: Mr. Quinn, Presidential Appointee Vacant

III. PUBLIC INTEREST COMMENTS

Mr. Mike Burgwin, with the Tahoe Area Sierra Club, requested that the issue of vacation rentals be placed on a future agenda. In addition, with regards to the scenic meeting on Monday, he was of the opinion that it was a good case of "tyranny by mob" rule. It has usurped the consensus process. It has put us in a difficult situation. If we go back to the table and try to work out any more compromise, we risk condoning what happened on Monday. He believed that the Governing Board was in the same situation. Within all that noise, there are some reasonable perspectives, but the bulk of it we saw as being misinformation, and not pertinent to the process that has gone on for the last six to ten months.

IV. APPROVAL OF AGENDA

Deputy Director Jerry Wells suggested that Agenda Item VIII.A., College Park, be heard after the Public Hearing items are presented.

MOTION by Mr. Solaro to approve the agenda as amended. The motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. Perock stated that on page 5, the first paragraph, third line, the word "who" should be inserted before the word "was".

TRPA REGULAR MEETING MINUTES AUGUST 28, 2002

MOTION by Mr. Perock to approve the July 24, 2002, Governing Board meeting minutes as amended. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Wells stated that Consent Calendar Item No. 5 has been continued until September at the request of the applicant. In addition, there has been a request by Marjorie Springmeyer to take Consent Calendar Item No. 6 up as a project matter.

MOTION by Mr. Harper to approve Consent Calendar Item Nos. 1, 2, 3, 4, 7, 8, 9, 10, and 11. The motion carried unanimously.

(The following are items approved on the consent calendar

1. July Budget Status Report
2. Second Quarter Investment Report
3. Tahoe Regional Planning Agency (TRPA) Office Relocation, 128 Market Street, Douglas County, Assessor's Parcel Number 07-180-90
4. Lake Salmon LLC, Construction of a New 6,140 Square Feet Office Building, 178 Highway 50, Douglas County, Assessor's Parcel Number 005-350-06, TRPA File No. 20020696
7. Lake Tahoe Airport, Placement of a One-Story Manufactured Modular Office Building, El Dorado County, Assessor's Parcel Number 033-050-011, TRPA File No. STD-20021276

Land Capability Challenges

8. Edward Fein Land Capability Challenge, 1950 Glenbrook Road, Glenbrook, Nevada, Douglas County, Assessor's Parcel Number 001-051-008
9. Kathryn Butler Land Capability Challenge, 1330 Kings Way, Tahoe Vista, California, Placer County, Assessor's Parcel Number 112-250-046
10. Judy Swanson Land Capability Challenge, 221 Paradise Flat Lane, Rubicon Bay, California, El Dorado County, Assessor's Parcel Number 017-121-006
11. Momentum Investments Land Capability Challenge, 727 Champagne Road, Incline Village, Nevada, Washoe County, Assessor's Parcel Number 126-262-005)

Ms. Marjorie Johnson Springmeyer, from South Lake Tahoe and Gardnerville, Nevada, stated that she is very concerned about the change of title over a period of time between the City of South Lake Tahoe and the County of El Dorado. She showed a picture of herself when they accepted her gift to the county in 1972. On this rock, in the Government Center, there is a plaque that says, "To the County of El Dorado, we of the third generation dedicate this land in memory of our grandparents, Chris and Cecilia Johnson"; early Tahoe pioneers. We have appreciated and loved this unique heritage and wish others to enjoy it, also, Marjorie Johnson Springmeyer. This is the first time her name has ever been on top; Knox Johnson and William Johnson. She continued there is a plaque on the other side, which says, "This land is a gift to the people of the City of South Lake Tahoe in recognition of our parents, Knox William and Stella Johnson, who preserved this land for the future". Ever since then, all titles have been missed up. Ms. Springmeyer has asked for a complete chain of title from every agency, and nobody will do it completely. She has so many documents of the past that include courthouse battle looms, County vs. California Tahoe Regional Planning Agency. She has all of the court documents. She has always said that the courthouse is on the wrong property. It is on the six acres that her family gave to the City of South Lake Tahoe. She had an article that stated "road block in the way of the new courthouse". It tells all about the CTRPA and the TRPA, and how the County is going to sue the CTRPA if it didn't give in for the courthouse. "CTRPA gives in on the new court". To this day, the City does not have a city hall. They gave it away to the County

TRPA REGULAR MEETING MINUTES AUGUST 28, 2002

for \$1 that has never been recorded for the use of all of the property that we gave to the City. But lawyers and everyone has covered up for everybody.

When they put the jail on Happy Homestead Road, which road was given by the Forest Service and her Mother, from Highway 50 to Johnson Boulevard, to get to the cemetery that her Mother gave to the County of El Dorado -- the first cemetery that was open at South Lake Tahoe to bury somebody because of the death of her and her husband's child. So she knows a little bit about the area around this jail. When they recorded the document, it was put on the consent calendar by the County in March 1983, she and her attorney asked to be notified. Instead, it was put on the consent calendar; all taken care; and then she was notified by the County later that they were sorry; they made a mistake. But her bother, Knox Johnson, wrote to the Board of Supervisors in March of 1983, the certificate of acceptance for this document; it secured up the entire government center for this courthouse. She read a letter, "Gentlemen, this letter confirms my concurrence with the facts stated by Mrs. Springmeyer." Supervisor Tom Stuart has been the hub of this disgrace and political malfeasance.

There has been perjury committed in the El Dorado courts by counsel; by others at Agency's meetings, and there have been deals made in this matter. Ms. Springmeyer commented that a chain of title goes from the beginning to this period now. The Knox/Johnson's have been the oldest taxpayers in El Dorado County, and she finds this matter disgraceful. If it's worth one dollar -- our six acres that we gave to the City of South Lake Tahoe -- then we need it. To this day, the City does not own a city hall. They are probably going to be using taxpayer's money or a lot of hocus pocus to trade something else around. She has in her suitcase back here where the City engineer wrote to General Services in 1989 or 1990 when they were putting the El Dorado Jail on Happy Homestead Road saying that they couldn't do it without a public hearing. So when it came in front of the TRPA, Rick Angelocci said, "Well, we will just make them merge the property that we are condemning from the school and put it there". So this is why I want for you all to take a hike down there. She was with an architect yesterday and we went through this.

What I am concerned about is my dignity, and I have been at Lake Tahoe -- I am older than all of you. My family has done a lot, and the only reason I have the seven acres next door to that is because the City spent three years of my life condemning it for the City Hall and then they abandon it, and I have all that hocus pocus, too. Then, in the very courthouse, on land that we gave to the City, the judge puts it back into a partition action, and I go to Russia, and I was mixed up with the Ambassador of the Soviet Union, Thomas Watson, Jr., Chairman of the Board of IBM, and I went to Russia and got a deed in lieu of foreclosure for the property that his front man bought. The reason we had to get our property back is because of the TRPA, and I have records of that. After we paid inheritance taxes on the highest and best use, then the TRPA comes in and says you can't do anything with any of your property. But now every government agency is on our old property; from the Forest Service building with a deed restriction removed. Up to now, I don't know what's going to happen.

I bought the seven acres and outsmarted everybody whereby now, you want the Juvenile Hall, right next door. It depreciates my seven acres. I would have given it to the City if they had been halfway decent. She objects to the jail being on a road that was never abandoned. She objects to the Juvenile Hall right next to her seven acres, and I want a complete title report by the County of El Dorado from 1965 to this day. She found that the parking business is kind of tricky. She went over to the Assessor's Office last year and asked to see the map. There was no Happy Homestead Road on the map; they had taken it off. But then she sees all this parking business, which she guesses, was part of TRPA's plans for the Juvenile Hall. I believe you had

TRPA REGULAR MEETING MINUTES AUGUST 28, 2002

better take a hike down there and see if that Happy Homestead Road is still there. I got a letter back from them saying, "Thank you, Mrs. Springmeyer. Your right; and this is now on the map". If the planners would look on the map, the map goes from Johnson Boulevard. The draft she got just as it came into the County, the 23rd, it says on page 4. "Because the County owns the Government Center site, initially it was considered the primary site for this Juvenile Hall". I am not stopping here. These titles and my dignity are going to be preserved.

MOTION by Mr. Solaro to recommend approval of the findings, and a Finding of No Significant Environmental Effect. The motion carried unanimously.

Mr. Cole stated that the current City Council is very respectful of the Springmeyer/Johnson's family contribution to not only the City, but the County, and it was the City's intention all along not to put a juvenile hall on the property that was donated because if finances ever allowed us to, we would like to put a city hall on the property. This particular location is on school district's property, and as far as to the title of where the County Courthouse and the road, he has no knowledge of that. He believed it would be due diligence to make sure, but for the record, the Springmeyer and Johnson family have been very generous to the City and the County, and we have been trying to be respectful of this property here. Mr. Solaro and staff have tried to put this project off of their property and onto a different piece of property.

MOTION by Mr. Solaro to recommend approval of Consent Calendar Item No. 6, the South Lake Tahoe Juvenile Hall. The motion carried unanimously.

VII. REPORTS

A. Executive Director Status Report

Executive Director Juan Palma stated that staff has concluded negotiations and have decided to stay in Douglas County and rent a building for TRPA. We will be at the Market Street facility. Messrs. Lew Feldman and Randy Lane have been helping us acquire a facility that suits our needs. We plan on moving in March of 2003.

Mr. Palma discussed the Martis Valley project that is being proposed over the hill, Highway 267, out of Truckee. He passed around a letter he plans to send out about the impacts that the project will have on Tahoe after receiving comments from the Board.

Mr. Waldie questioned if we had authority to involve ourselves in that issue, and if there is that authority, it seemed to him that the letter should be a letter from the Board rather than the Executive Director. His preference would be that we do take a position on the project because the impacts on the Basin are self-evident. But his sense is that participation should be reflected as being a Board determination rather than the Executive Director's determination.

Mr. Wells stated that he had worked with John Marshall, Agency Counsel, and also had counsel that provided assistance to us in preparing the comments. The EIS that was being prepared had a deadline for comments, and that letter has already gone out under Juan's signature because we had to do that in order to meet the deadline for comments. As far as it being outside of the Basin, we have no jurisdiction, but we can be a commenting agency since the impacts of that development or master plan could have impacts on the Basin. We have no regulatory authority over what they do, but we can comment on their environmental impact analysis.

TRPA REGULAR MEETING MINUTES AUGUST 28, 2002

Mr. Waldie commented that in the future, the Board should be informed of these types of issues. The problem with what was done is the impact on this Basin is pretty far reaching. Smog from the valley, San Francisco and the Bay Area, impacts this Basin, and yet the Board would not intrude on certain planning decisions down in that area that would have impacts on the Basin. Some thought should be given, and he would like to know some situations where we would intervene when the action is taken place outside of the Basin over which we have clear authority.

Mr. Palma stated that in terms of scenic, this item would be presented at the September 25, 2002, Governing Board meeting at the North Tahoe Conference Center. There are two workshops scheduled between now and then; one on the North Shore and one on the South Shore. We are in process of securing the locations, times, and putting the agendas together. In addition, there are some other meetings being scheduled with the various constituents and stakeholders to see if we can find some middle ground and consensus between now and the September Board meeting. We hope that the meetings are productive, and we can bring something to the Board that they can all buy into.

Mr. Heller stated that staff has agreed to do a presentation for the Washoe County Commission. There had been meaningful dialogue that has started that he believes is imperative and important in this entire process. He doesn't want this Board or the message to be out there that we haven't given the public ample time for their input. Mr. Heller stated that Juan, the staff, and himself are doing everything they possibly can to make sure that the general public gets heard on this particular issue and feel comfortable that we have taken all of their concerns into consideration. We are working very hard to get through this particular issue. We have had some good stakeholder meetings in the last couple of days, and he believed that we would see some strong and positive results from that.

Mr. DeLanoy questioned if the Oversight Committee adjourned or did they continue the meeting. Mr. Palma replied that they recessed for a future time. Mr. DeLanoy asked if we are anticipating having a meeting before the Oversight Committee completes their investigation.

Mr. Heller didn't believe it was an investigation. He didn't believe that was what the Oversight Committee was trying to do. Mr. Heller stated that they were just responding to letters, emails and phone calls that they had received, and just wanted to gather more information. It is his opinion that since no direction was given to this Board from the Oversight Committee from the Nevada Legislature, that all they wanted to do was just continues to gather information. Their direction to us was to continue the dialogue with the general public. Mr. Heller believed they recessed for the purpose of being able to come back if they find it necessary. There has been no time or meeting set. They want to make sure that the dialogue is there and to make sure the Governing Board and the Agency does everything they possibly can, which we have agreed to, to make sure that the general public's voice is heard in this process.

Mr. DeLanoy asked if this was a preliminary step to do this to the entire Basin. Mr. Palma stated that at this moment in time, there are only three areas that this applies: the scenic corridors; both the highways and the lakeshore corridors; nothing beyond that that is on the table at this time. In addition to applying these rules to the scenic waterfront, Mr. DeLanoy questioned if this would also apply to Highway 50 and the hotels. Mr. Palma stated that this did apply to Highway 50, but only a certain distance from the highway.

Mr. DeLanoy said that based upon a fact sheet that he received, it states, "In the event that visual dominance and contrast must be reduced, the homeowners would have at least five

TRPA REGULAR MEETING MINUTES AUGUST 28, 2002

years to paint, plant additional vegetation, or do whatever is required to achieve compliance"; is that correct? Mr. Palma said yes. Mr. DeLanoy asked if this would become mandatory at the end of five years to do all of these things for existing homeowners? Mr. Palma replied that is not true.

As Mr. DeLanoy understood the fact sheet, every parcel within the shorezone will be evaluated. Mr. Marshall stated that no, the way the current system now exists, you can keep what you have, but if you come in for a project, then the proposed regulations, depending on the size of the project, extent of the remodel, or whatever, we will impose certain requirements to increase the scenic value of the property, just like water quality improvements, etc. Mr. DeLanoy is concerned that if he has a piece of property within the 300 feet of the waterfront, and he wants to sell it, will he have to say whether he is in compliance or not. Mr. Marshall stated that in terms of the transaction, you are not in or out of compliance with the regulation if you just have a house. That is not the issue. Mr. Marshall believed that we were getting away from the agenda item, but he wants to have this conversation. Just like any provision in the Code, if you are going to do something, we want to move you in the direction of compliance with scenic quality, etc. It is no different than water quality improvements and that kind of stuff.

Mr. Weissinger stated that Douglas County has requested staff to make a presentation at their September 19, 2002, meeting prior to the TRPA Governing Board meeting, at the Lake Tahoe Administrative Building.

The resolution for Dennis Harmon will be presented at the September Governing Board meeting.

B. Legal

Mr. Marshall stated that TRPA filed their brief in the Sierra Nevada College Park litigation, in which the mobile home park is on the agenda for later. We also received a complaint from an individual regarding a potential open meeting law violation last meeting. We are looking into that. They are complaining that the Board continued the scenic regulations for 30 to 60 days, and he doesn't perceive any potential violation there, but we have to go through some steps to articulate and defend that.

IX. PUBLIC HEARINGS

A. Amendment of the Ponderosa Ranch Community Plan to Designate It a Preferred Industrial Area

Long Range Planning Associate Planner Mike Vollmer presented the amendment of the Ponderosa Ranch Community Plan to Designate it a preferred industrial area.

Chairperson Heller opened the meeting up for a public hearing.

Ms. Peggy Kidman, a property owner in the so-called buffer zone, and also represents the people in the Mill Creek area that live along Highway 28, said they have yet been told exactly what the Ponderosa Ranch has in mind for this designation, and what the reason is for it; are they planning on manufacturing something there? She commented that industrial usually means manufacturing which is a step away from commercial. We feel that this information has been concealed from us. What impact are they really saying is going to happen? We don't understand because we don't know what they are going to do. That is why she is here today.

TRPA REGULAR MEETING MINUTES AUGUST 28, 2002

Mr. Vollmer stated that his understanding of this staff-initiated ordinance change would be to offer a place for industry to be. There is already sewer there; a lumberyard; a lot of industrial-type businesses are already in that area. The designation is to encourage further industrial stuff to be focused in that area; not to be outside and dispersed throughout the community. He is not aware of anyone who is planning on moving in.

Mr. Gary Midkiff, the applicant's representative, stated that this is staff initiated but it is based on discussions with Washoe County and other property owners in the area. The proposed change designating areas preferred industrial allows the area to have special treatment under the community plan with regard to how commercial floor area is tracked and accounted. The uses in the area don't change; the allowed range of uses doesn't change based on this designation. What this does allow, for instance, if a project applicant is receiving an allocation of commercial floor area from the County or transferring in commercial floor area from elsewhere in Incline Village or in relation to a project, if you transfer commercial floor area into a preferred industrial area, you get two for one. It is an incentive to locate these uses in an area that has been determined to be appropriate for this use. This does not change the range of uses to allow heavy industrial that would have significant impacts beyond the range of uses that are currently allowed in the area.

Ms. Kidman questioned why there was a buffer zone, and Mr. Vollmer replied that it was just there as an illustration to show the people we needed to contact.

Since no one else wished to comment, Chairperson Heller closed the public hearing.

MOTION by Mr. Harper to recommend approval of the findings, and a Finding of No Significant Environmental Effect. The motion carried unanimously.

MOTION by Mr. Harper to recommend approval of the amendment of the Ponderosa Ranch Community Plan to Designate it a Preferred Industrial Area. The motion carried unanimously.

B. Amend PAS 145 Fallen Leaf Lake to Eliminate Hotel, Motel and Other Transient Dwelling Units as a Permissible Use

Mr. Gordon Barrett with the Long Range Planning Division presented the staff summary to amend PAS 145 Fallen Leaf Lake to eliminate hotel, motel and other transient dwelling units as a permissible use.

Chairperson Heller opened the meeting up for a public hearing.

Mr. Gary Midkiff, representing four property owners, commented that there have been repeated efforts to find transfer of residential units and to take the tourist units out. We have not been able to make that work. They have taken it from six lots to four by merging one lot and retiring another. In addition, each of these lot owners has paid a \$10,000 mitigation fee towards their ability to convert these from tourist to residential. The owners have diligently pursued this issue in a manner to work within the existing Code, and it just simply wasn't possible. This is a reasonable measure to remove the tourist use, which is probably inappropriate, and convert all of these to residential. The problem is if they tried to sell these units in the future, with the limitation requiring the rental, creates a major issue for potential buyers. This removes that; brings the uses into compliance, and solves all of these issues, which the owners have been pursuing for a number of years.