

**TRPA
GOVERNING BOARD
PACKETS**

**MARCH
1994**

NOTICE OF MEETINGS
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

NOTICE IS HEREBY GIVEN that on March 23 and 24, 1994, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting at the South Lake Tahoe City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The meeting will commence at 9:30 a.m. on the 23rd and at 8:30 a.m. on the 24th. The official agenda is attached hereto and made a part of this notice.

All Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on March 23, 1994, at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of the February financial statement and check register; and 3) review and discussion of dated securities. (Finance Committee: Klein, Neft, Lau, Kanoff, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on March 23, 1994, at 8:30 a.m. in the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) modification of Walshaw v. TRPA Settlement Agreement (Request to Bank Tourist Accommodation Units) (continue to April meeting); 3) reallocation of Bitterbrush mitigation fund; and 4) modification/affirmation of settlement agreement, Vennard v. TRPA, Washoe County. (Legal Committee: Upton, Westergard, Waldie, Cronk, Chairman DeLanoy)

NOTICE IS FURTHER GIVEN that on March 23, 1994, during the lunch recess, the Rules Committee will meet at Passaretti's Restaurant, 1181 Emerald Bay Road, South Lake Tahoe, California. The agenda will be as follows: 1) public interest comments (no action); 2) discussion of new Advisory Planning Commission quorum and voting rule; and 3) statement of economic interest amendment. (Rules Committee: DeLanoy, Bradhurst, Lau, vacancy, Chairman Waldie)

Date: March 14, 1994

By:

David S. Ziegler
David S. Ziegler
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

South Lake Tahoe City Council Chambers
1900 Lake Tahoe Boulevard

March 23, 1994 9:30 a.m.
March 24, 1994 8:30 a.m.

All items are action items unless otherwise noted.

OFFICIAL AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE GOVERNING BOARD IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. APPROVAL OF MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 4)
- VII. PROJECT REVIEW

- A. Sierra Nevada College, Phase I and Special Use Determination, Washoe County APN 127-040-08 32-48
- B. Pinewild Homeowners Association, Temporary Relocation of Existing Buoy Field and Multiple-Use Determination, Douglas County APN 05-211-52 49-57
- C. Garwoods Grill, Multiple-Use Determination, Pier Extension and Temporary Buoy Field, Placer County APN 90-250-32 58-83
- D. Northwood Village, New Multi-Family and Condominium Subdivision, Washoe County APN 124-041-79 84-99

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

- A. Adoption of the Stateline/Ski Run Community Plan and Related Actions as Follows: 100 - 168
 - a. Certification of the Stateline/Ski Run Community Plan EIS/EIR
 - b. Adoption of the Stateline/Ski Run Community Plan
 - c. Amendment of Land Capability Overlays H-16, H-17, and G-17
 - d. Amendments of Chapters 24, 26 and 30 to Include Community Plan Standards
 - e. Amendments of PAS 089B for Consistency with the Stateline/Ski Run Community Plan
 - f. Amendments to Plan Area Statements to Delete PASs 089B and 091

- B. Amendment of Chapter 22 Height Standards, Addition of Subsection 22.4.D Additional Height for Special Height Districts, to Create Special Height Districts Which Would be Permitted Additional Building Height and Related Amendments to Section 22.2, Definitions, to Define View Enhancements of Lake Tahoe and Other Scenic Resources, and Related Amendment of the City of South Lake Tahoe Redevelopment Demonstration Plan Development Standards 169 - 196

- C. Adoption of Chapter 97, Trip Reduction Ordinance 197 - 210

- D. Amendment of Chapter 91 Regarding Oxygenated Fuels 211 - 224

- E. Draft EIS for the U.S. Forest Service East Shore Timber Harvest, Washoe and Douglas Counties and Carson City 225.

- F. Amendment of Chapter 11 Relating to the Deadline for Transferring Commercial Floor Area From Commercial Foundations 226-254

- G. Amendment of Plan Area Statement Boundary Between Plan Areas 045, Incline Village Commercial, and 046, Incline Village Residential, to Move Washoe County APN 127-023-05 from Plan Area 045 Into Plan Area 046 255-261

- H. Application by Placer County to Amend the Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination, Placer County APNs 94-190-22 and -26, Payless Drug Stores Northwest 262-339

IX. PLANNING MATTERS

- A. Forest Health Workshop - 1:30 p.m. March 23 340 - 359

- B. Workshop on Subdivision Provisions 360 - 379

C. Determination of Available Sewer Capacity and Determination to Authorize Release of 1994 Allocation in the South Tahoe Public Utility District Service Area

380-399

X. APPEALS

A. William W. Sheaff, Appeal of IPES Score, Placer County APN 97-200-11

XI. ADMINISTRATIVE MATTERS

400

A. Executive Director Vacancy - 8:30 a.m. Thursday, March 24

- 1. Interviews of Finalists
- 2. Determination of Future Interview Dates
- 3. Selection of Executive Director
- 4. Related Administrative Items

B. Designation of Acting Executive Director

C. Follow-Up Report on Effectiveness of Timber Harvest Amendments 401-403

D. Filling a Vacancy on the Rules Committee 404

E. Amendment of Washoe County Community Planning Team 405-407

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

- 1. Receipt of February Financial Statement and Check Register

B. Legal Committee

- 1. Modification/Affirmation of Settlement Agreement, Vennard v. TRPA, Washoe County 408-419

C. Capital Financing Committee 420-421

D. Rules Committee

XIII. REPORTS

A. Executive Director

- 1. Status Report on Processed Projects 422
- 2. Status Report on IPES and Land Capability Determinations 423
- 3. Status Report on Nevada Legislative Interim Committee on TRPA (S.J.R.7)
- 4. Monthly Status Report

B. Agency Counsel

C. Governing Board Members (No Action)

XIV. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>
1. Hyatt Corporation, Commercial Restaurant Rebuild and Expansion, 955 Lakeshore, Washoe County APN 127-280-02	Approval With Findings And Conditions
2. Brockway Springs, Relocation and Extension of Water Intake Line, Special Use Determination Placer County APN 090-250-32	Approval With Findings And Conditions

01-21

22-31

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 any item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

February 23, 1994

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Wayne Chimarusti called the regular February 23, 1994, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:30 a.m. and led the Board members in the Pledge of Allegiance to the Flag.

Mr. Chimarusti asked the Board members, staff and audience to remain standing for a moment of silence in memory of Agency Counsel Gary A. Owen who was killed in an automobile accident on February 4. He had known Gary for 17 years and had never met a finer man, a harder worker or a better attorney. Gary's wife, Elaine, was recently released from the hospital.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanoy, Mr. Waldie, Mr. Kanoff, Mr. Imsdahl (for Placer County), Ms. Cavin (for Ms. Lau), Mr. Klein, Ms. Bennett, Mr. Westergard, Mr. Harper (for Washoe County), Ms. Hagedorn (present at 10:15 during M.S. Dixie discussion), Ms. Neft, Mr. Upton, Mr. Chimarusti

Members Absent: Mr. Cronk, Presidential Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS - There were no public interest comments.

IV. APPROVAL OF MINUTES

MOTION by Mr. DeLanoy to approve the January 26, 1994, regular meeting minutes as presented. The motion carried unanimously.

V. APPROVAL OF AGENDA

Executive Director Dave Ziegler advised of the following changes: 1) agenda item VII. B., Placer County request for man-modification of Payless site, was to be continued, since discussions with the County and the property owner were ongoing; 2) the workshop on interagency work efforts for the East Shore (XI.A.) was to be continued; 3) staff needed more time to work out technical details on release of CTRPA ISR funds (item XII.A.2.) and wished to continue the item to March.

MOTION by Mr. Kanoff to continue the three items referenced by Mr. Ziegler. The motion carried unanimously.

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

VI. CONSENT CALENDAR

Mr. Ziegler advised that an adjacent property owner had asked that the Tahoe City Public Utility District Highlands well, generator and building project (consent #2) be discussed by and acted on separately by the Board.

MOTION by Mr. Klein to approve the consent calendar minus the Tahoe City PUD project. The motion carried unanimously.

(This action included approval of the following: 1. McGirr, Resolution of Enforcement, Douglas County APN 03-172-04; 3. Carnelian Woods Townhouse Association, Sanitation Salvage/Thinning Timber Harvest, Substantial Tree Removal, Placer County APN 116-120-19; and 4. Release of Water Quality Mitigation Funds (\$170,000) to Washoe County for Erosion Control Projects)

Tahoe City Public Utility District, Special Use Determination,
Highlands Well, Generator and Building, Placer County APN
093-160-29 and -36 Consent Calendar Item 2

Associate Planner Vivica Orsi presented the summary of the TCPUD proposal and explained the concerns of an adjacent property owner relating to temporary and permanent erosion controls during test drilling and increased noise levels. The property owner was also concerned the well would deplete the surface groundwater supply and lacked sufficient environmental documentation. Staff had determined that the negative declaration and environmental documentation submitted by TCPUD would justify a finding of no significant impact. Prior to issuance of the permit, TCPUD was required to prove compliance with all environmental thresholds.

Mr. Dave Antonucci, TCPUD General Manager, explained that, because the drilling was done using an air process, he could not explain the presence of white chalky material near the well; it was likely native soil. Soil removed from the hole would be taken from the site and disposed of at an approved site. The project was being done to comply with safe drinking water standards. The generator on site was to provide water supply during a wildfire; all new TCPUD wells were being equipped with standby power.

No one in the audience wished to comment on the project.

MOTION by Mr. Klein to approve the findings for the TCPUD Highlands well, generator and building. The motion carried unanimously.

MOTION by Mr. Klein to direct staff to complete review of the project and, if appropriate, approve it. The motion carried unanimously.

VII. PROJECT REVIEW

- A. M.S. Dixie II, Assembly, Launching and Operation of Tour Boat, Zephyr Cove Resort, Douglas County APN 05-010-03

Associate Planner Jim Lawrence presented the staff summary of the proposal to replace the Dixie I. Dixie II would be constructed outside the Basin and

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transported to Lake Tahoe in modules. There were no provisions to remove the old Dixie; it would be moored at an existing buoy at Zephyr Cove Resort, and any additional use would require a TRPA permit. Mr. Lawrence responded to questions and explained that retention of the old Dixie moored to a buoy would not constitute an expansion or new use because the boat would not be used. Mooring of the old boat was not considered a use needing review. The Board discussed the impact of launching the new boat, the 360 passenger limit, enforcement, scenic impacts of mooring the old boat, the routing of tours to Emerald Bay, and the conditions of approval.

Mr. Bill Chernock, representing Travel Systems, Ltd., explained the routing of the boat through Glenbrook Bay, to Emerald Bay, and to Tahoe City (as a special event only). The short-term plan for Dixie I was to moor it on the north side of the pier where it was less visible and to actively seek a buyer. Other use options included operating the boat as a research vessel and as a restaurant. A time limit had not been set for making a determination on the disposition of Dixie I.

Mr. Bob Kimball, a principal owner of the Dixie and the operator of the Zephyr Cove Resort, explained the potential uses of Dixie I and asked that the Board not set a time limit for its disposition. Dixie I was a part of Tahoe's history, and he would like to see it in service at a later date - as a shoreside facility, a restaurant, or research vessel. The plan was to come to TRPA at a later date for increased occupancy for Dixie II beyond the current 360 passengers. The old Dixie would be moved out of the view of homeowners in the area to the north side of the pier and he was actively seeking final disposition of the boat because of the costs to maintain it. TRPA review of the status of Dixie I in two years if no application before that time was filed was reasonable. He preferred this to an outright deadline for removal.

Agency Legal Counsel Rachelle Nicolle advised that the Board was able to place conditions on the permit if necessary to make the threshold findings. The two-year time limit could be tied to mitigation of visual scenic impacts.

Mr. Chernock addressed the effect on the dinner dance cruises of the recommended condition that the tour boat not operate in Emerald Bay between one-half hour after sunset and one-half hour before sunrise from April 1 through October 15. He preferred the option of working with staff and other cruise operators to adjust the Emerald Bay path, sound system, and lighting to avoid impacts on the Emerald Bay boating campground.

Mr. Rick Angelocci, Chief of Project Review, advised that an earlier EIS for the 500-passenger Tahoe Queen tour boat required a condition restricting operation at night because of the potentially significant impact on boat campers in Emerald Bay. It was only fair this same condition be imposed on the Dixie. Staff would reconsider the condition should there be a new environmental document accompanying a proposed increase in passengers.

Mr. Kanoff noted that conditions Q and V page 8 of the summary were the same.

Mr. Kimball asked that condition O be changed to permit him to work with staff to consider other options than an outright prohibition to operate in Emerald

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Bay after sunset from April 1 through October 15.

Mr. Angelocci recommended against amending the condition because it was the mitigation for the potentially significant impact identified in a certified EIS. This could not be modified without amending the EIS. The condition could be considered at such time as environmental documentation was submitted in support of an expanded passenger load.

(Ms. Hagedorn came into the meeting at 10:15 a.m.)

Mr. Kimball explained the Dixie I was in good condition but did not meet her load line levels. Rather than redoing the boat at a cost of \$2.5 million, it was less expensive to build a new boat.

Mr. Bob Macomber, representing California State Parks, expressed three concerns: 1) the tour boat loud speakers were a constant source of complaint from visitors at the trail head in Emerald Bay and at Vikingsholm and Bay View parking lots; State Parks would prefer multiple smaller speakers instead of one large one; 2) campers at the Emerald Bay boaters' campground had complained about the tour boats' use of spotlights at night to identify the campground; 3) there were turbidity problems caused by the tour boats coming in close proximity to the lake intake at the end of the Vikingsholm pier; State Parks would like to see a buffer zone 200 feet from the end of the pier. Mr. Macomber commented that tour boats on Lake Tahoe did serve a valuable service in reducing traffic congestion, and with the above considerations addressed, State Parks supported the Dixie II application. State Parks was willing to work with the tour boat operators and TRPA in finding solutions to the stated issues.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, expressed concern about the unclarity of the Code with respect to certain recreational projects and staff's determination that tour boats were neither a commercial use requiring commercial floor area nor a recreational use needing assignment of Persons At One Time (PAOTs). The League agreed that a boat taking visitors to Emerald Bay could provide an alternative transit mode; but weddings, meetings, and dances appeared to be a form of commercial use. TRPA needed to look at the bigger issue of what role the tour boats played at Lake Tahoe, and she would be writing TRPA with suggestions on how to deal with this in the future. The League found it discouraging to see a project like this on the agenda after the boat had already been purchased; it was difficult for TRPA to deal with an applicant who already had made such a large investment based on staff's guidance. TRPA had no discretion to suggest the new boat was not a good idea. The League had substantive environmental concerns relating to complaints about the boat scraping the Lake's bottom as it entered Emerald Bay, to scenic problems caused by the moored Dixie I, and scenic problems caused by the larger Dixie II coming into Emerald Bay.

Mr. Robert McDowell, from the Forest Service, advised the Forest Service supported the operation of an M.S. Dixie off of Zephyr Cove Resort, which was National Forest land. Such a use was considered appropriate for this property. The Forest Service did support Mr. Macomber's concerns relating to tour boat impacts on recreation uses and the land in the Emerald Bay area.

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tour boat impacts on recreation uses and the land in the Emerald Bay area. The Forest Service supported the application for the new Dixie. While the Forest Service had authority over uses on its land, it did not have authority to regulate what happened in the water.

Mr. Jim Porter, attorney representing a Skyland property owner, spoke in favor of the new Dixie application but expressed concern that the old boat was being retained and considered potentially for a new use. He would like to see a condition of approval requiring the Dixie I to be removed within a certain timeframe to avoid the negative visual impacts.

Mr. Gary Richards, on behalf of the Board of Directors for the Zephyr Cove Property Owners Association, commended Mr. Kimball for his previous cooperation in addressing Association concerns and asked that Dixie I not remain at a Lake mooring for an extended time because of the visual impact. If the boat were allowed to remain and to convert its use to a work boat or research vessel, he was not sure that a utility vessel would have the same exterior look as a tour boat. He was concerned with a degrading appearance over time. Also the Dixie had had two sinkings in its history and could be a problem because of its fuel loads. The Echo 5, a medium-sized vessel also in this area, was to have been removed last fall. It was still at mooring. The tour boat was a valuable asset for the Tahoe tourist, but it also brought traffic congestion, illegal parking, trespassing, and beach crowding. The prospect of increased passenger loads would require significant review and his group would like to have input at that time.

Mr. Ziegler advised the Board that it was not accurate, as implied by Ms. Nason, that staff had given guidance to the applicant to proceed with purchase of the boat to get started in the application process. There was no such guidance given, and, in fact, the applicant was warned over and over that he was proceeding at his own risk. All actions of the Governing Board were discretionary, and there were no guarantees. Staff would have preferred that permits be granted first, but it had no control over that part of the process. To the comment that the Dixie II was a much larger boat than Dixie I, it was 11 feet longer. On the issue of turbidity in Emerald Bay, staff was comfortable with a condition stating that the boat should not be operated within Emerald Bay at such shallow depths that the propulsion system created increased turbidity. This would refer both to crossing the sand bar at the Bay's entrance and to operating around the pier at the southwest end of Emerald Bay. On the issue of retirement of Dixie I, staff would agree with a condition that, because of potential scenic impacts, TRPA would require a schedule for removal of the Dixie I or an application for use within two years of the approval. Permissible uses in the Lake zone included safety and navigational facilities, salvage operations, seaplane operations, tour boat operations, waterborne transit, and water intake lines. Commercial boating and scientific projects were special uses. Staff did not consider the boat being tied up to a pier or a buoy as a use, but any other use of the boat had to be in one of these categories or it was not permitted. A retail facility simply was not allowed. Staff favored adding language to condition N that "the applicant shall use multiple small speakers."

Mr. Chernock advised that the sound system for Dixie II would be focused

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with a tighter coverage pattern. On the turbidity question, the Dixie had the ability when near Vikingsholm not to use the paddlewheel for propulsion. He had no problem working with State Parks, the Forest Service and TRPA to address this.

Mr. Ziegler reiterated a condition that "the Boat would not be operated in Emerald Bay at shallow depths at which the propulsion system of the boat creates increased turbidity." A condition to address the continued mooring of Dixie I could state that "TRPA shall receive a schedule for removal or an application for use of Dixie I within two years of the date of approval."

Mr. Kimball concurred with the latter condition and explained that the Dixie tried to stay 200-300 feet off shore to avoid turbidity and congestion problems near Vikingsholm. He did not want to see the Dixie in a situation where it scraped bottom at the entrance to Emerald Bay and would limit the boat voluntarily if the channel became too shallow. This was common sense.

Mr. Waldie suggested that, rather than requiring submittal of a schedule for removal of Dixie I within two years, the Board consider a condition that the storage of the retired Dixie shall be reviewed and approved by TRPA three months from today. The applicant would agree to abide by TRPA's decision as to the length of time storage of the Dixie on the Lake would be allowed.

Mr. Ziegler commented that because the entrance to Emerald Bay was rocky, turbidity in this area was not an issue. The condition as he had worded it was generic enough to protect water supply and ambient water quality standards. The boat should not be operated in such a way as to increase turbidity anywhere.

MOTION by Mr. Waldie to add a condition X. that "conditions of storage of M.S. Dixie shall be reviewed and approved by TRPA three months from the date. Applicant will abide by TRPA's decision as to the length of time storage on the Lake of the Dixie will be allowed."

Discussion followed on the motion, a takings without compensation concern, the burden for staff to come up with interpretation of the Board's action, and the storage question.

Mr. Ziegler explained that staff was concerned with storage and recognized the public's concern. The condition staff had suggested was that the applicant submit a schedule for removal or an application for use of the vessel and that schedule or application must be approved by the Governing Board within two years of the date of approval. A violation would be treated as a compliance matter.

Ms. Nicolle explained that in the case of a compliance complaint TRPA could request an injunction and ask for removal of the M.S. Dixie, or the permit could be revoked if the two-year time limit was not met.

Mr. Upton suggested the applicant had tremendous incentive to resolve the question. He was comfortable with staff's proposal in terms of either a new application or a schedule for removal within two years.

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The motion failed on the following vote:

Ayes: Mr. Westergard, Ms. Cavin, Mr. Harper, Mr. DeLanoy,
Mr. Waldie, Ms. Bennett, Ms. Hagedorn, Mr. Chimarusti
Nays: Mr. Upton, Mr. Kanoff, Mr. Klein, Mr. Imsdahl, Ms. Neft
Abstain: None
Absent: Mr. Cronk

Mr. Ziegler advised the Board that Chapter 4 of the Code provided that any exempt activity could be required to come in under the loss-of-exemption provisions. In the next two years, if there were environmental impacts or any other problems caused by the mooring of the Dixie I, TRPA could invoke loss of exemption and require the Dixie to come in for a mooring permit. TRPA did have adequate control.

MOTION by Mr. Klein to adopt the staff changes to the conditions (to require multiple smaller speakers, to add a condition regarding turbidity as stated by Mr. Ziegler, and to require submittal of a removal schedule or new use application within two years).

Ms. Nicolle recommended language be included that storage of Dixie I would not create a vested right.

Mr. Klein agreed to include language in the motion that storage of Dixie would not create a vested right.

Chairman Chimarusti asked for clarification on the conditions before taking a vote.

Mr. Ziegler summarized that the proposed conditions included A through W, with V being a duplicate of Q. Three conditions were to be added as follows: 1) amend condition N to incorporate language requiring multiple small speakers; 2) add a condition stating the boat would not be operated within Emerald Bay at shallow depths which create increased turbidity; 3) add a condition stating that the applicant must submit and receive Board approval of a schedule for removal or an application for use of the vessel within two years of the date of approval. Also add a condition that storage would not create a vested right.

Mr. Klein concurred that this was his motion.

Mr. Kanoff noted that the applicant had agreed to move Dixie I from the south side of the Cove to the north side away from the Homeowners.

The motion carried with Mr. Westergard voting in opposition.

MOTION by Mr. Klein to approve the findings for the Dixie application. The motion carried on the following vote:

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Ayes: Mr. Upton, Mr. Kanoff, Mr. Klein, Ms. Cavin, Mr. Imsdahl,
Mr. Harper, Ms. Neft, Mr. DeLanoy, Ms. Bennett,
Nays: Mr. Waldie, Ms. Hagedorn, Mr. Westergard, Mr. Chimarusti
Abstain: None
Absent: Mr. Cronk

MOTION by Mr. Klein to approve the Dixie project with the conditions as stated by staff. The motion carried on the following vote:

Ayes: Mr. Kanoff, Mr. Klein, Ms. Cavin, Mr. Imsdahl, Mr. Harper,
Ms. Neft, Mr. DeLanoy, Ms. Bennett, Mr. Upton
Nays: Mr. Waldie, Ms. Hagedorn, Mr. Westergard, Mr. Chimarusti
Abstain: None
Absent: Mr. Cronk

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

A. Finding of Technical Adequacy and Certification of the Sierra Nevada College New College Campus Final Environmental Impact Statement

Senior Planner Lyn Barnett explained that staff had received very few comments on the EIS during the comment period. The APC recommended that the document be found technically adequate, and staff recommended that the EIS be certified. The College submitted an application for Phase I which staff hoped to bring to the Board next month.

Consultant Leah Kaufman was present to answer Board member questions.

Mr. Donald Kornreich, retired engineer and planner, advised he had previously distributed comments on the EIS regarding economic and transportation impacts. The expansion of Sierra Nevada College would have a beneficial impact on Incline and surrounding communities, and the impact on transportation would be negligible. The College proposed bicycle and pedestrian paths to be connected to already existing trails.

Mr. DeLanoy advised he was a condominium owner at 999 Lakeshore, and while it was not within 100 feet of the College, the property was in the general area of the College site. The Legal Committee discussed this at its morning meeting and felt that his interest was no different than that of the public. Mr. DeLanoy asked if the College or its representatives had any objection to his voting on the matter.

There were no comments. Chairman Chimarusti closed the hearing.

Mr. Westergard advised that the analysis of water quantity for purposes of EIS certification was adequate. The warning about running out of the resource continued because the limit was close, but he did not oppose certification of the EIS on that point.

MOTION by Mr. Harper to find the Sierra Nevada College EIS technically adequate and to certify the EIS. The motion carried unanimously.