

**TRPA
GOVERNING BOARD
PACKETS**

**MARCH
1996**

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on March 27, 1996, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will commence at 9:30 a.m. 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.

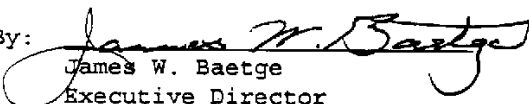
Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on March 27, 1996, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of the February check register and financial statement; 3) member comments. (Committee: Wynn, Neft, Cole, Heller, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on March 27, 1996, commencing at 8:30 a.m. at the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) mediation in TSPC v. TRPA; 3) member comments. (Committee: Neumann, Miner, Cronk, Sevison, Waldie, Chairman DeLanoy)

Date: March 18, 1996

By:


James W. Baetge
Executive Director

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

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

March 27, 1996
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

Page #

AGENDA

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

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, 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 MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 3)
- VII. PUBLIC HEARING - (* items include action on the findings plus action on the related ordinances, resolutions, environmental documents, and/or plans.)
 - A. Amendment of Chapter 22, Height Standards, to Add Provisions Regarding Additions to Existing Buildings* 63-72
 - B. Amendment of PAS 045, Incline Village Commercial (Commercial/Public Service), to Revise Special Policies #5 and #6 to Allow Single Family Dwellings as a Permissible Use When They are Part of a Mixed Use Development and When Affordable Housing Units are Provided as a Part of the Project; Reallocate 10 Residential Bonus Units from PAS 044, Fairway (Residential), to PAS 045* 73-88
 - C. Amendment of PAS 048, Incline Village Tourist (Tourist), to Delete the Existing Special Designations Which Limit the Transfer of Development Right receiving area designation for multi-residential units and the Residential Bonus Unit Incentive Program to Special Area #1; to Reallocate 20 Residential Bonus Units from PAS 044, Fairway (Residential), to PAS 048* 89-114

- D. Amendment of PAS 100, Truckee Marsh (Conservation), Technical Correction to Add Stream Environment Zone Restoration as a Permissible Use* 115-126
- E. Amendment of Chapter 21, Density, Relative to the Kitchen Unit Limitation for Timeshares* 127-133
- F. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis 134

VIII. PLANNING MATTERS

- A. Report on Status of Ski Run Marina Inner Harbor 136-137
- B. Discussion on Proposed Alternatives To Be Analyzed for the 1996 Threshold Evaluation Report 138-145
- C. Direction to the Local Government Committee to Consider Effect of Project or Regional Plan Amendment Approvals on Affordable Housing 146
- D. Presentation on Eurasian Water Milfoil 148
- E. Policy Direction to California Resources Agency Regarding Abandonment of Open Space Easements 150
- F. Amendment of the Agreement Regarding the South Lake Tahoe Demonstration Redevelopment Plan for Ski Run/Stateline Areas 152-153

IX. ADMINISTRATIVE MATTERS

- A. Report on Performance Statistics for the Project Review Division and the Environmental Compliance Division 154-167

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee Report
 - 1. Receipt of February Financial Statement and Check Register
- B. Legal Committee Report
 - 1. Mediation in TSPC v. TRPA
- C. Capital Financing Committee Report
- D. Rules Committee Report
- E. Shorezone Policy Committee Report
- F. Local Government Committee Report

XI. REPORTS

A. Executive Director Monthly Status Report

- 1. Update on Washington, D.C. Visit
- 2. Notice of Circulation of the Park Avenue Development Project Draft EIR/EIS
- 3. Status Report on the Nevada \$20 Million Bond

168-169

170-171

B. Legal Division Monthly Status Report

C. Governing Board Members

XII. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. South Tahoe Area Ground Express (STAGE), Maintenance Facility, Public Service Facility	Approval With Findings And Conditions	1-12
2. Vickers, Residential Garage Addition, Special Use Determination, 449 Gonowable Road, Washoe County APN 123-146-07	Approval With Findings And Conditions	13-28
3. Carl Fair, Meyers Station, New Commercial Buildings and Commercial Rebuild, Allocation of Commercial Floor Area, 1341 Highway 50, Meyers, El Dorado County APNs 34-331-16 and -17	Approval With Findings And Conditions	29-50
4. Douglas County, Cave Rock/Skyland Water Treatment Facility, 1309 U.S. Highway 50 Douglas County APN 03-141-01	Approval With Findings And Conditions	51-62

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 require 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

City Council Chambers
South Lake Tahoe, California

February 28, 1996

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular February 28, 1996, meeting of the Governing Board of the Tahoe Regional Planning Agency to order at 9:40 a.m. and led the Board in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Dr. Miner, Mr. Sevison, Ms. Neft, Mr. Wynn, Mr. Harper (for Mr. Bradhurst), Mr. Hime (present for items VII.B, VIII.A., VIII.B. and X.E.), Mr. Cole, Mr. Chimarusti (for Mr. Heller), Mr. Stewart (for Nevada Department of Conservation), Mr. Upton

Members Absent: Mr. DeLanoy, Mr. Waldie, Mr. Cronk, Ms. Bennett, Mr. Neumann

Chairman Upton welcomed Mr. Bob Stewart, the designee for the Director of the Nevada Department of Conservation and Natural Resources, Mr. Mike Harper for Washoe County, and Mr. Wayne Chimarusti, for Nevada Secretary of State Dean Heller. Mr. Hime, the new California Assembly Speaker appointee, had a tire blow-out on the way to the meeting but would be connected by telephone later in the meeting for California projects. Mr. Waldie had a medical emergency earlier in the morning and would not be attending.

III. PUBLIC INTEREST COMMENTS

Mr. Don Kornreich provided the Clerk with copies of a February 1 memo to local jurisdictions requesting urgent consideration of \$20,000 from each of the five counties to commence study on how to raise local fees, particularly the Basin impact fee. The \$100,000 requested in the legislative packet would not be available any time soon. The Basin impact fee was the only reasonable way to get money. Unless TRPA got this going now, it would be two years before something could be done because of the Nevada legislative schedule. Money was the most important thing for the Board to focus on now. TRPA was micromanaging and not really addressing deteriorating water quality and clarity, increasing traffic volume, and visibility problems. A 1974 financial feasibility report by McDonald Smart concluded that user charges, another name for basin impact fee, was the only way to raise enough money to solve the problems. Mitigation fees and grants provided less than 15 percent of needed funds to do the job. If TRPA did not assume leadership in this area, other organizations, like the Transportation Management Associations, would. On the subject of Eurasian milfoil, Mr. Kornreich noted it was potentially as serious a problem for the Lake's clarity as sediment.

Executive Director Jim Baetge noted that a discussion on Eurasian milfoil would be placed on the March agenda.

TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

Mr. Wynn agreed that TRPA could not make a substantial change in achieving recreation, scenic and water quality thresholds until it had access to additional funding. TRPA could not get really proactive with the current two to one funding levels currently coming from California and Nevada. More money was needed, and the search for it had to be handled carefully. TRPA should take steps to study it.

Chairman Upton noted that the Capital Financing Committee would take this up during the 1:00 p.m. lunch break. A delegation was going to Washington, D.C. next week and would also be discussing these issues.

IV. APPROVAL OF MINUTES

MOTION by Ms. Neft to approve the January 24, 1996, regular meeting minutes. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells advised that Board member Rex Hime would be patched in by telephone at approximately 10:00 a.m. for action on the California projects. Amendment of the redevelopment plan agreement for Ski Run/Stateline (item X.E.) should be taken up after consideration of the Redevelopment Plan amendments (item VIII.A.) and the project itself (VII.B.). The STPUD presentation on mitigation measures (X.D.) would be taken up at 2:00 p.m. or later, not at 1:30 p.m. as noted on the agenda. The Capital Financing Committee would be meeting during the lunch break at 1:00 p.m.

MOTION by Ms. Neft to approve the agenda as presented. The motion carried unanimously.

VI. CONSENT CALENDAR

Deputy Director Jerry Wells noted that a quorum of Board members was present to act on items 2 through 7. Item 1 (Bugalski IPES appeal) could not be acted on without at least five California members present.

Mr. Cole asked that the Stillwater Cove Homeowners Association resolution of enforcement (item 5) be pulled for discussion and separate action.

Chairman Upton noted that he, Dr. Miner, and Mr. Sevison had earlier in the day discussed the Kline enforcement matter (consent item 7) in the Legal Committee and recommended approval of the resolution of enforcement.

MOTION by Mr. Sevison to approve items 2, 3, 4, 6, and 7 on the consent calendar. The motion carried unanimously.

(Following are items approved on the consent calendar: 2. 1996-2000 List of Additional Recreation Facilities Pursuant to Section 33.6 (Resolution No. 96-4); 3. 1996-2000 List of Additional Public Service Facilities Pursuant to Section 33.5 (Resolution No. 96-5); 4. Tahoe Biltmore, Inc., Temporary Commercial Use, Northwest Corner of Reservoir Drive and Lake View Avenue, Crystal Bay, Washoe County APN 123-053-04; 6. Washoe County Request for Release of Water Quality Mitigation Funds (\$26,299) to Pave Amagosa Road;

TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

7. Kline, Resolution of Enforcement, 119 Meadow Drive, Douglas County APN 07-453-03)

Stillwater Cove Homeowners Association, Resolution of Enforcement, Washoe County APN 123-051-04 (consent calendar item 5)

Mr. Cole explained he still objected to the settlement because it awarded an illegal act that was committed willfully or as a result of gross negligence and in violation of existing ordinances. He believed the floats should be removed until they could be legally permitted.

Mr. Wynn commented that the homeowners last month suggested that retention of the buoys was the reason they agreed to the settlement. This presupposed the appeal had merit. He was not sympathetic with turning one's back on the fundamental issues of ordinance rules. These buoys were rented for profit.

Mr. Harper concurred that he did not favor awarding an illegal act.

Ms. Stacey Herhusky, representing the homeowners, explained that Stillwater in 1980 obtained a permit for 9 buoys. There were changes in management over the years and additional buoys were installed without the knowledge that permits were required. There was no malice involved. It was an oversight. When the violation was brought to the homeowners' attention, they applied for a permit and paid the fee. They were denied and had an appeal pending. The appeal would be withdrawn if the Board approved the settlement today. The homeowners would pay a \$16,000 penalty (\$1,000 per buoy), consistent with other illegal buoy penalties, and would apply for a permit for the buoys once the shorezone EIS was certified. There was no guarantee that the buoys would remain. This was an interim measure. Stillwater had a good position should the matter go to litigation. The buoys were not in a fish habitat, and TRPA's own study suggested that buoys were not necessarily harmful to the fish habitat.

Mr. Harold Eastridge, from the Stillwater Homeowners Association, explained there was no charge for use of the buoys. There was a surcharge to the dues structure for homeowners to cover the cost of buoys and their upkeep. There were 46 actual owners in the association; there was a large turnover in ownership and in management, and many owners were not aware that there were buoys that did not have permits. As president of the association, he made application for permits as soon as he realized there were discrepancies between the number of buoys shown by the state and what actually existed. He applied and was denied. Although a staff photo showed the existence of 9 buoys in February of 1991 and a 1994 photo showed 25 buoys, in June or July of 1991 he personally knew there were more than 20 in the field. He had documentation that there were 18 buoys in 1988. Staff's report was in error on the number of buoys in the past.

Mr. Wynn noted that in January the Board voted to authorize staff to use the documentation for the shorezone EIS in the review of projects. It was to be used as an additional piece of information but not as the controlling factor. The document and others found that buoys, while perhaps a scenic issue, did not negatively impact fish. The permit for the buoys was denied based on the fish habitat impacts. If the permit came forth now, it may not be denied. He felt that staff's and the Legal Committee's recommendation was appropriate.

TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

Ms. Herhusky pointed out that the \$16,000 penalty would be kept by TREA even in the event the buoys were ultimately allowed. It was non-refundable. The consideration for entering the agreement was continued use of the buoys for Stillwater Cove. Dropping the chains had the same effect as removing the buoys.

Mr. Chimarusti questioned whether the buoys would be functional with the rising Lake level, or whether the chains would have to be lengthened.

Mr. Eastridge responded that a diver every year checked the chains and lengthened or shortened them as necessary. Some buoy chains were in excess of 100 feet. The association spent between \$4000 and \$8000 per year in buoy field maintenance.

Agency Counsel R. J. Nicolle advised the Board that the concept of allowing the use to exist was consistent with the previous settlement in the Vennard pier case, a case of an illegal pier in a fish habitat that was permitted to remain pending the outcome of the fish study. The agreement required removal of the pier if it was determined it had a negative impact. There was precedent for a decision of this nature.

Mr. Cole explained that in the spirit of compromise he would vote in the affirmative for the settlement. The record should show his concern, however, with negligent action for monetary gain. He was concerned with the two general perceptions in the public that if a person was willing to pay enough money he could get what he wanted and that it was easier to ask forgiveness than permission. TRPA needed to be very conscious of these very real perceptions in the community.

MOTION by Mr. Sevison to approve the settlement in the Stillwater Homeowners Association matter as proposed by staff. The motion carried unanimously.

VII. PROJECT REVIEW

A. M.S. Dixie II, Passenger Capacity Increase, Zephyr Cove Resort, Douglas County APN 05-010-03

Associate Planner Jim Lawrence presented the staff summary for approval of the proposal to increase passenger capacity of the Dixie II from 360 to 575. In January the Board continued the item because of three concerns: 1) the disposition of M.S. Dixie I; 2) details regarding Travel Systems' participation in the Coordinated Transit System (CTS); and 3) illegal parking along Highway 50. To address the first concern, staff recommended a condition requiring Travel Systems to submit a schedule to TRPA for removal of the M.S. Dixie I by October 15, 1996.

Mr. Cole questioned a previous condition placed on Joe Thieman and the expansion of the Tahoe Queen requiring removal of old boats before operation of the expanded Queen. Was the Dixie being treated equitably?

Mr. Lawrence responded that his research of the EIS and the permit for the Tahoe Queen did not show a requirement for removal of the vessels. The condition for the M.S. Dixie would require that by October 15, 1996, the

TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

M.S. Dixie I needed to be removed from Lake Tahoe and either stored in a permitted storage facility or removed from the Basin. By August 15, 1996, Travel Systems needed to come to TRPA with an application showing details for removal of the vessel. In the meantime, Travel Systems could continue to pursue a use for the vessel; however, that use needed to get Board approval by the September Governing Board meeting. Applicants were being treated equitably. With the concern on the CTS agreement, Travel Systems was required to contribute \$10,000 to the CTS fund, would contribute two shuttle buses, and would sign a participation agreement. To the concern regarding illegal parking on Highway 50 during peak summer months, NDOT was willing to put up additional No Parking signs if it received a letter of request from TRPA, Travel Systems, Ltd., and the U.S. Forest Service. During the summer months, Travel Systems would be required to conduct parking surveys to see if the EA transportation projections were being met. If illegal parking continued and it was determined to be a traffic and safety problem, the \$10,000 contribution to CTS could be used to purchase parking barriers.

Mr. Dick Glasson, representing Travel Systems, the owner/operator of M.S. Dixie II, repeated his January remarks about savings in vehicle trips, benefits to the elderly and handicapped, and the removal of the old boat absent a new use for it. Travel Systems was happy to be a participant in the CTS and believed the donation was more than generous. He did not feel the Highway 50 parking problem was caused by the Dixie but rather by beach goers. Although highway signs were acceptable, they would have a scenic impact.

Mr. Mike Dill, from Aspen Environmental Services, on behalf of four homeowners in Zephyr Cove and two in Skyline, spoke in general support of the Dixie II expansion but asked that the Board include conditions to address the expanded use of the Zephyr Cove Resort area over time. Accidents occurred every year at this site on Highway 50, and his clients wished to see either additional parking on-site or a crossing guard at the intersection on weekends and peak days. He would like to see parking passes issued to locals or carpoolers so they could access the Resort and not have to cross Highway 50. Because of concerns with the scenic impact of the M.S. Dixie's continued presence in Zephyr Cove, his clients wished to have the Dixie I removed to eliminate a future commercial use for the vessel. If it was true that the Coast Guard had condemned the old boat as unsafe, it should be removed and not allowed to operate in the future. (Mr. Dill distributed a copy of Section 52.2.D of the Code defining "Unserviceable").

Mr. Chimarusti, who was Board Chairman when the matter first came to the Board, recalled the Board's earlier agreement to allow the Dixie I to remain temporarily while the owners pursued a new use for it. If such a use could not be found, there was to be a schedule for its removal. He did not feel that Mr. Dill's concern regarding the potential for continued use by passengers was warranted.

Chairman Upton noted that the applicant had agreed to remove the boat if a use could not be found by September. There was additional opportunity for comment on such a proposal if it came up. In his estimation, the old boat's capacity was technically zero at this point.

TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

Mr. Harper suggested a crossing guard at a signalized intersection was not warranted. A parking pass did not seem appropriate since his clients lived in the area and could drop their kids off at the beach on the Lake side of the highway.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, suggested there was a representation issue for the Board to be aware of. Mr. Dill did an extensive amount of work for Mr. Thieman, the operator of the Tahoe Queen vessel. Since there were representation issues arising in many contexts, especially in the shorezone, it was important for the Board to be aware of who was representing whom. With regard to the proposal, the League appreciated staff's and Travel Systems' addressing the concerns raised in January. The CTS participation and the commitment to do something about the parking were excellent improvements. With regard to the removal of the boat, the League always felt the old Dixie should be off the Lake. The problem could be dealt with by adding a condition such that the permit would automatically expire in the event the Dixie was not removed by October 15. While the League agreed there was a safety issue especially with highway parking, the children crossing at the intersection were not on their way to the Dixie. A crossing guard was going too far in terms of putting conditions on this business for a problem that was not its responsibility. This, along with parking management, should be addressed in the context of a master plan for the Zephyr Cove Resort, which the Forest Service was presently preparing.

Mr. Robert McDowell, for the U.S. Forest Service, spoke in favor of staff's recommendation and the proposed staff conditions.

Mr. Joe Thieman, representing himself, spoke in favor of the replacement of the old Dixie with the new Dixie. It benefitted the tour boat business at Tahoe in general. His problem related to equal enforcement of the ordinances. A condition on the new Tahoe Queen required replacement of two existing tour boats in 1983. By the time he got full capacity in 1986, the boats were removed. He was forced to remove the original Miss Tahoe and the Pavilion from the Tahoe Basin before he could operate the Queen at half capacity. He was at half capacity for three seasons and received full capacity in 1986. Travel Systems was now negotiating for a commercial use on the old Dixie from the South Shore, and he felt it was inequitable to come before the Board and suggest the request was for replacement of an old commercial use with a new boat and that the old boat would be retired. The reality was that there was no intention to retire the old boat. He had spent \$1 million in an EIR and EIS for the Tahoe Queen; the new Dixie was approved with a one-page Environmental Assessment because it was replacing an existing use. He feared he would be competing against the new Dixie and the old one as well. This was not equitable, and he favored a condition that the old boat be removed before the Dixie II went to full capacity. Although he had raised the issue of continued use of the two boats with the staff when he processed the Tahoe Queen application, he had not explored this with the Board.

Mr. Harper suggested that if the Board had not considered the retention of the two boats at the time the Tahoe Queen was reviewed, it was not appropriate now to punish an applicant who went through a different process.

TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

Mr. Lawrence advised the Board that the incentive for removal of the M.S. Dixie I was the \$40,000 security required of the applicant. This security was nonrefundable until the condition was met. If the condition was not met, the permit for the M.S. Dixie II was invalid; the Dixie II could not operate. Staff had contacted the Nevada Highway Patrol, Douglas County Sheriff's Office, and NDOT to discuss the safety issue. They did not see the expansion of the Dixie as a major safety problem.

Mr. Roy Clausen, a retired United Airlines captain, commented that of the two vessels that Mr. Thieman got rid of one went to the North Shore; the other sank.

Mr. Thieman explained that the original Miss Tahoe was taken off the Lake and sold for operation in the mid-west. The Sun Runner was sold in 1979 and was at the North Shore. The two vessels he was forced to remove were the original Miss Tahoe, which was removed from the Lake, and the Pavilion, which was taken to Washington.

Mr. Glasson discussed the differences between the Tahoe Queen and the M.S. Dixie vessels and responded to Board member questions about timing of removal and participation in the CTS.

Agency Special Projects Attorney Susan Scholley responded to questions about the Agency's requirement for applicant participation in the CTS as a mitigation of impacts. It was viewed on a case-by-case basis and was considered appropriate mitigation. The staff had discussed the extent to which participation in the CTS should be formalized as a mitigation measure. It would not apply to all situations. Staff did not agree with Mr. Thieman's remembrance of the environmental review process for the Tahoe Queen. It was not relevant to debate that issue at this point.

Mr. Cole suggested that the questions raised last month were legitimate questions. The new conditions addressed those concerns. He was pleased with the level of participation in CTS and with the signage. He was convinced that the old boat would be dealt with appropriately, one way or another. What Ms. Nason had suggested regarding the expiration of the permit should the disposition of the old boat not be decided was assured in the conditions. All of the concerns raised last month were addressed more than adequately.

MOTION by Mr. Cole to make the findings to increase the capacity of the M.S. Dixie II.

Mr. Chimarusti suggested that, notwithstanding Mr. Glasson's presentation, a reasonable time for disposition of the Dixie I expired this month, as directed by the Board two years ago. On the whole, however, there were a variety of other benefits with the project, and he would support it.

The motion carried unanimously.

MOTION by Mr. Cole to approve the Dixie project with the specified conditions. The motion carried unanimously.

TRPA REGULAR MEETING MINUTES FEBRUARY 28, 1996

Prior to starting the next agenda item Chairman Upton noted that Rex Hime had now been connected by speaker telephone. Staff had attempted to reach other absent Board members (Mr. DeLanoy, Ms. Bennett, Mr. Waldie, and Mr. Cronk), but they were not available.

Bugalski, IPES Appeal, El Dorado County APN 15-323-13
(Consent Calendar Item 5)

MOTION by Ms. Neft to approve the item. The motion carried unanimously.
(Members present: Cole, Wynn, Sevison, Harper, Neft, Chimarusti, Miner, Hime, Stewart, Upton)

VIII. PUBLIC HEARING

- B. Certification of the Bijou/Al Tahoe Community Plan EIR/EIS and Adoption of the Bijou/Al Tahoe Community Plan; Related Amendments to Land Capability Overlays G-17 and G-18 and Plan Area Statement 099 (Al Tahoe) and Plan Area Statement 093 (Bijou); Amendments to the City of South Lake Tahoe Standards and Guidelines; Deletion of Plan Area Statement 098 (Bijou/Al Tahoe); and Amendment of Chapter 33 of the Code and Chapter VII of the Goals and Policies Plan

Principal Planner Gordon Barrett presented the staff's recommendation for certification of the document; adoption of the Community Plan; and approval of the attendant Code, Plan Area Statement, and Goals and Policies amendments. A February 15 letter from consultant Sue Rae Irelan outlined changes recommended by the APC, and a 2/27/96 handout contained a one-line change dealing with stream zone restoration. Staff felt that all required findings could be made, and all impacts associated with the preferred alternative could be mitigated. Approval had been recommended by the planning team, the APC, the City of South Lake Tahoe Planning Commission, and City and TRPA staffs. The City Council would take up the documents on March 5.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, urged Board adoption of the Community Plan. It was a good plan, and many good things would come out of it. When the Community Plan process was developed, all consensus participants agreed that there was too much commercial development in the Basin, particularly in South Lake Tahoe, for the health of the environment or economy. It was agreed that release of small amounts of commercial floor area would serve as incentive for some improvements and renovations. Unfortunately it had not worked out that way, since the process had been bogged down with many extraneous issues. Allocation of commercial floor space had turned into a drag on renovation, rather than an incentive. People who might otherwise purchase deteriorated commercial for transfer to new projects were dissuaded from doing so by the fact the process would yield some less expensive floor space. Communities were to be asked to make certain substantial commitments to improvements before commercial floor space could be released. That was not the case with this plan where floor space was being released immediately on the grounds that Caltrans did some improvements at El Dorado Beach. The League hoped in the future that this notion of adding to commercial floor space as an incentive for improvements would be abandoned. On the issue of signs, this CP would be subject to the sign ordinance. It was undeniable that the sign situation in the South Lake Tahoe was going down hill. Some of the