TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

January 24, 1996

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular January 24, 1996, meeting of the
Governing Board of the Tahoe Regional Planning Agency to order at 9:50 a.m. and
asked Vice Chairman Drake DeLancy to lead in the Pledge of Allegiance.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLancy, Mr. Waldie, Dr. Miner, Mr. Sevison,
Mr. Cole, Ms. Bennett, Mr. Cronk, Mr. Harper (for
Mr. Bradhurst), Mr. Upton
Members Absent: Ms. Baldrica (for Mr. Westergard), Ms. Neft, Mr. Wynn,
Mr. Hime, Mr. Neumann, Mr. Heller

(Four Board members from each state were present and constituted a quorum for
the transaction of business.)

Chairman Upton noted he had this morning received a fax notification from
California Assembly Speaker Curt Pringle appointing Mr. Rex Hime to replace
Ms. Jane Hagedorn on the Board.

Because of the snowy weather and the bad road conditions, there was not a
quorum to act on projects located in Nevada. Staff spent the early part of
the meeting arranging for a conference telephone call to reach Alice Baldrica
in Carson City so that action could be taken on the M.S. Dixie application
(agenda item VII.A.) and Stillwater Cove (consent calendar item #5).

III. PUBLIC INTEREST COMMENTS

Mr. Steve Tashara, chairman of the Tahoe-Truckee Regional Economic Coalition,
distributed copies of TTREC's revised 1995-96 action plan. TTREC consisted of
a broad spectrum of individuals and organizations from throughout the Region
who worked on a number of key initiatives. Last year the group adopted an
action plan, which included work on a regional legislative packet and a
regional economic indicators project. Mr. Carl Ribaudo had recently completed
the final draft report on economic indicators. TTREC was also working with
TRPA on issues related to the thresholds and real time threshold evaluations.
Under the community reinvestment category, TTREC had just released action
strategies related to business development, housing, community development,
and investment. TTREC looked forward in 1996 and beyond to continuing work
with TRPA and others on these issues.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, advised the Board that
since the last meeting the Senate's Environment and Public Works Committee
under 1997 legislation dealing with the Lower Truckee River voted to authorize
a study of Lake Tahoe by the Army Corps of Engineers precedent to the Corps'
reduction in Lake Tahoe restoration projects. This was a tremendous step
forward, and the League was working on obtaining the appropriation for the study in the upcoming fiscal cycle.

IV. APPROVAL OF MINUTES

MOTION by Mr. DeLanoy to approve the December 20, 1995, regular meeting minutes. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells advised there were no changes to the agenda. Both the Stillwater Cove resolution of enforcement (item #5 on the consent calendar) and the M.S. Dixie project (VI.A.) would need an additional Nevada Board member for approval.

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

VI. CONSENT CALENDAR

Mr. Cole asked that item #5 (Stillwater Cove Homeowners Association) be taken off the consent calendar and acted on separately.

Legal Committee Chairman Drake DeLanoy advised that both items 4 (Fitzgerald resolution of enforcement) and 5 (Stillwater Cove Homeowners Association resolution of enforcement) were taken up earlier in the day by the Legal Committee and recommended for approval. Item 4 included an amendment to recognize that the cutting of the trees was not done for view enhancement.

MOTION by Mr. Sevison to approve items 1-4 on the consent calendar. The motion carried unanimously.

(Following are the items approved on the consent calendar: 1. United Methodist Church, New Modular Preschool Building, Special Use Determination, 8425 Dolly Varden Street, Kings Beach, Placer County APN 090-101-34; 2. Talmont Resort Improvement District, New Operations and Maintenance Building, Special Use Determination, Silver Tip and Club Drives, Placer County APN 083-020-51; 3. Nahas, Shoreline Protective Structure, Special Use Determination, 1070 North Lake Boulevard, Placer County APN 94-160-17; 4. Fitzgerald, Resolution of Enforcement, El Dorado County APN 16-481-17)

Ms. Alice Baldrica, the appointee of the Director of the Nevada Department of Conservation and Natural Resources, was hooked into the meeting by telephone for the next two agenda items. Because the speaker phone was not working, staff member Pam Drum held the phone receiver near a microphone so Ms. Baldrica could hear the discussion.

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

Mr. Cole explained that he had wanted separate action on this item because he felt the buoys were placed illegally and with knowledge ahead of time. He did
not feel that the buoys should be allowed to remain and continue to be used pending completion of the Shorezone EIS process. It was a classic case of it being easier to ask forgiveness than permission. He was concerned that there was a general perceived feeling by the public that if one was willing to pay the money one could get what one wanted. He did not necessarily concur with the Legal Committee's recommendation. He did not know that the Board could predetermine the outcome of the shorezone discussion on buoys, and he did not know what the value of the buoys was; the $1,000 per buoy penalty did not seem to be much of a penalty. He favored staff's original recommendation.

Mr. Delaney explained that removal of the buoys with the possibility of reinstalling them at a later date could create some environmental problems. It was not a particularly good strategy to require removal of the buoys now only to find at the end of the current shorezone review process that they could be put back. There had been changes in the Stillwater Homeowners management staff over a period of time, and the buoys were installed without knowledge of the legal requirements.

Mr. Jon Paul Kiel, Associate Environmental Specialist, noted that there was a change in management since the original buoy field of nine buoys was approved in 1980. Since that time there had been several changes, and the new management may not have been aware of the requirement for additional permits. Staff came to the $1,000 per buoy penalty based on past Board actions. Stillwater had entered into a settlement agreement and was now more than aware of the permit requirements for shorezone structures. The agreement stated that if the shorezone EIS did not result in removal of placement standards which prohibited new buoys in feeding or escape cover fish habitat the buoys would be removed. Staff had originally had the same problem as that expressed by Mr. Cole and in the settlement negotiations was looking to have the buoys removed. The problem with this approach was, first, that buoy placement standards could possibly be lifted as a result of new shorezone regulations and, second, if TRPA moved for immediate removal in the interim, there would likely be long litigation that would extend beyond certification of the shorezone document.

Mr. Cole disagreed stating that TRPA could not make decisions based on the threat of litigation. This was not a policy of the Board in the past and should not become one now. With regard to the environmental issues, it seemed that if in fact there was a potential for damage and concern about the ultimate shorezone policy, he would favor leaving the buoy anchors but dropping the chains and removing the buoys. He was concerned with having someone knowingly do something illegally and receiving economic gain by continuing the use. If the Board was concerned about the outcome of the study, the anchors could remain and the buoys be removed.

Agency Counsel R. J. Nicolle advised the Board that it had done something like this in the past in a settlement agreement involving the Venard pier agreement, where the Board found a pier did not have to be removed pending the outcome of the shorezone study. An agreement stated that the pier would be removed if the shorezone EIS resulted in that recommendation.

Ms. Stacey Herruaky, with the office of D. G Menchetti, Ltd., on behalf of Stillwater Cove, noted Stillwater did not act with intentional malice in
installing the buoys. A 1980 permit was obtained originally for the buoy field, and later permits were not obtained. The minute Stillwater received notice that the buoys had been installed illegally, an application was filed for retroactive approval. The permit was denied, and the enforcement action ensued. In the process of preparing for an appeal, which the settlement agreement indicated would be withdrawn pending approval of this agreement, fisheries biologists surveyed the deep water area where the buoys were located. They found that the buoys were not in the shorezone and were further out than the originally approved buoys. It was clear there was no harm to the habitat. In fact, reinstalling the buoys in six to nine months would be more harmful if they were removed now. The issue of dropping the chains and removing the buoys did not come up in the discussions. Stillwater was willing to pay a fine on top of the application fee and to remove the buoys if the ordinance so directed. The ordinance as written was not based on something proven to be a danger to fish habitat. TRPA could not have a rule not based in fact. She urged the Board to approve the Legal Committee recommendation.

Mr. Cronk explained that the Legal Committee felt that morally, legally, and financially the proposed recommendation seemed to be a commonsense solution. It did not appear to make sense to throw money at something that would be resolved through settlement in six months to a year. If the buoys should not remain, they would be removed. The Committee did not discuss dropping the chains.

The Board continued to discuss the matter, specifically the results of the fish study regarding the lack of significant impact from mooring buoys on the fish habitat, the timing of the shorezone review process, the fact the settlement agreement had already been signed by Stillwater, the contents of the agreement, and potential for future litigation.

Ms. Herhusky noted that dropping the chains, removing the buoys, and later reinstallment would be costly and time-consuming. With regard to litigation, Stillwater had signed an agreement. She would not recommend pursuing litigation contradictory to what had been agreed to. The buoys still had to meet scenic and other threshold requirements, and she was confident the buoys were not in a fish habitat. She was not empowered by her client to accept dropping the chains as an option. She would have to talk with the president of the homeowners association.

Chairman Upton suggested the Board take a straw vote to see if there were sufficient votes to resolve the matter today. If not, the Board should continue the matter a month. The vote would be to approve the proposal recommended by the Legal Committee.

Mr. Cole noted he still had a conflict with the recommendation and, while he understood the Legal Committee's position, he had a basic problem with the whole notion of receiving a benefit for an illegal act. This reinforced the notion held by many people in the Tahoe Basin that if you paid enough you could get what you wanted.

Mr. Waldie noted that the Legal Committee had not discussed the alternative of dropping the buoy chains. The debate was incomplete in terms of the issue raised by Mr. Cole. In fairness to the applicant, if the Board continued the
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matter for a month, this could be addressed. The buoys were not being used now in any case.

MOTION by Mr. DeLancy to continue the Stillwater matter one month for further discussion. The motion carried unanimously.

(Ms. Drum advised that Ms. Baldrica had also voted in favor of the continuance.)

Mr. Severson suggested it would be helpful to know the depth of the buoys and the costs involved with dropping the chains, leaving the anchors, and removing the buoys.

(Ms. Baldrica continued to participate in the meeting by telephone.)

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 and recommendation of approval for the proposal to increase the operational passenger capacity of the M.S. Dixie II from 360 passengers to 570 passengers. He distributed an added condition on the project regarding participation by the applicant in the Coordinated Transit System (CTS). He also handed out letters received in support of the proposal. When the M.S. Dixie II was approved two years ago, the Board discussed use of the old vessel (M.S. Dixie I), and a condition of approval at that time gave the applicant two years to get Governing Board approval of either a schedule for removal of the vessel or for use of the vessel. The two years was up in February 1996, and neither option had occurred. A condition of approval to operate the M.S. Dixie II at 570 passengers would require obtaining Governing Board approval of either scheduled removal of Dixie I or a use for it.

Mr. Waldie suggested that the Board was very concerned two years ago in the approval of Dixie II with the disposition of the Dixie I. It appeared the project proponents had not taken the concern seriously.

Mr. Harper questioned the limited parking and traffic monitoring program, suggesting that monitoring the success of the mitigation program for only one summer (1996) may not be sufficient if problems occurred in later summers. How would the effectiveness of the program in the first year be guaranteed to extend into the second, third, and fourth years of operation? Periodically, TRPA or the applicant should commit to monitoring to ensure mitigation was still working over time. He wanted to know who was going to do the ongoing monitoring, how TRPA would keep track of it, and how needed adjustments would be made.

Mr. Lawrence explained that if the mitigation measures were not successful in achieving the desired results the capacity would be reduced back to 360 passengers until other mitigation was approved.
Dr. Miner suggested that, as with other projects, if conditions were not met over time and there was slippage with the mitigation measures the problem would be reported and handled accordingly.

Executive Director Jim Baetge explained that TRPA was trying to find out if the proposed mitigation measure would achieve the desired result. This was not known at this time. TRPA wanted these measures to be monitored to see how they were doing and to determine if other mitigation was necessary. From that point on, there would be enforcement of the conditions. If it were not working, TRPA staff would enforce the conditions. It was not consistent with treatment given other applicants to require the Dixie to come back every year with monitoring.

Chairman Upton noted that it would be to the applicant's benefit to have a successful parking and traffic management program in place because of the nature of the business.

Mr. Lawrence explained that should the applicant not be able to comply with the February 1996 condition he would be given a notice and steps would be taken to ensure the condition was complied with.

Mr. Chilton, Chief of the Compliance Division, noted that the earlier condition required only that the Board approve a schedule for removal, not that the vessel be removed. Action on the schedule would need to occur in February.

Mr. Dick Glasson, with Scarpello and Alling, on behalf of Travel Systems, Ltd., explained the Dixie II was authorized by the Coast Guard to carry 570 passengers at full capacity. The impact on the Lake would be the same whether the boat was empty or full. The environmental document for the proposal found there would be a minor impact on traffic and parking. The current Dixie operation eliminated approximately 390,000 vehicle miles per year because of the boat itself and the transportation to the boat, increasing the capacity would eliminate another 190,000 miles driven in the Basin. Mr. Glasson presented more information on recreation and access features, access for elderly and handicapped, weekend highway parking problems caused by beach visitors, use of the Whittell High School for overflow parking, the proposal to expand to eight buses, and the effort to have Dixie I available as a research vessel. Negotiations were still underway to meet the February 1996 deadline for Board approval of a plan for disposition of Dixie I.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, spoke in support of tour boat operations as being the least expensive and easiest way for people to get out on the Lake. They were a good alternative to seeing the Lake by car. However, the League strongly opposed approval this month. Two years ago, she appeared before the Board during the Dixie I discussion and argued that a new boat was being brought in without the necessary analysis for the expansion or a plan for the disposition of the old boat. There was a clear direction from the Board that it wanted a plan for the disposition of the old Dixie before permitting expansion of capacity for the new Dixie. She questioned why the application was before the Board this month when the deadline was February 1996 for disposition of Dixie I. There was no great demand for tour boats out on the Lake now and no reason why the disposition of
the old Dixie and the increase in capacity of the new Dixie could not be considered together next month. Also, the new condition requiring the permittee to participate in the Coordinated Transit System (CTS) did not define adequately what the level of participation would be. Those now involved in the CTS spent extensive time drafting agreements, and the project proponents all operated in good faith that they were working with TRPA on an agreement. This condition was meaningless. Did it mean they would make their shuttles available to the system as Heavenly had done? Did it mean they would pay in the same manner as Heavenly and the Ski Run development project would pay? Did it mean they could just send someone to the CTS meetings? The League urged TRPA to send the applicants back to meet with the CTS agreement group to see if an agreement for them to participate on the same basis as the other participants was possible. The parking situation at Zephyr Cove was a nightmare. Those who came to use the beach were parking in the free spaces along the highway right-of-way. In order to have luck with the paid parking and shuttle system, that situation had to be eliminated. The only possibility for that to occur was to have TRPA, the Tahoe Transportation Coalition, the Tahoe-Transportation District, the Transportation Management Association, the Dixie and Douglas County approach NDOT together to get No Parking signs all along the highway right-of-way. It was a serious environmental and safety problem. To the question of having the Dixie I serve as a research vessel, she had worked with the proponent trying to provide suggestions of ways to raise money for the project. The money had not been raised for it yet, and the League would continue to work on this. The likelihood of being able to raise enough money for this single project and also to turn the Dixie into an operating research vessel was not great. The approach was to look for $15,000 to $20,000 for a one-time investigation of the lake bottom. The $1,000 performance security to insure compliance with parking requirements was nothing. She also shared Mr. Harper’s concerns about reliability of the monitoring of mitigation. It was not reasonable to increase capacity of the vessel by 210 people with only 17 additional parking spaces.

Mr. Cole suggested that seeking approval for the expansion of Dixie II this month may be a business decision. With regard to the League’s concern on the lack of detail on the CTS requirement, it appeared the League was not willing to negotiate on having other participants in the program. The CTS was a system in which everybody was to be encouraged to participate in whatever capacity they could. The limited available parking would, in effect, force people to use alternative transit methods, i.e., shuttle service and participation in the CTS.

Ms. Nason agreed that participation was a good thing, but that had to mean something like putting in rolling stock or equipment, tying into the dispatch system, and participation through agreements. Future projects with significant transportation impacts were to be asked to participate. This condition did not spell out the level of participation and it should.

Mr. Cole noted that the applicant and TRPA could petition NDOT to place No Parking signs, but TRPA could not tell the applicant it was a requirement of the approval, because it was not within their jurisdiction to deal with it.

Ms. Baldrica (via the telephone) asked whether there was a way to work with the Forest Service to accomplish the elimination of the right-of-way parking.
Ms. Nason explained the Forest Service would have to do a master plan eventually for the entire area to deal with some of the parking issues. To approve the project today would bypass golden opportunities to get a better handle on parking, the CTS, and disposition of the old Dixie.

Ms. Bennett suggested that she could not think of a group of commercial interests that would have more incentive to work today in taking care of the parking problem. The problem clearly was a concern of TRPA, both environmentally and from a health and safety standpoint. This was an excellent opportunity to get the issue resolved.

Mr. Bob McDowell, Planning Officer for the U.S. Forest Service, noted the Forest Service supported the proposal with the findings and mitigation. From the national forest perspective, the main concern was balance, i.e. insuring that increased capacity would not negatively impact use of the national forest and the shoreline facilities. The increase in parking spaces was anticipated in the initial design. With regard to the parking on the highway, several years ago NDOT did post No Parking signs along one-third of the property closest to the high use area. The Forest Service supported any form of traffic and parking management that aided in achieving thresholds. There were environmental watershed and scenic effects from off-highway parking, and the Forest Service would be willing to work with a coalition of Travel Systems, TRPA, Douglas County and others to manage the parking issue.

Mr. Steve Teshara, on behalf of the Lake Tahoe Gaming Alliance, distributed a January 24 letter in support of the proposal and noted the cooperative effort in the use of the shuttle service for Dixie passengers from the gaming hotels. Travel Systems had done a fine job in promoting the program. He had reviewed the RA and staff analysis and felt that the bulk of the overflow parking was attributed to beach use, not to the Dixie. The project was a good one, and the Alliance supported it.

Mr. Bill Chernock, with Travel Systems Limited, noted that the characterization of the parking problem was brutally accurate. NDOT had posted the most abused area with No Parking signs, but there was still abuse on summer weekends. This was beyond anyone’s control. On a given weekend, there were approximately 15 to 18 cars parked offroad to avoid the paved parking. These were beach goers and were not Dixie customers. The problem would not go away save installation of fencing or installation of MHP personnel. On the CTS, the participation by Dixie came up at the eleventh hour, although he was familiar with the service. There were four entities with major projects involved in the early CTS meetings. To suggest the Dixie project would have the same impact as the other major projects was stretching a bit. Dixie would not likely have the same level of participation. Travel Systems had been a financial supporter of the Nifty Fifty Trolley and was instrumental in getting the Douglas County Commissioners to extend the Bus Plus program into Douglas County on an on-demand basis. The Dixie was willing to participate in the CTS at an appropriate level - whether through use of its equipment, some level of financial support or tying into the ongoing program. He was not able to advise the Board on the status of negotiations regarding disposition of Dixie I at this point.
Mr. Waldie suggested he did not see any reason why the Dixie would be
disadvantaged with a continuance of the matter until such time as the proposal
for disposition of Dixie I had been accepted by the Board, the condition of
the original permit.

Mr. Glasson responded that this suggestion made sense. The condition would
require the Dixie to come back to the Board in any case. In the meantime, the
Dixie could work with staff to further define the issue of participation in
the CTS.

Mr. Harper suggested that the Board was facing a policy issue in the
requirement for participation in CTS by this applicant and, potentially,
others. There needed to be a model for participation in the future so
applicants were not treated differently. He did not think it was right to
hold the applicant hostage as a means of getting a state agency to address the
parking problem.

**MOTION** by Ms. Baldrica to continue the M.S. Dixie II passenger capacity
increase one month. The motion carried unanimously.

(Ms. Baldrica hung up.)

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**B. Placer County, Tahoe City Urban Improvement Project, Plan Revision,
Project #530-102-93**

Senior Planner Paul Pettersen reminded the Board that in December 1994 the
members approved the project consisting of highway, parking, and water quality
improvements. Since then Placer County, TRPA and others had been working on
finaling the permit. During that time, Placer County had identified a
condition it wished to have revised. The conversion of diagonal parking to
parallel parking would reduce 69 spaces along the highway. Placer County
wished to mitigate that at a 1:1 ratio and wanted some flexibility in phasing
the project. All other permit conditions would remain the same. Caltrans was
agreeable with the plan revision.

**MOTION** by Mr. Sevison to make the findings to approve the plan revision for
the Tahoe City urban improvement project. The motion carried unanimously.
(Members present: Cole, Sevison, Harper, Bennett, Waldie, Cronk, Miner,
DeLaney, Upton)

**MOTION** by Mr. Sevison to approve the plan revision for the Tahoe City project.
The motion carried unanimously.

The meeting recessed for a lunch break from 12:00 to 1:25 p.m. The Capital
Financing Committee met during the lunch recess.

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**IX. PLANNING MATTERS**

**B. Annual Report by Caltrans and Nevada Department of Transportation
(NDOT) on Treatment of Tahoe Basin Highways During Winter Months**

Senior Planner Mike Solt introduced this item noting the report was an annual
update required by the Regional Plan. The highway departments reported on the
amount, the rate, and distribution of salt and sand use in the Basin. There were notable improvements from the base line effort set in 1988 and 1989 by Caltrans and in 1991 by NDOT. Staff felt more improvement could be accomplished, although 30% reduction in salt use had been achieved from the base line. More improvement could be obtained in use of equipment, materials used for deicing, and operations. While salt and sand were of concern, more emphasis was being put on collection and reclaiming of residual material at the end of the season or snow events. Capital improvements along the roadways and equipment were being looked at to boost the estimated 25 percent reclamation to 80 percent reclamation.

Mr. George Jordy, NDOT Assistant District Engineer, described the road/weather information system which aided in the reduction of the amount of salt and sand used on highways in the winter months. Sixteen roadway sensors and weather stations transmitted information back to the central processing unit in Reno and helped in the determination of how and when to apply abrasives. Sand usage had been reduced by 75 percent and salt by 50 percent - for the entire District which consisted of 3,300 lane miles. NDOT maintained 40 miles of roadway in the Tahoe Basin. The highways in the Basin were also thermal-mapped under various weather conditions to give more accurate information about future conditions and the best roadway treatment. NDOT also implemented an anti-icing program in conjunction with its computer road/weather information system. Mr. Jordy responded to questions and noted he would take back to NDOT the Board’s concerns with regard to the M.S. Dixie and Zephyr Cove parking problems. There would be an international symposium on ice and snow control in Sparks on August 12-15, 1996, and an extensive training program on the road/weather information system in October.

Mr. Ernie Rinde, with the Caltrans Maintenance Division, noted his division covered 11 counties from Glen County to Tahoe and Sacramento County to Butte County. Next summer Caltrans would install three weather stations (Brockway Summit, Echo, and Squaw Valley Road), and NDOT would be thermal mapping the California portion of the Basin. After this was done, Caltrans would put in pavement temperature sensors. There were 577 inches of snow fall last year at Echo Summit and 628 inches at Donner. In the Basin last year, Caltrans used almost 23,000 tons of sand and 1,600 tons of salt. Last year, Caltrans completed two erosion control projects in the Basin at a cost of $1.3 million. This year, Caltrans had completed seven projects at a total cost of $7 million. With an eight-foot shoulder and a curb or dike, Caltrans could pick up 80 percent of the residue sand. Without that, only 25 percent could be picked up. Mr. Rinde responded to Board member questions.

D. Status Report on Setting of Timeline for Area-wide Drainage Project for the Stateline Douglas County Community Plan

Deputy Director Jerry Wells distributed copies of the proposed schedule for the environmental documentation and permitting process.

Mr. Gary Midkiff, on behalf of the affected properties, advised the Board that as of January 23 agreement had been reached among all the parties including the Douglas County Commissioners, NDOT, and the private parties. First Interstate Bank was in the project area but felt its participation was not needed if it could infiltrate on site. All parties had signed or agreed to
sign the document. The schedule called for completing the scoping process and getting the consultant on board in the next 60 days. The environmental document would take 60-90 days to complete and would go for Board approval in August or September. The common facilities would be under construction in early 1997, and virtually the entire system would be constructed that year.

VII. PROJECT REVIEW

C. Harborside at Homewood, Commercial Relocation and Rebuild, Residential Relocations and Rebuilds, Subdivision of Existing Pre-1987 Development, Pier Relocation, and Pier Modification

(Board member Joanne Neft was hooked into the meeting by telephone. Members present: Sevison, Harper, Neft, Bennett, Waldie, Cronk, Miner, DeLanoy, Cole, Upton)

Mr. Cole advised that Mr. Nathan Topol had met with him on Monday afternoon to explain the project and his concern with some of the conditions. Ms. Bennett disclosed the same information. Ms. Urza, from the audience, advised she had met with Mr. Topol and had relayed the contents of the discussion to Board member Steve Wynn. Mr. Upton and Mr. Sevison advised they also had talked with Mr. Topol on the telephone.

Agency Counsel R. J. Nicoll asked any new information learned in these conversations be disclosed as part of the record.

Associate Environmental Specialist Brian Judge distributed a January 23 packet of material to the Board containing an amended condition D., an additional condition DD, and comments from state agencies. The project was the result of a February 1995 negotiated settlement between TRPA and the applicant, and its details were contained in the packet material. The settlement required the applicant to go through the permit process, which he had done, and staff was recommending project approval. Using large display boards, Mr. Judge described the existing and proposed uses on the site. Coverage would be decreased from 106,000 square feet to 77,781 square feet.

Mr. Larry Hoffman, on behalf of the applicant, explained the resort was in existence prior to World War I; it was the oldest facility on the West Shore and the center of activity in the area. His client bought the property 20 years ago. The settlement agreement came about in an attempt to address all the requirements of the Code and retrofit the site. Mr. Hoffman presented a summary of the proposed changes on the property noting that three-quarters of an acre of coverage on the five acre site would removed.

Mr. Brent Thrams, for the applicant, presented and described slides of the existing condition and simulations of the future condition from the roadway and the lake.

Deputy Director Jerry Wells explained the conditions regarding the color of the structures and noted that typically darker structures receded and blended better in the landscape. The colors indicated in the simulations were a little lighter than what staff would have wanted. The final decision on colors was being reserved until they could be looked at in the field. Staff
would be looking at darker rather than lighter colors and would be working with the applicant on this at a later time.

Mr. Sevison suggested that the practice of painting or staining piers and boathouses should be discouraged because of the negative impact of peeling paint on the Lake. A natural wood color was adequate although as it weathered it became lighter.

Mr. Hoffman described the public access provisions, including an 8-foot access down Silver Avenue to an overlook with signage. Under the settlement and current laws, the public had access between the high and low water lines. There also were stairway systems down to the beach and an access to an overlook down Fawn Street. A bike lane was also included.

Mr. Wells explained that a condition required submittal of a positive signing plan for the entire site. The pier would be available to the public.

Mr. Hoffman explained his concerns with the mitigation fees had been resolved. Construction would be phased, and staff would work with the architect on the final structure color. He was comfortable with the conditions.

Mr. Upton urged that the Placer County Board of Supervisors consider adoption of a resolution to seek funding from the California 20A fund program to get the utilities undergrounded. This should be done immediately, since the funds may not be available in the future.

Mr. Cole suggested that condition C.6. be amended to read, in part, "Restaurant shall have a dark slate colored, nonreflective roof, dark earthtone colored..."

Mr. Wells agreed to this addition.

Mr. Hugh Harris, a resident on West Lake Boulevard, five houses north of the northerly boundary, spoke in favor of the proposal as meeting all residential and business expectations for Homewood. He was particular pleased with the plan to remove the seaplanes operation. He read a letter of support from William Breuner, President of the Homewood Homeowners Association.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, commented the project was a positive concentration of commercial uses. It should be a model for future plans and projects. The redevelopment plan looked like a good one.

Mr. Wells commented that a note was submitted from Ernest Grossman, president of the Lake Tahoe Summer Music Festival, recognizing that a new venue would need to be sought for the summer musical events and that the Topol Pavilion would no longer be available.

MOTION by Mr. Sevison to make the findings to approve the Harborside at Homewood project. The motion carried unanimously. (Members voting: Sevison, Harper, Neft, Bennett, Waldie, Cronk, Miner, Delaney, Cole, Upton)

MOTION by Mr. Sevison to approve the project with conditions as amended. The motion carried unanimously.
Ms. Neft commented that in the past several weeks she had had conversations with people who were concerned with public overlook and access easements to Lake Tahoe. The public really was not aware of all the available overlooks and access points. She asked that the Board consider making available to the public a list of all these areas and that they be signed and readily visible.

Mr. Baetge responded that this issue should come forward as part of the shorezone discussion. It was a good suggestion.

(Ms. Neft hung up.)

VIII. PUBLIC HEARING

B. Amendment of the Regional Plan, Goals and Policies, to Add a Mission Statement and Statement of Principles, Dissolution of the Core Policy Statement Committee

Chairman Upton noted there had been considerable past discussion on the core statement; a staff presentation was not necessary.

Ms. Rochelle Mason, for the League to Save Lake Tahoe, expressed support for the statement as drafted.

Mr. Waldie suggested the core policy statement would be a helpful insert to the legislative packet now being finaled.

MOTION by Mr. Waldie to approve the findings for adoption of the statement of mission and principles. The motion carried unanimously.

MOTION by Dr. Miner to adopt Ordinance No. 96-1 amending the Goals and Policies to add a statement of mission and a statement of principles.

Chairman Upton read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Document Entitled: Regional Plan for the Lake Tahoe Basin, Goals and Policies, September 17, 1986, as Amended; by Adding Thereto a Statement of Mission and a Statement of Principles; and Providing for Other Matters Properly Relating Thereto.

The motion carried unanimously.

MOTION by Ms. Bennett to adopt Resolution No. 96-1 dissolving the core policy committee. The motion carried unanimously.

Ms. Bennett expressed thanks and gratitude to Monique Laxalt Urza who had put so much time and effort into the core statement and asked that a letter be sent to her and staff member Gordon Barrett thanking them for their hard work.

Chairman Upton agreed, stating that many thoughtful things about the theory and practice of TRPA had emerged from Ms. Laxalt's and Mr. Wynn's joint work.
X. ADMINISTRATIVE MATTERS

A. Resolution Adding a Governing Board Member to the Capital Financing Committee

MOTION by Dr. Miner to approve Resolution No. 96-2 appointing Board member Steve Wynn to the Committee. The motion carried unanimously.

IX. PLANNING MATTERS

A. Shorezone Interim Policy Regarding the Review of Current Shorezone Project Applications

Executive Director Jim Baetge explained that during the next year while the shorezone review was being completed there would likely be 20 to 35 projects coming forward to the Board. The question to be decided was how to use the information developed for the Shorezone EIS in the interim in the review of those projects. Staff would like to separate the factual findings in the 20 to 35 different documents gathered in the preparation of the EIS - like the dredging policy, the cultural resource study, scenic work - from the document itself. The concern of many people such as Jan Brisco, who had written a letter objecting to the proposal, was that the draft EIS should not be used in the interim for new projects until it was approved by the Board. He recommended that the document itself not be used but that the information developed for the document be used. Staff saw problems if the information was not used. If a dredging project, for example, was being reviewed by the staff, a checklist would be filled out to determine if there was or was not an impact. The results of that checklist may indicate that the applicant needed to prepare additional studies or environmental documentation because of an identified impact. Staff was suggesting that the information used in the preparation of the shorezone environmental document be used in the checklist. If, however, an applicant did not agree and felt the EIS information was not valid, staff would bring the project to the Board for a decision. These would be brought to the Board on a project-by-project basis. Staff recommended this approach for at least a year or until the shorezone process was completed. Another option was to impose a moratorium in the interim. Staff was not recommending that approach.

Mr. Cole expressed concern about changing rules mid-stream and having applicants come in thinking their projects complied with rules that had changed. The public should not perceive that rules were changing because of something that may or may not be adopted in the future. He could support using the information if it meant the rules did not have to be changed to do it. There was a fine line here.

Mr. Sevison explained he was not opposed to using backup information on a case-by-case basis, but he did not want the Board to take action during the interim and have that action be the basis for the ordinances being drafted.

Mr. Harper suggested that one of the safeguards that needed to be emphasized was the information from the documents was available to all the applicants as well. Applicants had the right to challenge the information if they felt it was inapplicable or incorrect. The Governing Board ultimately
would be responsible for making sure there was not an appearance that staff was using a new policy in the review process. To ignore a body of work was ludicrous, and the Governing Board should provide an open forum for people who disagreed with the information.

Mr. Baetge suggested a further safeguard was that staff would not deny a project based on the information and then require an appeal. The staff would bring the matter directly to the Board.

In line with the Board's earlier discussion on buoys, Mr. DeLanoy suggested the Board may wish to consider a moratorium on buoys as the process went forward. People with single family residences who had an extra buoy could come in and file with the permitting entity to get the buoy authorized. This could save a lot of staff time trying to figure out how many buoys each parcel had.

Mr. Baetge responded that this suggestion, as well as a question of an amnesty program, were appropriate topics for the committee and ultimately the Board to address.

Mr. Upton questioned whether this approach would cause applicants to be doing a lot of additional studies or whether the data itself was sufficient to provide the additional documentation.

Mr. Baetge explained it could work both ways. Staff in reviewing the checklist for a project may notice an item of concern that was not checked prior to completion of the EIS because it was not known. This would require that the applicant deal with the issue. There could be a cost involved. If the applicant could not deal with that or did not think the checklist findings were valid, the staff would bring it to the Board for a determination.

Mr. Upton suggested that there may be some advantage for TRPA to deal with or test the policies before they were locked into ordinances. He urged that, as these differences of opinion were found, staff recognize that the problem may be with interpretation or a question of unrealistic demands or expense. He favored a common sense discussion process during this testing period and a good tracking record of how the various issues had been dealt with.

MOTION by Mr. Waldie to instruct staff to proceed in the interim pursuant to the recommendation presented by the Executive Director. The motion carried unanimously.

C. Status Report on Home Mail Delivery - in the packet material, continued

X. ADMINISTRATIVE MATTERS

B. Quarterly Report on Annual Work Program - in the packet material

C. Resolution Amending Filing Fee Schedule

MOTION by Mr. Sevson to adopt Resolution No. 96-3 amending the filing fees. The motion carried unanimously.
XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report

1. Receipt of November Financial Statement and December Financial Statement and Check Register

MOTION by Ms. Bennett to receive the November and December financial statements and the December check register as recommended by the Finance Committee. The motion carried unanimously.

2. Salary Adjustment for Executive Director

Deputy Director Jerry Wells explained that Executive Director Jim Baetge was hired on May 8, 1994, and would have been eligible for an evaluation and salary increase on May 8, 1995. They did not occur. Mr. Baetge had asked for a 5 percent salary increase retroactive back to May 8, 1995, with an additional 5 percent effective January 1, 1996. This would take the total salary as of January 1, 1996, to $77,175. The Committee recommended that Jim's anniversary date be changed to July, rather than May. His next evaluation would be July of 1996.

Mr. Cole explained that in July the Committee would be in a better position to evaluate salary adjustments when it was known what the coming fiscal year's budget would be. Also, the Committee wanted to be in a position to place adjustment of the Executive Director's salary ahead of the adjustment to the legal staff salaries. Currently the Executive Director's salary was being driven by the legal salaries. This seemed backwards.

MOTION by Mr. Severson to approve the Committee's recommendation on adjustment of the Executive Director's salary. The motion carried unanimously.

3. Receipt of FY 1994-95 TRPA Audit

4. Receipt of FY 1994-95 State Transportation Assistance Fund Audits for El Dorado and Placer Counties

5. Receipt of FY 1994-95 Local Transportation Fund Audits for El Dorado and Placer Counties

Ms. Bennett reported that staff had advised that all of these audits were clean and in compliance.

MOTION by Ms. Bennett to receive the audits (agenda items 3, 4, and 5) as recommended by the Finance Committee.

C. Capital Financing Committee Report

1. Proposal to Create Revolving Fund Within the Tahoe Region

Committee Chairman Cole advised that the final draft legislative packet had been recirculated to participants for the last time; comments were to be in within the next two days.
Mr. Baetge noted that more on the revolving fund discussion would come at a later time.

D. Rules Committee Report - no report  
E. Shorezone Policy Committee Report - no report  
F. Local Government Committee Report - no report

VIII. PUBLIC HEARING (continued)  

A. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

Mr. Baetge advised the Board that the circulation deadline for the document had been extended to March 27, 1996. The public was urged, however, to get comments in by January 24 if at all possible, so that the Shorezone Committee could start reacting to them. This hearing today was the opportunity for people to submit comments. Substantial written comments had been received from State Lands and Gregg Lien.

Mr. Wells explained that Ms. Brisco wanted to be at the hearing but because of the weather was not able to attend. She would be mailing her comments.

Ms. Rochelle Nason, for the League to Save Tahoe, noted she would be submitting detailed written comments in the next few days. With regard to the general directions of the EIS, the League had some concerns in many different areas, the primary one being that all of the action alternatives in the EIS contemplated very major expansions of buoys - from two and a half to five times. The League supported boating but was worried that its expansion would outstrip the Region’s capacity to deliver other kinds of services. This was particularly a problem on the northern end of the West Shore which suffered from traffic gridlock during the summer already. Too swift an expansion of buoys could aggravate that problem further. The League would be submitting an optional path to the one proposed in the EIS. With regard to piers, the League generally supported the strict limitations on piers in Alternatives 3 and 4, although the League felt there were some boulder areas where the permission of piers may be necessary to permit lake access to those in the area. With regard to issues needing further study, the League wanted there to be some management of jet skis so they would not conflict with other uses and also wanted to see consideration given to the elimination of the Eurasian milfoil.

(Ms. Bennett left the meeting at 3:35 p.m.)

Mr. Craig Miller, a lakefront homeowner, suggested the document was flawed, inaccurate, subjective, biased, and short on common sense. It appeared the document was drafted to reach the desired conclusions. In the Dollar Hill area, for example, the document was incorrect in its characterization of the ability to add or expand shorezone structures because of the existing multi-use pier and buoy field. This contradicted the code which limited single use, not multiple use facilities, such as homeowners pier. He questioned whether homeowners were prohibited from building joint-use piers.
because of the existence of the association pier. With regard to boating, the document stated that half of the 787,000 boaters would use the Lake as a toilet facility. This assumption was ludicrous. The prohibition of all water craft without sewage holding tanks as mitigation for this concern would eliminate 90 percent of the boating craft that used Lake Tahoe. Staff’s recommendation to prohibit discharge of bilge water into the Lake was unsafe and absurd. It appeared the goal was to ban boating altogether and the way to achieve it was to kill the demand for shorezone improvements. There was little effort in the document to strike a reasonable balance in reaching tangible results to protect Lake Tahoe in the near term. The document would cause years of wrangling between the public, consultants, and staff, and the process was not properly publicized. He had only recently become aware of the shorezone committee meetings.

Mr. Sevison encouraged Mr. Miller to become involved and to attend these meetings. The issues he raised were appropriate for the committee to discuss.

Chairman Upton urged Mr. Miller to submit his comments in writing.

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

XII. REPORTS

A. Executive Director

4. Discussion on Upcoming Meeting of the Nevada Legislative Commission’s Committee to Continue the Review of the Tahoe Regional Planning Compact

Mr. Basetge advised that the meeting scheduled for January 25 had been cancelled because of the weather.


3. Notice of Circulation, Park Avenue Development Project Draft EIR/EIR

Mr. Basetge advised that this document was not ready for circulation; it would hopefully be out in three to four weeks.

5. Status of Traffic Management Study for Highway 28 - continued


7. Report on California Sesquicentennial Regional MOU for Transportation Planning - in the packet material

B. Legal Division Monthly Status Report

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Ms. Nicolle advised she would be sending the Board members an update on all the current cases next week.

C. Governing Board Members

Mr. Sevison asked what could be done to get better attendance not only at Board meetings but also at committee meetings. The effort to retain a quorum each month was becoming more difficult. Was there a way for more of the members to appoint alternates? As an example, Ms. Urza was present all day to keep track of the meeting for Nevada At Large Member Steve Wynn. It would have been helpful if she could have participated on his behalf.

Ms. Nicolle explained that some positions were authorized to have alternates. Mr. Wynn's was not.

Mr. Upton asked staff to report back to the members on the possibility of having alternates. He frankly preferred the continuity of having the regular members in attendance.

Mr. Cole suggested that it be stressed to Board members that they had a responsibility to attend; the meetings were important.

Ms. Urza advised that Mr. Wynn intended to be at the meeting but had a last minute conflict.

Chairman Upton asked that staff put together a resolution and plaque for former Board member Jane Hagedorn. She had been a very positive asset to the Board.

Mr. Cole asked that the implementation of home mail delivery not be left by the wayside for another year. The Postal Service needed to be encouraged to address home mail delivery more aggressively this spring. It had not been doing much of a job.

VIII. ADJOURNMENT - The meeting adjourned at 3:50 p.m.

Respectfully submitted,

Julie D. Frame
Clerk to the Governing Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as presented on Feb. 26, 1996.