

TAHOE REGIONAL PLANNING AGENCY
LEGAL COMMITTEE

Tahoe Regional Planning Agency
Zoom

March 27, 2024

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Williamson called the meeting to order at 8:30 a.m. on March 27, 2024.

Members present: Ms. Aldean, Ms. Williamson, and Ms. Faustinos. Ms. Leumer joined at 8:32 a.m.

Members absent: Mr. Rice

I. APPROVAL OF AGENDA

Mr. Marshall stated there were no changes proposed to the agenda.

Chair Williamson deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Aldean made a motion to approve the February 28, 2024 Legal Committee meeting minutes as presented.

Motion carried by voice vote.

III. [RESOLUTION OF ENFORCEMENT ACTION: UNAUTHORIZED TREE REMOVAL, ALPINE VIEW ESTATES LLC, 6731 N. LAKE BOULEVARD, PLACER COUNTY, CA, ASSESSOR'S PARCEL NUMBER \(APN\) 117-071-053, TRPA FILE NO. ERSP2020-1404](#)

Steve Sweet, TRPA Code Compliance Program Manager, presented on behalf of the agency. The violation involved the unauthorized removal of three large trees, each over 40 inches in diameter, from the Alpine View properties. These trees were removed without the necessary approval from the Tahoe Regional Planning Agency (TRPA). Although most of the tree removal was in line with approved construction plans, the removal of these three trees was not authorized.

The TRPA determined that the removal of these trees violated certain sections of their code, which require permits for cutting live trees over 14 inches in diameter and mandate the retention of healthy trees over 30 inches in diameter unless there are no reasonable alternatives. As a result, Alpine View has accepted responsibility for the unauthorized activity and agreed to a settlement. The settlement involves paying a \$30,000 penalty to the TRPA and planting six native conifers ranging from 15 to 20 feet in height.

The presentation concluded by stating that the settlement agreement represents an appropriate response to the violation and is recommended to the governing board for approval, as it aims to

deter future violations of this kind.

Committee Member Comments and Questions

Ms. Aldean asked about the care and maintenance of the newly planted trees as part of the settlement agreement. She inquired whether there were requirements in place to ensure that the trees would be properly irrigated until they become established. Additionally, she raised a concern based on past practices, recalling a provision that required replanting trees if they died within a certain timeframe.

Mr. Sweet noted this was an oversight and that he would work with the property owner to add those requirements to the Settlement Agreement. Nick Exline, representing Alpine View Estates indicated that his client would be amenable to those additional conditions and noted that landscapers required irrigation because it's in their best interest for the trees to survive.

Ms. Faustinos asked about the location of the new trees. Mr. Sweet responded by assuring Ms. Faustinos that the trees would be located in approved areas. He mentioned that plans for the tree placement would be submitted, with assistance from Mr. Exline, who has experience in finding optimal locations for trees to provide screening benefits for future buildings. Mr. Sweet expressed confidence in their ability to work together on tree placement.

Mr. Exline added that they're working on a plan revision with the TRPA for minor elements, including incorporating the tree planting into that plan revision, which is expected to occur within the next few weeks. Mr. Exline's further highlighted that the property in question is a multi-home development situated on a large piece of land with a significant history dating back to 2009. He recalled being involved in bringing the project to the TRPA Governing Board in 2009 and subsequently working on it for many years. Mr. Exline expressed his excitement about seeing some progress, albeit slow, which he likened to glacial movement, a phenomenon consistent with the pace of developments in the Tahoe Basin.

Mr. Exline's final comments conveyed that he was representing Patrick Taylor, who wanted to express that there was no ill intent behind the unauthorized tree removal. He emphasized that there were miscommunications and inaccuracies on the plans used, particularly related to utility lines passing through the locations of the trees. Due to these misunderstandings, the assumption was made by the on-site personnel to remove the trees. However, Mr. Taylor takes full responsibility for the incident. He wanted to clarify that there was no deliberate attempt to circumvent rules but rather an error on-site. Therefore, he expressed a desire to work with Mr. Sweet, the TRPA, and the legal committee to resolve the issue promptly.

Public Comments

Ellie Waller commented as a former resident familiar with the project since 2009. She expressed satisfaction that the violation was brought forward and that the applicant agreed to replant trees at a ratio of two for one. However, she found it unacceptable to attribute some of the issue to confusion with the site plan. She expressed concern about the potential for future problems arising from misinterpretation or outdated site plans and hoped that the TRPA would take a clear stance on such issues to prevent similar occurrences in the future.

Ms. Aldean moved to recommend Governing Board approval the Settlement Agreement, as

LEGAL COMMITTEE

March 27, 2024

presented in Attachment A, with a modification to include a requirement for the replacement trees to be adequately irrigated and replaced within a specified timeframe after planting, as determined by staff.

Ayes: Ms. Aldean, Ms. Williamson, Ms. Faustinos, and Ms. Leumer

Nays: None

Motion carried.

IV. CLOSED SESSION WITH COUNSEL TO DISCUSS EXISTING AND POTENTIAL LITIGATION

TRPA General Counsel John Marshall stated there was no need to have a closed session but gave an update to the committee in Open Session on the Mountain Area Preservation Foundation litigation. Mr. Marshall reminded the Committee about the technical clarifications, as discussed in the previous meeting. These clarifications will be brought to the Advisory Planning Commission (APC) in April, specifically regarding Phase 2 housing amendments. Additionally, Mr. Marshall mentioned ongoing efforts to compile the administrative record, anticipating it to be heard by a magistrate. He mentioned an upcoming deadline in April for finalizing the administrative record. Once the administrative record is filed, it will trigger a briefing schedule according to local rules.

V. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 4

No direction.

VI. COMMITTEE MEMBER COMMENTS

None.

VII. PUBLIC INTEREST COMMENTS

Ellie Waller expressed gratitude to everyone participating in the committee and appreciated the acknowledgment of violations being brought forward. She highlighted the importance of these instances being made public, as it sheds light on occurrences that may happen more frequently than commonly realized. Ellie also commended the public for alerting staff to such issues, recognizing the limitations staff face in monitoring every situation continuously.

LEGAL COMMITTEE
March 27, 2024

VIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Meeting adjourned at 8:44 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "K. Huston", with a long horizontal stroke extending to the right.

Katherine Huston
Paralegal

The above meeting was recorded in its entirety. Anyone wishing to listen to the recording may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or virtualmeetinghelp@trpa.gov.