

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency  
Zoom

April 10, 2024

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Stahler called the meeting to order at 9:35 a.m.

Members present: Mr. Alling, Ms. Carr, Ms. Chandler, Ms. Ferris, Mr. Hill, Ms. Setzer (for Ms. Jacobsen), Mr. Hitchcock (for Ms. Roverud), Mr. McNamara, Ms. Stahler, Mr. Stephen, Mr. Teshara, Mr. Young

Members absent: Mr. Drake, Mr. Drew, Mr. Letton, Mr. Ferry, Ms. Moroles-O'Neil, Mr. Smokey

II. APPROVAL OF AGENDA

Ms. Stahler deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

Ms. Anne Nichols, North Tahoe Preservation Alliance, said it was a year ago, April 26, 2023, that the TRPA approved the Boulder Bay, now called Waldorf Astoria Project. Yesterday, a notice of default was filed, and the project is in foreclosure. Ms. Nicols said that having followed this since 2007, we're looking at almost 20 years and the BMPs have never been done, we're on our second failed development attempt. It's a huge project, over 800,000 square feet, when the original project was 140,000.

Ms. Nicols said the TRPA is just chasing large projects as the solution to all ills, and we don't have the infrastructure for it. It's been pointed out a million times, but it doesn't seem like anyone listens and the Governing Board isn't listening. Maybe the APC can make some sense. We need to have smaller, feasible projects. These 600 million dollars projects are so expensive to build, it's just foolish. In the last decades we could have had something reasonable. Ms. Nicols said she is just hoping that there could be some financial realism about these things, not the pie in the sky, give them another floor, give them more this, more that.

Ms. Nicols said she is upset that affordable housing is being called achievable housing workforce housing. She said it's not the same because achievable has no income cap. In any case, it will have to be subsidized because all we get are these luxury condos. She added that we took out 146 condos or motor homes at the Tahoe Beach Club and now there are 5-million-dollar condos. She added that they just bought Motel 6 and that was another 123 units that could have been

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converted to accommodate housing. Same thing with the Lakeside Inn and 123 rooms. That's 266 rooms we could have had for workforce housing. So, let's think about this more carefully, more analytically.

### IV. DISPOSITION OF MINUTES

Mr. Hitchcock moved approval of the:

November 8, 2023, meeting minutes

December 6, 2024, meeting minutes

February 14, 2024, meeting minutes

Mr. Young seconded the motion.

**Motion passed.**

### V. PUBLIC HEARINGS

#### [Agenda Item No. V.A. Active Transportation Plan Update](#)

Ms. Kira Richardson, TRPA Senior Transportation Planner, presented the item. She began by explaining that active transportation refers to any mode of travel that involves walking, biking, or rolling. She said that rolling is a broad term that could include scooters, one-wheels or assisted devices such as a wheel or a power chair. This can also include devices that are electric or human powered, so there is a broad umbrella of travel modes under active transportation.

In terms of where TRPA fits into the larger active transportation picture in the Tahoe basin, Ms. Richardson said TRPA's primary role is in support through plans like the Active Transportation Plan (ATP) and the Regional Transportation Plan and technical assistance in project design. She said the Active Transportation Plan (ATP) provides technical support, project prioritization, robust data analysis, and design toolkits, which are all hopefully useful to locals as they plan and implement their active transportation projects. Also local jurisdictions, especially in California, can adopt this Active Transportation Plan (ATP) as their own plan, which makes them eligible for certain funding sources.

Ms. Richardson said one of the specific roles that TRPA plays is in bicycle and pedestrian monitoring. The monitoring program, which is outlined in, and informed the ATP is also something that TRPA does specifically working with the local jurisdictions for active transportation. Through this program we work with local jurisdictions to collect bike and pedestrian counts all over the region. We also help collect pre and post project counts, which are helpful in implementing more projects in the future and ensuring that our region remains competitive for grants.

During the development of the plan, TRPA worked with a technical advisory committee, made up of representatives from several organizations. The technical advisory committee also vetted analyses and project priorities.

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Ms. Richardson said that TPRA conducted significant public and stakeholder outreach and numerous valuable comments were received and incorporated into the final plan. Although not summarized in the packet, a summary of these comments and their incorporation will be included in the packet for the TRPA Governing Board's approval later in the month.

Ms. Richardson outlined the key changes in the updated Active Transportation Plan. She said the update marks a significant shift in policy from a strong emphasis on constructing class one multi-use paths, to reducing the stress of on-street facilities within town centers. Class one paths are still valued, but recognized as time-consuming and costly to build, so the focus will now include other improvements to lower network stress. The ATP website ([trpa.gov/ATP](http://trpa.gov/ATP)) features web maps where users can view all proposed projects and delve into the data more interactively.

New to the ATP is the Bicycle Levels of Traffic Stress (LTS) Analysis, a comprehensive, quantitative analysis assessing the entire roadway network in the Tahoe Basin, ranking segments based on stress levels for cyclists. Stress levels range from 1 (lowest stress) to 4 (highest stress), with an additional category of 4.5 for especially high-stress areas, such as roads with high speeds, multiple lanes, and no shoulders.

The Pedestrian Experience Index (PEI) is another new quantitative analysis, this time focusing on pedestrian experiences, particularly in town centers. It considers the density of commercial businesses to highlight areas with higher quality pedestrian experiences. The analysis currently emphasizes town centers but may be adapted in the future to better represent other valuable pedestrian areas like shared use paths through forests. Future updates to the Pedestrian Experience Index may account for high-quality pedestrian facilities located outside of town centers.

Ms. Richardson said the updated plan features a more streamlined project list, reduced from 200 projects in 2018, to just over 100. This revision involved close work with local jurisdictions to align the project list with local needs and priorities, including integration of safety-focused projects from the recently endorsed Vision Zero strategy. The project list is organized into tiers (priority 1, 2, and 3) based on public input, regional significance, data from LTS and PEI analyses, and Vision Zero strategy. The prioritization guides integration into the Regional Transportation Plan, although projects ranked lower can still be implemented earlier based on circumstances.

Also included in the ATP are recommendations for Winter Maintenance of Active Transportation facilities. One example is the innovative use of snow accumulation to pilot roadway designs, "sneckdowns", to test traffic calming measures without initial investment in infrastructure. The plan also includes information on different devices for snow removal on bike paths, including technologies like snow brushes and the "snow dragon," a device that melts snow and filters the meltwater, enhancing water quality. There is an emphasis on maintaining active transportation facilities during winter to ensure year-round network accessibility, particularly for individuals with disabilities, for whom snow can pose significant barriers.

The final major update in the plan is a discussion on future Facilities and Innovations. First the introduction of Class 2B facilities, basically just a bike lane with a painted buffer. Next are Class 4 facilities, which are similar to 2B, but include a vertical separation to protect cyclists and pedestrians.

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Ms. Richardson added that the City of South Lake Tahoe recently piloted the use of planter boxes as physical barriers. Another benefit of these solutions is that the buffers used to separate vehicle traffic from bike lanes can be removed during winter months for easier maintenance. Both vertical and painted buffers also contribute to narrowing the lanes for vehicle traffic, which helps reduce vehicle speeds, enhancing safety for all road users.

Ms. Richardson said the plan also includes suggestions for improvements to Shared Use Paths. With the increase in popularity of e-bikes and scooters, there are suggestions in the plan to widen paths and add more signage to better accommodate these devices and improve navigation. By making on-street facilities safer, the plan aims to encourage e-bikers and scooter riders to use these spaces, reducing conflicts on sidewalks and shared paths with pedestrians and slower cyclists.

The draft Active Transportation Plan was released on February 27, 2024, with a public comment period ending on March 24th. The feedback received has been integrated into the plan, and staff are seeking APC recommendation for approval by the TRPA Governing Board.

### Commission Comments/Questions

Mr. Young said he appreciated the presentation and added that he was curious about the stress-level metrics, this looks like something he could apply in his jurisdiction. He noted he did not see a pedestrian measurement and wondered how that metric was determined. Ms. Richardson said the Pedestrian Experience Index (PEI) was different to the bicycle analysis, and included several factors. She added that the methodologies are included in an Appendix to the ATP.

Mr. Young highlighted the specific challenges of maintaining active transportation facilities during winter, especially the need for specialized equipment and training to manage these facilities effectively. He would be interested in hearing from other jurisdictions on how they are experiencing and addressing those challenges.

Mr. Hitchcock asked about the procedure for including future projects in the ATP. Ms. Richardson said the next iteration of project list development will be via the Regional Transportation Plan, scheduled for update/adoption in 2025. There will be an opportunity to add projects to that list. The Active Transportation Plan is scheduled for update every four years, but there is an opportunity for additional technical amendments (including the project list) on an as needed basis.

Mr. McNamara asked how the data for bicycle and pedestrian use is aggregated. Ms. Richardson said the Bicycle and Pedestrian Monitoring program collects all the data, using a series of counters located on paths around the region. The data is all available on [LakeTahoeInfo.org](https://www.laketahoeinfo.org). Ms. Richardson added that the Vision Zero Strategy contains more information about crash data and hot spots, and all of that information will be included in the Regional Transportation Plan.

Mr. McNamara noted the increase in adaptive riding bicycles and asked if that would be a consideration in future path planning. Ms. Richardson said that it is a requirement that all facilities comply with the American with Disabilities Act (ADA).

Public Comment

Ms. Ann Nichols, North Tahoe Preservation Alliance, said she didn't see the project list in the packet, and requested it be emailed to her. She said it was very interesting where the money is proposed to be spent, but also the map about bike level stress shows the Crystal Bay Hill as moderately low stress for bicyclists, which is like just crazy. She has lived there for 54 years and it's the scariest section there is. So you need to fix your maps, again there's a disconnect between what you think on South Shore is going on North Shore. The walkable claim on these new projects is also a misnomer. In the winter, it really is not walkable/bikeable in most of these areas. Some places have some sidewalks, and some are kept clean, but other than that, it is impossible.

Mr. Doug Flaherty, TahoeCleanAir.org said staff suggest that portions of the ATP be built on the concept of a bicycle levels of stress and pedestrian experience index analysis. TRPA, TTD and the TMPO would be negligent if they did not include a wildfire evacuation stress test, as part of the plan. In this case, a cumulative roadway by roadway, or path by path, wildfire evacuation capacity analysis, evaluating wildfire evacuation, life safety impacts on residents and visitors, who are driving walking, biking, and parking during a wildfire evacuation. TRPA, TTD and the TMPO should immediately begin including with its transportation plans, a discussion regarding the critical life safety impacts of wildfire smoke and rapid fire spread, caused by burning brands connected with the significant increased numbers in use of outdoor trails, walkways, bike lanes, and public transportation, as supported within the plan.

Mr. Flaherty continued; the plan depicts the continuation of the East Shore Trail from Sand Harbor to approximately Thunderbird, directly along the shore zone of Lake Tahoe, in much the same manner as the trail. This proximity to the Lake Shore zone should not be allowed without a new or supplemental EIR/EIS. This due to changing and new information since the original US Forest Service and TRPA environmental analysis concerning wildfires and wildfire evacuation, and additionally, the now-known substantial number of daily East Shore Trail users, which will create significant increase in vehicle miles traveled. A newer supplemental EIR/EIS is needed to analyze data and identify the true environmental and public safety impact of this new segment of the East Shore Trail. We need to find out what kind of impact this will have on our once pristine Nevada East Shore land and water, including parking. Finally, keep the pristine East Shore true, say no to trail two (the stretch from Sand Harbor to the Thunderbird).

Commission Comments

Ms. Carr identified the interesting comment regarding the intersection between these types of active transportation modes and emergencies. This does appear to be a very good plan for promoting, enhancing, and protecting people in active transportation on a normal day. She is wondering where the discussion belongs when it is not a normal day, and for example, a fire blows up quickly. She would ask that TRPA considers where this discussion should occur, perhaps in an emergency management group, to talk about the promotion of active transportation modes, and what that means during emergencies.

Mr. Hester responded that TRPA are actively engaged in a couple of efforts that are going to address that. One is working with the Tahoe Fire and Fuels Team (TFFT), and the MAC (Multi Agency Coordinating Group), who are looking at evacuation. In some cases, they look at how

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trails that are wide enough can be used as part of an evacuation system and/or fire breaks. He's not saying they have been identified yet, but that's something being considered in that effort. The second item is a recently awarded PROTECT (Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation) Grant for \$1.75 million dollar to work on emergency communications for transportation during emergency and peak time event, and also to work on identifying and thinning evacuation routes. So, there's a lot of work going on around that.

Mr. Young added that the key to making those two efforts responsive to comments is to make sure that the TRPA staff and others represented in those efforts, are bringing up active transportation uses and issues during those discussions. Then we'll find out if we need a special effort to accommodate those things. Mr. Hester acknowledged the direction.

Mr. Young made a motion to recommend that the Governing Board adopt the Active Transportation Plan (ATP).

Mr. Hitchcock seconded the motion.

Ayes: Ms. Chandler, Mr. Alling, Ms. Carr, Ms. Ferris, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Stahler

Due to an oversight, Commissioners Hitchcock and Setzer were not called during the roll call for this item.

**Motion Passed.**

## VI. PUBLIC HEARINGS

### [Agenda Item No VI.A. Amendment to Washoe County Tahoe Area Plan](#)

TRPA Associate Long Range Planner, Michelle Brown, and Washoe County Planner Courtney Weiche presented the item. Ms. Brown explained that Washoe County are proposing an amendment to their area plan to allow kindergarten through twelfth grade schools on sites of three acres or larger, with a special use permit, in the Wood Creek regulatory zone.

TRPA staff have reviewed the proposed amendment and determined that it complies with the TRPA Regional Plan and the Code of Ordinances. The item was reviewed by the Regional Planning Committee on March 27, 2024, and is scheduled for consideration by the Governing Board on April 24, 2024. Ms. Brown reminded the APC that this is not a project approval, but a request for a zoning area amendment to include a new land use category under a special use permit. She said that the Special Use Permit process requires a higher level of review, including additional documentation, public noticing, and a public hearing. Ms. Brown added that there are currently two active temporary use permits within the Wood Creek regulatory zone that could be affected, the first is a permit for a kindergarten through eighth grade school, under a six-month extension, expiring on September 7, 2024. If the proposed amendment is approved, a special use permit would be needed to continue this use. The second active permit was granted in November 2023, to establish a kindergarten through eighth grade school. This will also

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require a special use permit if the amendment passes.

Ms. Brown handed over to Washoe County Planner, Courtney Weiche, who described the location of Wood Creek Regulatory Zone, bordered by Mount Rose Highway to the east, College Drive to the north, Village Boulevard to the west, and Tahoe Boulevard to the south. The Wood Creek Regulatory Zone primarily hosts single-family dwellings, but also allows multi-family dwellings and a variety of public service and resource management uses. The Wood Creek zone also includes a Special Designated Area on two parcels designated for public service uses on publicly owned parcels.

Referring to public outreach, Ms. Weiche said that the applicant to the county held a neighborhood meeting in June 2023, with notice sent to 198 properties, attended by 20 people. Concerns raised included traffic, noise, parking, environmental impact, fire safety, and potential negative impacts on public schools. The applicant provided a response to each concern, which was included in the county staff report. In June 2023 a development code amendment was submitted to Washoe County – for TRPA purposes this is treated as an amendment to the Tahoe Area Plan for TRPA purposes. At a September 2023 informational hearing for this item by the TRPA Regional Plan Implementation Committee (RPIC), TRPA received nearly 100 written comments with a mix of opposition and support. Public testimony (11 comments) at the meeting was in support. Both the Washoe County Planning Commission and County Commissioners have reviewed and unanimously recommended approval of the amendment, pending final TRPA approval. On April 27, 2024, the Regional Plan Committee (formerly known as RPIC), heard a presentation similar to that being heard by APC today and passed a motion to recommend approval to the TRPA Governing Board.

Ms. Weiche said there are 27 regulatory zones within the Tahoe Area Plan. The requested school use type is permitted outright only in the Incline Village commercial regulatory zone, and is permitted with a special use permit in the Incline Village residential and Fairway residential regulatory zones.

Regarding the project applicants, Ms. Weiche said St. Clare's Catholic School was founded in 2018, and is the only Catholic school in the North Tahoe area. Faced with the non-renewal of their lease for the 2022-2023 school year, they sought a new location, leading to this amendment proposal. The second applicant is Village Church, also located within the Wood Creek Zone, and they too wish to operate an elementary school in addition to the existing preschool. Both entities are currently operating under temporary use permits. St. Francis is hosting St. Clare's school, and Village Church is seeking to expand its educational offerings. St. Clare's and Village Church agreed to collaborate and submitted a joint application for the code amendment to allow school operations within the Wood Creek regulatory zone.

If approved, the amendment would adjust the regulatory text to allow schools from kindergarten through secondary level as a permissible use, subject to obtaining a special use permit. This would apply specifically to parcels of 3 acres or more. Obtaining a special use permit involves a detailed review process that includes neighborhood notification, a meeting, and public hearings. This process ensures the proposed use does not adversely affect surrounding land uses, transportation systems, public facilities, or environmental resources.

Ms. Weiche said that between the TRPA and Washoe County, over 200 public comments have

been received, with mixed reactions. Key concerns include traffic, noise, parking, environmental impacts, and potential negative effects on local public schools. There were no agency comments received that opposed the application.

#### Commission Comments/Questions

Mr. McNamara asked if anyone could summarize why the schools could not be located where zoning currently allows, and what was the main objection to them not being located in the village center where we are trying to promote a walkable, livable community. The applicant's representative, Ms. AnnMarie Lain, Dowl Consulting, explained that the preferred location for St. Clare's is within their church due to their religious education requirements, and the current zoning regulations limited available options for school locations. She added that there has been significant growth in private school enrollment in Nevada, which is also part of the rationale for the proposed amendment.

Mr. McNamara asked about the proposed enrollment. Ms. Lain pointed out that the current proposal is a development amendment code request and that a subsequent special use permit will be submitted if approved. St. Clare's will be requesting a student roll capacity of 60 students, whereas the Village Church will be requesting a student roll and staff capacity of 186 students. All to be located within the existing buildings/footprint. Mr. McNamara asked if any other location options were proposed. Ms. Lain replied that no other options were available. Ms. Lain continued that collocating schools in existing facilities that are greatly under-utilized during the day aligns with both the Regional Plan and the Tahoe Area Plan.

Ms. Chandler said her major concern is that we are talking about private schools. Those schools will be charging tuition, which makes it a business as well as a school. As a proponent of public education she is also concerned about how this affects the public school system who will lose state/government contributions for 240 students. Ms. Lain said the Religious Land Use and Institutionalized Persons Act protects individuals and religious assemblies from discriminatory land use regulations. While this amendment is not specifically for faith-based education or private schools, there is no separation in the Tahoe Area Plan, it is for schools in general. Denying a development code amendment based on a potential negative impact to public schools, perceived or real, would be a violation of the Religious Land Use Act. That said, Ms. Lain added that St. Clare's has been operating for over five years, primarily serving the immediate community. These students currently enrolled in St. Clare's would likely not attend local public schools regardless of the amendment, due to their specific educational preferences.

Mr. John Marshall, TRPA General Counsel, offered legal guidance. There is nothing in the ordinance presented that violates any federal laws regarding religious protection in the proposed amendment. In looking at the land-use issues, he recommended that the APC should focus on the primary policy question: whether schools of any type (public or private) are desirable in the regulatory area.

Mr. Teshara thanked Mr. Marshall for the clarification. He thinks there is a legal issue out there, but that's not the issue before us today. Mr. Teshara reiterated that there are existing school uses at these sites, and supported the process moving forward given the future opportunities for public input through the special use permit process. He added that the item was recently heard at the March 27, 2024, meeting of the Regional Plan Committee and he has read all the



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comments from that meeting, and he is comfortable with where this is headed.

Mr. Hitchcock asked about the practical impact of the amendment. Ms. Weiche replied that this amendment only affects parcels of 3 acres or more, and the only qualifying private parcels are those where the subject applicants are already located.

#### Public Comment

Ms. Shawn Comstock, 33-year resident of the Wood Creek area, said I have been a neighbor of both churches, which have been there for 50 years. Some comments over the last meetings have stated that there have been no problems with the churches. On Sundays, we hear their beautiful bells for an hour. That is when they have their participants, and then they leave.

She continued; I have been through two major remodels with the church. In 2019, we received a letter that the church was going to do another remodel. The project description said the applicant is proposing to add office and classroom space to the existing church. The proposed expansion will not result in any intensification of the existing use but will facilitate classroom offices and for the use of administration purposes. Great, the kids could come after school and on Wednesdays go to their church for faith-based education on Wednesday afternoons. The neighborhood didn't think a thing of it.

Ms. Comstock said, we received a letter from TRPA Planner, Bridget Cornell, stating that a school had come over from King's Beach and they wanted to now become a Catholic school with a temporary permit. Fine, six months. Then another temporary permit, and we were like, "Oh my gosh." We started emailing Bridget Cornell and letting her know about the increased noise, the increased traffic, the increased trash. She says, "Don't worry, it's temporary." Well, another year goes by. They've had four temporary six-month permits. We received these in a letter from DOWL Engineering. Meeting, neighborhood meeting, maybe, maybe not. All the comments on the first neighborhood meeting were from children from the school, from people who don't even live in our neighborhood. Nobody in our neighborhood got these. Four of us got these. I went around to the neighbors, and I got them to agree that we do not want full-time K-12 schools at both sites.

Ms. Comstock continued, Dowl Engineering gave us the dates of the meeting, TRPA, Washoe County. If you look at the schedule, the September 27th TRPA meeting last year is not on this Dowl Engineering report, that they put at the neighborhood meeting. Nothing was right to us neighbors at all. If you please look at Wayne Ford's letter in that huge packet, Wayne is a neighbor and a residential planner. He will show you step by step how this was presented to our neighborhood the wrong way.

Ms. Comstock said it should not go any further from this Planning Commission to the Governing Board. You folks really need to see this, how many of you have actually been on Mount Rose Highway, which is our evacuation route, with these two schools coming and going, activities.

Mr. Tim Gilbert, Elder at the Village Church said they are trying to get a school started, and wanted to add a little more history. He said; at the beginning of the process we went throughout the town and looked for appropriate places that we could increase the level of our preschool, already active for over 20 years. It's a Christian preschool so those little kids get

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introduced to Jesus Christ and that's where our heart is in all of this. I know this is just for schools only but the reason for our application is that first of all, the costs of the places that we looked at were large, and none of the facilities that we looked at could accommodate what we wanted to do with the preschool and a playground, all the things that we already have on our property. So that's when we first approached the county, we wanted to add on to our building to do this. That is not what we are pursuing now. We're pursuing having the use approved so that we can use our existing facility to house grades greater than the preschool that's already existing for us.

Mr. Gilbert said the bottom line is that we want to teach kids about Jesus Christ, and that is our motivation. We would be teaching those little ones that are in our care to be good neighbors and we would respond in like ways to the comments that are being brought up by our neighbors. So, I'm not saying that TRPA can lean on that, but that is a true part of all of it. We wanted to do this for a very long time. It's been a good idea for us for a very long time. We are just now able to do it. It doesn't change our footprint; we want to use the existing facility to do this, and that's the same thing going on with Saint Clare's as well.

Mr. Scott Comstock, resident of the Tahoe Wood Creek Regulatory Zone, said I support school choice as well as faith-based education. However, our neighborhood is not zoned to house schools. All of the schools in Incline Village are located in the central area of town that is easily serviced by the North Lake Tahoe Fire Department, and Washoe County Sheriff's Department simultaneously in case of a wildfire. The town is currently working on a wildfire evacuation plan. With these two schools located adjacent to a wildfire evacuation route, with up to 120 students each, they will certainly have to totally revamp their wildfire evacuation plan. The Saint Francis of Assisi Church and Village Church have hired a professional land use planning firm, Dowl Engineering, to push this rezoning of six parcels in our residential neighborhood. They're a well-oiled machine that has an organized letter-writing and public comment campaign with opinions that don't reflect the feelings of the Washoe County taxpayers that live in the Tahoe Wood Creek Regulatory Zone.

Mr. Comstock continued, right from the start, Dowl Engineering invited the required property owners of the neighborhood to a neighborhood meeting and filed the paperwork for the proposed zoning change within days. The comment cards were passed out at the end of the neighborhood meeting, but were never explained. Dowl said, "Don't worry, all of your live comments are being recorded or taped to review later." Somehow the data collected from the neighbor's cards included comments from many parents of current students, founders, students, and teachers at the proposed school, who do not live in the neighborhood, shockingly in favor of their schools. Please listen to the recording of the first neighborhood meeting from June 2, 2023, to get an accurate depiction of the overwhelming opposition to the rezoning. There's also a petition signed by over 50 residents of the Wood Creek neighborhood that says they're strongly opposed to this rezoning.

Mr. Comstock said both churches appear to be extremely confident that the rezoning will be adopted. Back in August of 2023, the proposed schools made announcements that they were expanding their enrollments and accepting applications for new students. They erected signage, released information to the community, and even held ribbon-cutting ceremonies. Residents worry that they're treating the zoning change as a mere formality, more of an annoyance than anything. They seem to be disrespecting the process and, in turn, disrespecting the agencies

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involved. Please rethink this rezoning proposal. Do some independent studies and help them find a location that's properly zoned for schools. Dao does a very good job of making it look like this is supported, but in reality, it is not. Please vote no. Remember, this is not a vote for or against school choice. It is a vote for or against rezoning a residential neighborhood to put the schools in.

Ms. Paige Roodhouse, Executive Director founder of St. Clare's, offered background about who we are and what we're doing in our community. We're a small Catholic monastery school, founded by parishioners. My husband and I are also parishioners of St. Francis Catholic Church. We operate the school as a ministry of the church and are seeking to be allowed to permanently operate in our spiritual home to provide a religious education to the children of our community. Access to the sacraments of Holy Communion and Confession as well as the opportunity to participate in adoration of the Blessed Sacrament are essential components of Catholic education that only take place within our Catholic home. We are a 501(c)(3) nonprofit pre-K through 8 Catholic school. We've been serving the North Tahoe area for 5 and a half years. The first 4 years we operated out of a different religious community, the Hebrew congregation of North Tahoe. We are operated as a small private, licensed school and exempt school by the Nevada Department of Education.

Mr. Roodhouse continued, we currently serve 20 families and 42 students. We're also a licensed childcare provider serving the community by offering childcare for children as young as two and a half, which is a critical infrastructure component for working parents as this is not provided by our public schools. Our Montessori school enriches our community by providing access to a world-renowned education model that is based on a self-paced differentiated learning model, which is great for students with learning differences. We charge less than half the tuition charged by the other private schools such as Lake Tahoe School in our area. We also offer aggressive financial aid to enable families with financial hardship to attend; currently, 25% of the students that attend St. Clare's receive full financial aid scholarships. As we said, we serve our local community, 37 to 42 students and their families are residents of Incline Village.

Allowing St. Clare's to operate at St. Francis Church optimizes the use of a building that is already functioning as a community-use building. Hundreds of people come and go from our church on a weekly basis. The students and staff use the building from 8:15 to 2:50 during the week, a time during which the church doesn't have much use. After the school day, the parish comes alive again with ministry meetings, faith formation activities, weddings, funerals, etc.

There is a huge precedent in Washoe County for co-locating Catholic schools with Catholic churches. All four Catholic schools in Reno are co-located within a Catholic church. The reason is that an essential part of Catholic education is participation in the sacraments that only take place within our spiritual home.

We have a robust emergency operations plan, currently 87 pages long. It's been fully vetted by local law enforcement and fire departments. We worked extensively with Lieutenant Peter Sewell at Washoe Sheriff, as well as with Fire Inspector Jeffrey Smith at North Tahoe, to create the plan and then to review it annually. Emergency services are aware of our presence and location and are confident in their ability to respond in the event of an emergency. Because there are far fewer people on church property during school hours than during the church's major services, our presence during the school week does not pose an impediment to area

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evacuations. The bottom line is if it isn't safe to have our small school operate at St. Francis during non-peak church hours, then it also isn't safe for parishioners to gather each weekend by the hundreds at mass.

Commission Comments/Questions

Mr. Young offered a reminder that this is about a rezoning of whether this use is appropriate in this regulatory zone. There are a lot of residential regulatory zones throughout Incline Village, and there may be some really good questions about whether this spot is legitimate. As seen on the map, this location is right at a major crossway. It's also limited to the larger parcels. Mr. Young said that the analysis of whether this location as a regulatory zone is appropriate for a school has been done. And it has been concluded by Washoe County, at least, that it's an appropriate spot for a school.

Mr. Young said a lot of the comments heard today are relevant to what might happen next if this eventually goes forward, and that's the special use permit process. A lot of the concerns heard today are extremely legitimate. A lot of the over-positivity of the applicants may not be appropriate. It is a little off-putting when people come forward, and it just sounds like they've already won. That's really frustrating to the community.

Mr. Young reminded that the Washoe County special use permit process is robust. We commonly apply significant conditions to all approvals—conditions like hours of operation, lighting, noise. We don't know what's going to happen with this special use permit process, but it will be robust, and there will be significant conditions if this goes forward, and if this reaches that process. It will include significant public input, and likely will include a lot of neighbors showing up to make sure that their concerns are addressed, mitigated, or if they can't be, that this simply doesn't go through.

Mr. Young said, continuation of these two uses is not guaranteed. They're operating on temporary permits for a reason. It's temporary because it might not be appropriate to be permanent, or the way they're operating currently might have to be significantly mitigated to make it appropriate. And that's what we would find out through a special use permit process. That's the thing that makes Mr. Young more comfortable with this rezoning. I have a hard time, on the basis of just rezoning, looking at this location and saying that it's not appropriate to allow schools. It's really appropriate in its location and its functionality and the way you get in and out there; it's appropriate. And I know about the analysis that went into it. And so, I'm going to have to support this, but I would like people to feel comfortable in understanding just how robust Washoe County special use permit process is, and will be for any applicant that wants to go forward with this.

Mr. Hitchcock made a motion to recommend approval of the Required Findings, as described in Attachment D, including a Finding of No Significant Effect, for adoption of the Area Plan amendment as described in the staff summary

Ms. Carr seconded the motion.

Ayes: Ms. Setzer, Mr. Alling, Ms. Carr, Ms. Ferris, Mr. McNamara, Mr. Hill, Mr. Young, Mr. Hitchcock, Mr. Teshara, Mr. Stephen, Ms. Stahler

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Nays: Ms. Chandler

**Motion passed.**

Mr. Hitchcock made a motion to recommend adoption of Ordinance 2024-\_\_\_, amending Ordinance 2021-06, to amend the Washoe County Tahoe Area Plan as shown in Attachment C.

Ms. Carr seconded the motion.

Ayes: Ms. Carr, Mr. Hill, Mr. Alling, Ms. Ferris, Mr. Hitchcock, Ms. Setzer, Mr. McNamara, Mr. Young, Mr. Stephen, Mr. Teshara, Ms. Stahler

Nays: Ms. Chandler

**Motion passed.**

VI.B. [Updates to Environmental Threshold Carrying Capacities \(Threshold Standards\)](#)

TRPA Chief Science and Policy Advisor, Mr. Dan Segan, presented, bringing back an item last heard in October 2023 regarding changes to four threshold standards. Mr. Segan said staff had brought back two of those unchanged to today, one with grammatical revisions, and one with a substantive revision.

Mr. Segan said threshold standards are at the top of the regulatory pyramid. They guide everything that the agency does. They form our core mission and the mission of the environmental improvement program. Threshold standards are those big goals that we're trying to achieve both through our Regional Plan and through implementing projects of the Environmental Improvement Program. Those standards are things like lake clarity, restoring wetlands within our region, preserving habitat for important species, and preserving air quality within the region. These are our large goals. The vast majority of those goals date back to 1982, and we've been in a multi-year process to revise and update those goals along with numerous partners.

The Governing Board first identified the updating of the threshold standards as a core strategic initiative for the agency in 2015. We have been working diligently with the Tahoe Science Advisory Council on a comprehensive process to both define what threshold standards are and the role they should play in our system, as well as reviewing all of those standards within our system. We've also been working with the Tahoe Interagency Executive Steering Committee (TIE SC), the committee that guides the Environmental Improvement Program within our region.

The proposals brought forward today were developed by subcommittees of the Tahoe Interagency Executive Steering Committee. We're working in three subject areas today: the Tahoe Watershed Improvement Group developed the Stream Environment Zone (SEZ) Restoration Standard; the Tahoe Yellow Cress Adaptive Management Working Group developed the Tahoe Yellow Cress proposed revisions; and the AIS Coordinating Committee developed the two revisions to the AIS standards.

The Tahoe Science Advisory Council set specific criteria which we use to develop those standards. The original set of standards that we adopted in 1982 included a broad mix of things such as regulatory controls, aspirational goals, and specific things to be achieved. In the Tahoe Science Advisory Council's review of how other systems establish their goals, these are the three core elements that they outlined that we should be seeking to do with our threshold standards. The standards should be focus on outcomes, not the mechanisms to get there, and they should be specific and measurable, to establish a finite endpoint at which we can all assess whether we have achieved our goal. These principles have guided the development of the proposals being presented today.

Mr. Segan walked briefly through each of the proposed standards and highlighted modifications made since October 2023. The first is the Stream Environment Zones (SEZs), a term unique to Tahoe and used as an all-encompassing term that includes wetlands, riparian areas, streams, and meadows. The initial standard established basically set a number of targets for restoration of these SEZs. The last time we had the thresholds peer-reviewed, a number of peer reviewers called out this sort of myopic view of streams and meadows where they're either functioning or not functioning. In the real world, we know there's tons of gray, and we've previously updated our Environmental Improvement Program to address those, recognizing not just full restoration but functional enhancement.

Many of the activities that partners do today on our wetlands and in our meadows are actually considered functional enhancement, not full restoration. So you can think of things like conifer encroachment into our meadow systems, where partners go out and take out the conifers that are reducing groundwater and restore function, but that's not considered full restoration.

Some years ago, we got a grant from the EPA that essentially helped us address this shortcoming or the sort of myopic view that was focusing only on area and not on quality. And we developed what we called the SEZ Condition Index, which basically integrates these two things. It identifies a number of factors related to the function of a stream or a meadow system, incorporates those, and we get a general quality score from that. For each SEZ, we measure the quality of it and the total area, and we multiply those two together to get a condition index. We've summed that for all SEZ within the region, to get the overall condition of our streams and meadows within the Tahoe Basin. (All this information information is online, including all the surveys that contributed to identifying how well each SEZ was functioning).

This is a standard for which no proposed change is being made, but we've suggested that we want to enhance the overall quality and function of meadows and wetlands from 79% of the regional possible total to 88% of the regional possible SEZ Condition Index. We've almost attained our last restoration goal, and we are now doubling down on that and saying restoration continues to be important, and we want to continue to support and account for these projects as part of the EIP. So that's the first standard, which is unchanged.

The second one is the Tahoe Yellow Cress standard. The basic story of the existing Tahoe Yellow Cress standard, which establishes the goal of 26 sites, was established after the 1981 monitoring season. And we had only three years of data on the species dynamics. We basically knew very little about it and picked the highest number of sites that we'd seen in those three years and said that should be our goal for all time.

What we didn't know at that time, and what we've since learned through subsequent monitoring, is that lake level has a dramatic impact on the number of population sites that we see. In short, when the lake is really high, we have far fewer occupied sites, and when the lake is low, we need to be protecting far more sites because there's more opportunity for colonization.

That understanding is incorporated both into the species conservation strategy that allowed us to avoid the listing of Tahoe Yellow Cress through Fish and Wildlife, and we are now proposing to bring that forward as part of the threshold standard. And this is one of the standards where the substance of the standard has not been changed since October, (the substance of the standard being the number of occupied population sites that we are targeting). Mr. Segan added that we have tried to modify the text of the standard to be a little more coherent to an average reader of it. So we are now saying, "maintain at least the number of occupied Tahoe Yellow Cress survey sites for each lake level as established in the table."

The last group of standards that we are proposing revisions to are the Aquatic Invasive Species (AIS) control standards. At the October hearing, these ones garnered the most attention. APC asked that the Threshold Update Initiative Stakeholder Working Group (TUISWG) take a second look at these before bringing them back. The six standards on the board today (slide 15) are standards that the Science Council highlighted as not meeting the specific, measurable, and objective criteria. The existing control standards use words like "reduce" or "abate", without actually specifying how much of a reduction in abundance or distribution would satisfy our goal, or how much of an abatement of the harmful ecological, social, or public health impacts would be enough. This is an area we've targeted to try to set specific and measurable goals that everyone can look at and say, yes, we've invested enough and achieved our goal, or no, we have not achieved our goal, there's still far more work to do.

There are two aspects to our AIS program; the prevention program, which aims to stop new AIS from getting into the lake. We have a threshold standard for that, and we are not proposing any modifications to it; it will remain in place. The standards today are really focusing on that control side. The standards proposed in October were that, we should place all known aquatic invasive plant infestations in the surveillance category in the main lake and associated areas, and establish a second threshold standard for the Tahoe Keys, consistent with the work being done there, that would be a 75% reduction in aquatic invasive plant abundance by 2045.

The questions APC raised were twofold (slide 18). First, what happens to standards for aquatic invasive species for which we are not setting standards? The thought raised at the meeting was, we are doing work on Asian clams today, we just had New Zealand mud snails identified, so what does it mean that we're not proposing standards for those today? Are those falling off our radar? Why did we recommend plants only today and then what happens to the other ones? And then the third question on the board that you asked us to bring to the Threshold Update Initiative Stakeholder Working Group was, why a date of 2045 for the Tahoe Keys given that the Control Methods Test has not yet been done and we don't have a plan to attain that goal by 2045, and does that send the right message that we're arbitrarily giving a date to attain that? What would that do to the overall process. Those are the questions that we brought to the Stakeholder Working Group in February 2024.

We had a long conversation at that meeting about why to identify standards for some and not

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others. In part that was rooted in specific and measurable objectives, outcome-based, but really what the group came up with was that we should be considering a four-part test to identify when it may be appropriate to set a threshold standard. Mr. Segan walked through some of the discussion, and the committee's direction to us to incorporate this into an overall process to make it more explicit, both to APC and to other stakeholders within the region.

The committee first said we need to have a clear definition of what the issue is we want to solve. That seems simple enough. Second, we need to be able to quantify the extent of the issue or problem. Third, we need to be able to define where we want to go or what we think the solution looks like. That again is consistent with this idea of specific and measurable: be able to both measure the problem and define what we think the solution looks like in those terms. And then fourth and finally, we need to be able to identify a viable way to get there. As a reminder, the thresholds are at the top of our regulatory pyramid, and one of the findings that you are asked to make as part of approving anything is that it will be consistent with achieving and maintaining those, and that the Regional Plan and the Environmental Improvement Program together, can achieve and maintain those. And the reason that was highlighted here is for things like New Zealand mud snails, where we are working to both quantify the extent of the problem, and to identify opportunities to address the problem, we don't have viable control alternatives right now that we can use. So for things like that, the thought was that it would be best kept within the AIS Coordinating Committee and within their strategic action plan where they have goals for both surveying to better understand the extent of the problem, and also testing mechanisms to better control that problem. And I think you can view all of that work as leading up to potentially identifying a threshold standard if and when we can satisfy these four criteria.

Mr. Segan questioned, so what happens in advance? Do we just forget about those? The answer is certainly not. The AIS Coordinating Committee continues to work on all AIS, not just AIS for which we are proposing threshold standards for, and within our regulatory documents, the suggestion was that we continue to include those in the goals and policies of the Regional Plan. Mr. Segan added that we can include both the desire to monitor as well as to address the concerns related to those, and prevent further spread. We should continue to maintain those within the goals and policies of the Regional Plan and regularly revisit those goals and policies to see if it is now ripe to adopt a threshold standard for this specific issue.

The third and final issue that APC referred to TUISWG (Threshold Update Leadership Stakeholder Working Group), was whether the 2045 date was appropriate for the Tahoe Keys, given that the Controlled Methods Test (CMT) is not yet done. Would it be better to wait until the test is complete and we have a viable plan to achieve it, and then align the attainment date in the threshold standard with the plan, if and when we have it adopted. That's also the model we followed for the VMT threshold standard brought forward in 2021, where we identified a plan to achieve it, and then adopted the plan and the attainment date in the threshold standard.

So the proposed standards related to AIS being brought forward today are twofold. The first is unchanged: that there are no active infestations outside of the Tahoe Keys. The second has a couple of modifications that came out of the Commission discussion and then went back to the AIS Coordinating Committee (slide 24).

The first change was suggested by the committee and then agreed upon by the AIS Coordinating Committee: that we should be evaluating overall abundance based on a running average



abundance. We're conducting surveys every year and we shouldn't allow environmental variability within an individual year to unduly influence our assessment of attainment of the standard. Therefore, we'd include a rolling average. The second change was for clarification; we added the word "plant" ahead so that we're specifying that this standard concerns aquatic invasive plant abundance.

The third change is to clarify that reductions above 75% would also be consistent with achieving and maintaining the standard. So, we added the words "by a minimum of 75%" rather than "by 75%." The fourth change, which I already discussed, is the removal of the target attainment date.

The fifth and final change is to include the baseline year against which we are going to measure progress within the standard. Again, this is consistent with the guidance from the Science Advisory Council that we provide as much of the specific and measurable within the standard itself and leave less ambiguity.

#### Commission Comments/Questions

Mr. Young said the Tahoe Yellow cress issue is interesting, and almost like we should have guessed that water level can play a role in where it shows up and its ability to invade. He was curious if it's surviving under the water or if it needs to re-invade when water levels go down. Mr. Segan responded that he is not an expert in Tahoe Yellow cress, but it is his understanding that the seeds survive under the water. Mr. Alling that the root stock also remains viable under water.

Mr. Young said Mr. Segan talked about the importance that everything be measurable, and mentioned that we wouldn't establish the threshold until, if, and when, those four standards mentioned can be met. Mr. Young was curious why there would be an 'if.' It seems like you would want to just keep working away until you are able to meet those measurables, and then start measuring—that's not something you'd want to give up on. Is there a time when it's foreseeable that you just wouldn't be able to get there, when you actually wouldn't be able to meet those four standards. Mr. Segan said it's certainly possible in the sense that maybe we can't identify a viable way to get there. Mr. Young said it seems like that's something you wouldn't want to give up on. You've identified that it exists. So central to pursuing it and dealing with it, is the sense that we can start measuring it. The idea that we just wouldn't ever be able to establish a threshold because we can't meet those four standards is really fascinating. Mr. Segan clarified the difference between not trying to address and prevent, and establishing a threshold. There is certainly a line where it doesn't mean that we're not working on it. New Zealand mud snails are a great example where there's a lot of work being done to prevent spread, but they are a known colonizer and invader all over, and no one has a viable way to remove them yet. So not having a threshold including it as a policy in the Regional Plan allows us to continue working on it, and memorialize the intent to work towards the ultimate goal we have in mind, but that we wouldn't adopt a threshold standard until we think that we can achieve that goal. So we're not setting up false expectations.

Mr. Young asked how new species are identified, is it by accident or through an annual survey for example? Mr. Segan said it's discovered through surveys for other invasive species. Mr. Young added that he is really interested in the 75% mark. He foresees a time when we're at 65

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and going to get there. Then what, we keep going, we don't stop at 75? Those numbers are really important, but I like to have a sense that they're not the end of the game. Mr. Segan said the notion that it's not the end of the game has come up with a lot of these threshold standards, especially as we've talked about the update process. In other places we've said it's our intent to review the threshold standard if and when we reach that. The clearest example of that is the SEZ standard that we're asking you to update today. Where roughly 40 years ago we said we were going to restore 1,100 acres of SEZ, we're just under that right now, and we're asking you to put that in the rear-view mirror and adopt an additional goal for more restoration because we can see ourselves attaining it. I imagine it would be a similar discussion when we hit the 75%.

Mr. Alling said the proposed updates are good and reflective of all the great thought that's gone into all this. In response to Mr. Young's question about the 75%, he thinks it's important to note that 75% is the minimum. It isn't just the goal, that's right where it starts. Mr. Alling agrees that these things can be hard, and that thresholds can be modified in the future to continuously raise.

Regarding the proposed standard for SEZ to enhance quality and function of meadows and wetlands from 79% to 88%, he asked how they came up with the 88% number. Mr. Segan said we developed it through a bottom-up process through the working group. The inventory used to come up with a condition index, identifies the condition of each SEZ in the region today. We asked the partners in that group to identify projects that they would like to see incorporated in a 20-year restoration target, or in addition to the projects that are already listed in the EIP tracker, for which projects are planned. We included all of those in the new restoration target, and then did a secondary exploration of the success in past restoration and identified the likely improvement in functional condition based on having a restoration project. We know restoration doesn't get you to 100% function in general, or if it does it takes a long time. There is a factor that says future restoration projects are likely to perform a little bit better than past restoration projects, and that helped us arrive at that 88% calculation. But just to be clear on that, there are no specific projects that are required to be in there, and you can meet that target in a number of different ways.

Mr. Alling asked if it would be beneficial to include the same language, by putting a minimum in front of that 88% knowing that even higher is better. Mr. Segan agreed.

As Chair of the Threshold Update Initiative Stakeholder Working Group, Ms. Carr thanked Mr. Segan and the TRPA team for taking the time to put the process on pause last fall and engage the working group in what turned out to be really fantastic discussion about the various aquatic invasive species, how we ensure that we don't lose sight of them, and where various goals and belong in the absence of a threshold.

Mr. Hill appreciated the discussion between the members today, and said he is totally supportive of this change towards the quality and functionality of an SEZ, versus just the area of SEZ. Based on the research and new information that we're getting on functionality and quality; he asked if they see potential in the future for revising how SEZs are identified, maybe using different indicators for more urban settings. Mr. Segan said they talked about it a little bit in the group, and we can imagine that as both technologies change and the way that we monitor changes, we could revisit those definitions, and how we identify them in the field.

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Regarding the 75% reduction in the Tahoe Keys, Ms. Chandler it's really important to understand that after the first year of the CMT when herbicides were used, there was actually a reduction of 95% in the invasive species in the areas where the herbicide was applied. Therefore, by setting a target like 75%, it allows for fluctuations from year to year, because the exact methodology that will be used in the future is still uncertain. The process of completing the third year this year is underway, and likely another EIR/EIS will be required to continue the types of treatments that have been used. A baseline was set, which was relatively low, and it is also crucial to remember that the water level and water temperature are important factors affecting treatment outcomes.

Ms. Stahler agreed with Mr. Young's comments related to the proposed AIS standard. She thinks that having it live in the Regional Plan Goals & Policies makes sense, but there is also a desire to have continued effort in addressing the four questions. She wondered if the working group proposed a mechanism to keep advancing those question. Mr. Segan said they did not discuss that specifically, but the working group did provide direction that we develop a process whereby we continually reevaluate, and transparently display to the public where we are with regard to each. I think we can memorialize that intent within that. Ms. Carr added that they did talk about the AIS committee actively continuing to work on all those non-plant issues under their work plan. The AIS Coordinating Committee are continually working towards answering those four questions. Once those questions are tackled, they could be integrated into a future threshold update.

#### Public Comment

Mr. Doug Flaherty, TahoeCleanAir.org, expressed concern that the TRPA is caught up in what he termed "regulatory capture," where the agency's actions are more about self-preservation rather than genuine environmental preservation. He criticized the presentation as embarrassing, suggesting it demonstrated the TRPA's focus on lowering the standards to avoid failure rather than addressing the actual issues. Mr. Flaherty argued that the TRPA's approach has been more about talking than doing measurable work, questioning what has been accomplished in the past 50 years. He suggested that the leadership should resign if they believe the current recommendations are sufficient and urged the APC to demand measurable outcomes and concrete preservation actions rather than extending target dates indefinitely. He concluded that this is a failure, there is a huge bureaucratic machine that talks about self-preservation, not lake preservation. The APC should table this and send these people back to come up with some measurable dates, times, quantifiable solutions, and metrics.

Ms. Ann Nichols, North Tahoe Preservation Alliance, criticized the ongoing lack of enforcement and tangible results, highlighting specific examples like the Tahoe Beach Club development and the lack of BMPs (Best Management Practices) at the Boulder Bay Crystal Bay site for over 15 years. Ms. Nichols emphasized the issues of microplastics and lead cable in the lake, pointing out that without firm enforcement mechanisms or definitive timelines, effective action is unlikely to occur. She called for more skepticism and accountability from the group.

#### APC Comments/Questions

Referring to the removal of the 2045 date from the Tahoe Keys threshold, Ms. Carr said there was a lot of discussion about this at the Threshold Update Initiative Stakeholder Working Group.

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A very good reason for removing that 2045 date is that it was too far out, and we certainly didn't want to imply that we had all of those years to accomplish the goals of what the Tahoe Keys is trying to do right now. We want to keep the pressure on for all the projects and the solutions that could be brought to the invasive species in the Tahoe Keys, and felt that 2045 was just too far out. As Ms. Chandler mentioned, we don't know what the solutions are because we're still in the testing phase. When we know what the long-term plans would be, then I would imagine that we would be reopening this threshold add some time-limited values.

Mr. Alling made a motion to recommend approval of the required findings (Attachment B) including a finding of no significant effect.

Mr. Young seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Mr. Hill, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Chandler, Ms. Setzer, Mr. Hitchcock, Ms. Stahler

**Motion passed.**

Mr. Alling made a motion to recommend adoption of Ordinance 2024-\_\_\_, amending Ordinance 2019-02 (Exhibit 1) updates to the threshold standards for 1) Stream Environment Zone (SEZ) restoration, 2) Aquatic Invasive Species control, and 3) Tahoe Yellow Cross conservation; including an addition to Exhibit 1, page 205, SC11) to insert the words "a minimum of" before 88%, and a spelling correction on page 209, VP22) "demota".

Mr. Young seconded the motion.

Ayes: Ms. Carr, Mr. Alling, Mr. Hill, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Chandler, Ms. Setzer, Mr. Hitchcock, Ms. Stahler

**Motion passed.**

VI.C. [Proposed technical clarifications to the Phase 2 Housing Amendments in the Code of Ordinances](#)

Ms. Alyssa Bettinger, TRPA Senior Planner, presented the item. The Phase 2 Housing Amendments are part of the Tahoe Living Strategic Priority, which is one of the Governing Board priorities. This priority looks at how we can update TRPA's policies to better align with and encourage the development of affordable and workforce housing. Without this type of housing, there are environmental impacts from more workers having to move out of the basin and commute back in, as well as negative social and economic impacts to our communities.

The Tahoe Living Strategic Priority receives a lot of input from the multidisciplinary Tahoe Living Working Group, and we've been analyzing and making policy updates in distinct phases. Back in 2021, we passed Phase 1 of the housing amendments, which encouraged accessory dwelling units, and property owners to convert old motels into long-term housing. Phase 2 is the subject of this item, and work started on Phase 3 this year. Phase 3 is looking at TRPA development rate systems and identifying the inequities of some policies in the region.

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The proposal before you today would make two amendments to the code language that was passed by the Governing Board in December of last year. The Phase 2 amendments were designed to further implement the Regional Plan by encouraging compact development in and near our town centers. We did this by passing incentives that allow more flexibility with coverage, height, parcel level density, and parking, specifically for deed-restricted housing or mixed-use developments with a 100% deed-restricted residential component. The technical amendments proposed today would further clarify the Governing Board's intent at that December meeting. The two amendments are not substantive code changes; they are just clarifying the intent.

The first amendment is to Chapter 30, and it clarifies that any property receiving the coverage incentives passed under the Phase 2 amendments would be required to tie into an area-wide stormwater treatment system. This amendment is a cleanup. It is removing an erroneous clause that was left over from an earlier version of the proposal. Referring to the errata, Ms. Bettinger said we are also removing the word "or" at the end of subsection 30.4.2.b.5.a. Projects will need to meet requirements in all subsections, not just 'a'.

The second proposed amendment would clarify the distribution of remaining bonus units within the TRPA pool to the affordable, moderate, and achievable deed restriction categories. To date, the affordable category has used the majority of units. Some are still going through the permitting process, but 482 affordable units have either been built or are going through the permitting process. There's a common misconception that moderate-income units are built more often than affordable units, but records show that this is not correct, likely because moderate-income housing typically qualifies for significantly fewer federal and state subsidies than affordable housing does.

In December 2023, the Governing Board made a motion to limit the number of achievable housing units to 25% of the pool. In doing so, they left the remaining 75% of the pool available for both affordable and moderate-income units. This was a change from when affordable housing had its own dedicated set-aside from the TRPA pool, which was 50%. And again, although moderate-income housing projects are less common, there was concern that this left the potential for moderate-income projects to access a larger share of the bonus units previously reserved exclusively for affordable housing.

Staff does believe that the grouping of affordable and moderate-income projects was an unintentional result, rather than an affirmative policy choice by the board. As a result, staff are proposing that the code language be amended to confirm that 50% of the pool be reserved exclusively for affordable housing. That would leave 25% available for moderate-income housing, which the affordable bucket could pull from, and then 25% would be available for achievable. Moderate-income units could pull from that top-tier bucket as well.

#### APC Comments/Questions

Ms. Setzer asked if someone was in an area where multi-family is allowed outside of a town center, and wanted to take advantage of the 70% coverage, would they have to meet criteria A, B, C, and potentially D if it were an ADU? Ms. Bettinger confirmed that was correct.

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Public Comment

Ms. Ann Nichols, North Tahoe Preservation Alliance, said this confusion happens at the Governing Board hearings because we can never hear John Hester; he's so soft-spoken. Also, there are changes being made to the motion on the fly, we don't even know what they've decided, and certainly, we don't get to public comment on it to help you guys with your mistakes. Mountain Area Preservation had to file a lawsuit to let you know that this totally not cool. Four months later, you try to fix it, but the problem is still there. There's no income cap on achievable housing, and most of the projects coming forward are for achievable housing. This whole process needs to be changed.

Ms. Sophia Heidrich, Mountain Area Preservation (MAP) Advocacy Director, supported the proposed amendments. During the December Governing Board, there was quite a bit of discussion around the bonus units pool as staff mentioned. Particularly regarding the number of achievable housing units available to utilize the new Phase 2 housing incentives. In limiting the number of achievable units, the Governing Board also lumped the affordable housing units in with the moderate housing units, effectively removing the requirement for any affordable housing to be built under the new incentives. While this might be a minor technical change to the language in the amendments, it could have major implications. That is one of the key points that MAP pointed out to TRPA staff following the hearing, and subsequently included in the legal filing.

Ms. Heidrich said affordable housing is the largest housing need for most of the Tahoe Basin, so it's critical that the 50% affordable housing requirement be reinstated into the Code. We do have a number of other outstanding concerns related to the Phase 2 housing amendments, including that there is no income cap on the achievable housing definition. Those concerns are detailed in our legal filing and in our administrative procedures. That said, we appreciate TRPA staff for addressing this issue, and we support the changes that are before you today. It is important to ensure that the code language is as clear as possible, and that the biggest portion of the bonus unit pie is dedicated to affordable housing.

Mr. Doug Flaherty, TahoeCleanAir.org, said the TRPA is obviously trying to take some steps to backpedal, which often doesn't work very well. The bottom line here is community safety as it relates to the wildfire impact on the populations in dense town centers. While you've made some modifications regarding housing, you continue to ignore the public safety hazards associated with dense town centers, which serve as dangerous evacuation choke points during wildfire evacuations. And that goes back to the continued insistence on the part of your leaders that a roadway-by-roadway wildfire evacuation capacity assessment is not done.

It's one thing to strengthen our law enforcement and fire capabilities by working together and having unified command meetings and improving our communications. That's not the same as analyzing roadway-by-roadway wildfire evacuation capacity. You guys continue to use law enforcement and fire's commitment to work together as some sort of replacement for a wildfire evacuation capacity analysis. They're two different things. So, while these code changes discuss housing issues, you're still not quite understanding that what you're creating are very hazardous choke points within town centers.

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Ms. Nyobe Burden said she supports, and agrees with MAP that the achievable definition still needs work, specifically it needs an income cap, like affordable and moderate has. It's apparent by applications coming forward that 'achievable', at least on the north shore, is the most attractive, yet does not address the most need that is necessary for the workforce on North Tahoe. There are no affordable or moderate options at this point.

Ms. Erin Casey, CEO of the newly formed Tahoe Housing Hub, spoke in appreciation of the staff's efforts to address the region's housing issues and respond to public feedback. She praised the tremendous job being done and raised a couple of points for consideration, one of which included a query about the bonus unit program for TRPA. Ms. Casey questioned whether an existing home could be eligible for a bonus unit if the homeowner is willing to deed-restrict it, and if such an action would affect the availability of achievable bonus units in the future.

She also highlighted the requirements set by the state of California for jurisdictions to build a certain number of housing units across various affordability categories, including an "above moderate" category defined as anything above 120% AMI. Ms. Casey pointed out that according to state requirements and local assignments within the basin, a significant proportion of new units needed falls into this above moderate category. She recommended that these factors be considered when analyzing the percentage of bonus units and the affordability levels to which they should be available.

Finally, Ms. Casey noted that while the "achievable" category primarily focuses on residents, it is the only option that provides an incentive for projects exceeding 120% AMI. She mentioned the Martis Fund and other local programs that have historically supported projects catering to income levels up to 180% AMI. Ms. Casey suggested that there is potential to enhance support for the achievable category, emphasizing the importance of aligning these efforts with state and local requirements to effectively meet the community's housing needs.

#### APC Comments/Questions

Ms. Setzer provided additional comments regarding the practical challenges of implementing the coverage adjustment introduced in Phase 2 of the Tahoe Living Working Group's efforts. She highlighted that while the theory behind the coverage adjustment was sound, its actual application has proven less effective, particularly because of the limited stormwater management infrastructure currently approved by TRPA in Placer County. With only one proposed and two constructed small stormwater areas, they are largely unable to utilize the coverage amendment due to the lengthy approval and construction process for stormwater systems.

Given these constraints, Ms. Setzer proposed exploring alternative mechanisms during Phase 3 amendments that could allow higher coverage while still achieving environmental benefits. She shared an example of a developer interested in maximizing density on a site along Highway 28 in a village center who faced obstacles due to coverage limits, and instead proposed building luxury single family homes, which does not align with the area plan or meet housing needs.

Ms. Setzer suggested that Phase 3 looks at scaling the residential units of use. The recent housing assessment by the Mountain Housing Council indicated that east Placer alone requires 1,800 units up to 245% of the area median income (AMI). With only about 900 bonus units

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remaining basin-wide, she argued that this would be insufficient to meet the demands across all communities, let alone just for Placer. Ms. Setzer expressed eagerness to collaborate on more creative solutions to advance workforce housing opportunities, stressing the necessity for amendments that could be practically utilized to address the significant housing needs in the region.

Mr. Young agreed with Ms. Setzer and acknowledged the challenges identified in effectively implementing these changes due to stormwater management requirements. He recognized that while the intention was to mitigate potential environmental impacts from increased coverage, this has inadvertently become a substantial barrier to utilizing the incentives. Eric predicted that the issues around stormwater management and coverage limits would necessitate future revisions to make the incentives more accessible and effective. There have to be alternatives to mitigating the increased impact.

Mr. Teshara agreed with Mr. Young that this is a positive step forward, but is not making the progress needed. When we hear from the very few developers willing to try and do affordable housing, it is still very difficult – we are just changing the barriers. Mr. Teshara asked for clarification on how many of the 946 units have already been committed to projects, and emphasized that it may not be accurate to keep using the 946 number if some of those are already committed . Ms. Bettinger referred to the table on slide 4 and acknowledged Mr. Teshara’s comments.

<b>Bonus Unit Tracking</b>	<b>Affordable</b>	<b>Moderate</b>	<b>Achievable</b>
Number constructed since 2018	1	5	3
Permitted, Construction Underway	146	0	1
Permitted, Construction Not started	159	2	34
Applications in Review/Not Issued but Units Reserved	155	0	230
No Application but Units Reserved	21	0	0
<b>Total Utilized</b>	<b>482</b>	<b>7</b>	<b>268</b>

Mr. Young made a motion to recommend approval of the Required Findings as described in Attachment C, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary

Mr. Alling seconded the motion.

Ayes: Ayes: Ms. Carr, Mr. Alling, Mr. Hill, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Chandler, Ms. Setzer, Mr. Hitchcock, Ms. Stahler

**Motion passed.**

Mr. Young made a motion to recommend adoption of Ordinance 2024-\_\_\_\_\_, amending Ordinance 87-9, as previously amended, to amend the Code of Ordinances as shown in Attachment B, including the errata sheet circulated today, April 10, 2024

Mr. McNamara seconded the motion.



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Ayes: Ayes: Ms. Carr, Mr. Alling, Mr. Hill, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Chandler, Ms. Setzer, Mr. Hitchcock, Ms. Stahler

**Motion passed.**

### VII. REPORTS

#### A. Executive Director

TRPA Chief Operating Officer and Deputy Director, Mr. John Hester that upcoming topics for the May APC meeting will include the amendment package with mixed-use development, climate change, and dark. Additionally, there is a field trip planned to the Meeks Bay project, which was requested by Ms. Carr. This field trip will hopefully involve the Native American tribe and/or the Forest Service. The plan is to visit the site in the morning and then return in the afternoon for a meeting to review the Environmental Impact Statement (EIS) related to the project.

Another field trip in planning, as requested by Mr. Alling, will focus on forest health and the NV Energy Corridor. The details for this are still being finalized, but it is likely to occur on a Governing Board day as a joint trip with the Governing Board members.

#### B. General Counsel

TRPA General Counsel, Mr. Marshall, said there isn't much to update on at the moment, largely because the courts are moving very slowly these days. We have pending motions and several pieces of litigation that have been sitting for a while, primarily due to the overwhelmed nature of the federal courts.

Regarding the specific litigation we've discussed previously—the MAP lawsuit—we are proceeding at a pace. We are currently assembling the administrative record, which we hope to complete in the next couple of weeks. We filed our answer yesterday, and once we file the administrative record, it will set us on a briefing schedule according to local rules. This schedule allows 45 days for the plaintiff (MAP) to file their opening motion for summary judgment, followed by 45 days for TRPA to respond and cross-move if necessary.

The case has been assigned to a magistrate judge, as both parties agreed to reach out to the magistrate rather than going directly to the federal district court in an effort to potentially speed things up.

#### C. APC Member Reports

Mr. Alling brought attention to a notable project that has recently been approved via a decision memo from the United States Forest Service. The Burke Creek Riparian Restoration Project, located at the bottom of Kingsbury, involves significant restoration work in the meadow area.

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Mr. Alling expressed enthusiasm about the project, noting that it's one he has been involved with for several years. He highlighted that there would be considerable activity in the area during the middle of the summer as the restoration efforts get underway.

Mr. Hitchcock announced an exciting development regarding a project that has been in the proposal stages for many years—the Green Belt Pedestrian Bike Path. The project is now fully funded, it will be located near McDonald's and will connect to the hospital district neighborhood. The project will feature various enhancements including signage, SEZ restoration, as well as an adventure play area and a plaza for public enjoyment outdoors.

Chief Stephen, on behalf of the Regional Chiefs said it was great to hear about the PROTECT grant. He said that law enforcement and fire chiefs meet monthly to focus intensively on improving evacuation routes and access points. They plan to be aggressive in the coming years, and the grant they received will further assist in these efforts. Additionally, meetings with the Department of Transportation and Caltrans are also focused on this topic, indicating a strong push forward. There's a lot of work to do, but every bit of progress helps.

VII. PUBLIC COMMENT

Mr. Doug Flaherty, TahoeCleanAir.org, said that in California, there was a California State Supreme Court decision regarding marijuana users versus the city of San Diego. I'm not an attorney, but from what I've read, among other things, it says that if there's a zoning change that would cause a physical change to the environment, then technically, the zoning change is considered a project.

There's much more to it than that but basically, take a look at the TRPA approval by the Governing Board on February 28, 2023, when they approved the TVAP, which is an overarching plan that included significant changes to land use with regards to Placer County, as I read it, that TRPA TBAP was a project under the California State Supreme Court ruling. If that's true, here we go past December 31, 2024, where there have been discussions about all projects having to have a finding of net zero VMT. The TRPA board approved that after December 31, 2024. In my opinion, the TBAP approval was a project according to CEQA. TRPA did not find a net zero VMT in their findings. I think it was in violation of your thresholds and all the other stuff we talked about regarding funding levels and that type of thing.

VIII. ADJOURNMENT

Mr. McNamara moved to adjourn

Chair Stahler adjourned the meeting at 1:05 p.m.

Respectfully Submitted,



Tracy Campbell  
Clerk to the Advisory Planning Commission

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*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above-mentioned meeting 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](mailto:virtualmeetinghelp@trpa.gov).*

DRAFT